

ALCIDE DE GASPERI
UNIVERSITY OF EUROREGIONAL ECONOMY IN JÓZEFÓW

NATIONAL SECURITY - DEFINITION, CHARACTER
AND DETERMINANTS.

STUDIES ON THE QUALITY OF SECURITY



*pod redakcją prof. zw. dr hab. Bronisława Sitka,
i mgr Aleksandry Ukleja*

ADRES REDAKCJI

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<http://www.wsge.edu.pl/pl/biblioteka-i-wydawnictwo.html>

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im. Alcide De Gasperi w Józefowie, Józefów 2012

Wszelkie prawa zastrzeżone. Kopiowanie, przedrukowywanie i rozpowszechnianie całości
lub fragmentów niniejszej publikacji bez zgody wydawcy zabronione.

ISBN 978-83-62753-20-8

RECENZENCI:

prof. dr hab. Piotr Majer
dr Ivan Iurlo

SKŁAD, ŁAMANIE, PROJEKT OKŁADKI

mgr Miłosz Ukleja

DRUK I OPRAWA

P.H.U. Multikram

Nakład 150 egz.

**“PUBLIKACJA POWSTAŁA ZE ŚRODKÓW FINANSOWYCH
MINISTERSTWA NAUKI I SZKOLNICTWA WYŻSZEGO
NA DZIAŁALNOŚĆ STATUTOWĄ
WYŻSZEJ SZKOŁY GOSPODARKI EUROREGIONALNEJ
IM. ALCIDE DE GASPERI W JÓZEFOWIE”**

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INTRODUCTION

Among the problems discussed in this study is the issue of national security, broadly defined. Recognizing the need for safe existence of citizens, it is impossible not to note that we live in an increasingly global world, so discussion of the Republic of Poland national security can not be limited only to the territory of our motherland. Without a doubt, both in nationally and internationally a key role in shaping world security play safety regulations. In this work, the authors undertook a collective development of specific threats to the modern safety and security management organization (in terms of a complex and problematic) and the development of attitudes and education standard for safety. The aim of this work is the exchange of views among representatives of various research and teaching centers and representatives of practices:

- Contemporary problems of safety and civilization threats
- Legal framework of internal security of the Republic of Poland and international security
- Dilemmas of internal security management
- Education and upbringing for security

Finally, we would like to thank the reviewers of this book - Prof. dr hab. Piotr Majer and Dr Ivan Iurlo whose valuable comments were received on the final shape of this study.

We also thank all the authors, representing various research centers, universities and institutions by which arose in this paper.

Prof. zw. dr hab. Bronisław Sitek

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CHAPTER I
CONTEMPORARY PROBLEMS OF SAFETY
AND CIVILIZATION THREATS



National security - definition, character and determinants. Studies on the quality of security

EDWARD KOŁODZIŃSKI

EFFICIENCY AND EFFECTIVENESS OF THE DOMAIN SYSTEM FOR THE SECURITY OF ENTITIES

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ABSTRACT

Domain System for the Security Entities (DSSE) are developed to provide entities with a given level of security and to effectively counteract the existing threats. Authors analyzed selected entities with a given types of domain security with preferred attributes of DSSE identified and expressed in measurable terms.

KEY WORDS:

DSSE, rescue actions, evaluation of the security, measurment of security, security management

1. INTRODUCTION

The global security of an entity (an individual, an object, a region, etc.) is the product of different types of domain security that apply to specific threats. Domain Systems for the Security of Entities (DSSE) are developed to provide entities with a given level of domain security and to effectively counteract the existing threats. The above determines the characteristic features of DSSE as well as its components.

For the purpose of providing an entity with a given type of domain security, the preferred attributes of DSSE have to be identified and expressed in measurable terms. The above determines the value of the relevant spending and the time required for the achievement of the set goal. These three factors, namely: the preferred attributes of DSSE, the cost and the time of their achievement, are the fundamentals of the „DSSE Requirements”.

For the DSSE requirements to be formulated in measurable terms, a set of measures (indicators) illustrating the system’s effectiveness needs to be developed. The above implies that the system’s goals have to be formulated with a high degree of precision. This process poses significant difficulties

[6, 9]. The relevant problems will be illustrated on examples in subsequent parts of this article.

EXAMPLE 1

Let us *analyze the example of an urban agglomeration* situated in an area that is intersected by a river. Owing to the local land relief features, the area faces the threat of a rising flood stage on the river at times of heavy precipitation. The **focus of our analysis** will be on protecting the urban agglomeration against the rising flood stage of the local river. The flood threat is contingent on various factors, mostly the intensity and duration of rainfall in the *river catchment area*, land relief features, the soil's water absorption capacity, depth of the ground water table, etc. The above factors are non-controllable variables that cannot be affected by human activity.

Our task is to design a DSSE that will ensure the flood security of the analyzed agglomeration. The objective of DSSE has to be accurately defined before any design work takes place, as it determines the methods applied to ensure the security of the examined entity. What is the prime objective of a DSSE which protects an agglomeration against the risk of a flood? One of such objectives would be the introduction of measures that will prevent the river from reaching the flood stage. Another objective would be to minimize the losses sustained by the agglomeration as the result of a flood.

Any scheme completely protecting an urban agglomeration from a flood would require immense spending. For the relevant funding to remain at a reasonable level, we have to account for the degree of probability of a flood event. This implies that the agglomeration has to be adequately prepared to evacuate (with the same degree of probability) the local population from the threatened area, it has to provide the evacuated inhabitants with temporary dwelling of a satisfactory standard and enable the citizens to safely return to their place of residence after the flood subsides.

A more rational strategy of ensuring flood safety in an urban agglomeration involves the *minimization of losses sustained by the agglomeration in consequence of a flood*. This, in turn, raises a number of new questions. Firstly, what is implied by the term "loss"? Does it apply to the local residents and their property, man-made infrastructure or the natural environment? At what point can it be safely assumed *ex ante* that DSSE is capable of fulfilling such a broadly defined goal, that is: are we sufficiently

prepared to face a flood threat? The above questions alone justify the need to accurately determine the operating goals of a DSSE. The type of goal will also determine the measure of DSSE's effectiveness.

The following measures may be initiated as part of a DSSE protecting an urban agglomeration from the flood stage of the local river:

- at the stage of ***prevention***: construction of retention reservoirs in the upper course of the river, increasing the height of river embankments, preparing floodplains, etc.
- at the stage of ***preparations*** for the river flood stage: preparing suitably qualified emergency forces, supplying materials for the construction of embankment dams (bags, sand, tools, means of transport, reinforcing structures, etc.), means of transport for evacuating the local residents and their property (boats, pontoons, amphibious vehicles, etc.), temporary housing, food, water, clothing, etc. for the flood-stricken community. There could also be a need to evacuate residents from houses that are highly likely to be affected by the flood. Plans and detailed procedures have to be developed for all units and authorities responsible for ensuring the flood safety of the agglomeration and its inhabitants.
- at the stage of ***responding (rescue) to the threat*** – when the flood takes place - initiation of rescue action and other measures to minimize losses.

The possibility of the “***flood threat in an urban agglomeration***” event is determined by the following factors:

- intense precipitation in the river catchment area (above and in the area of the agglomeration) which causes the river to exceed the flood stage,
- capacity of retention reservoirs in the upper course of the river,
- capacity of floodplains in the event of a flood threat,
- height of embankment dams along the section of the river that causes the greatest flood threat.

The level of security in an agglomeration following a flood may be characterized by, for example, the number of victims and the extent of the loss (damage) sustained by the identified sites. The above values will constitute an ***ex post*** evaluation of DSSE's effectiveness – the quality of the initiated preventive, preparatory and response measures.

When developing a flood protection system for an urban agglomera-

tions, the following factors have to be determined *ex ante*:

- the preferred attributes of DSSE which will meet the local community's expectations as regards flood safety. They may be expressed in terms of fuzzy categories [1], and they may be impossible to achieve due to excessive expectations, e.g. *that nobody is affected by the flood, that basements are not flooded, that the supply of potable water is not interrupted*, etc.
- the values characterizing the preferred attributes of DSSE components and their threshold values. The phenomena and features of the analyzed domain security (precipitation intensity and duration, ground water table, soil's water absorption capacity, technical condition of protective infrastructure in the agglomeration, etc.) are random in nature. The above significantly affects the approach adopted in determining the preferred attributes of DSSE components and their threshold values:
- the values characterizing the preferred attributes of DSSE are determined by both controllable factors (e.g. height of embankment dams, capacity of retention reservoirs, quality of flood preparatory measures, etc.) and non-controllable factors (precipitation intensity and duration, ground water table, etc.). Our aim is to determine the reverse – the effect of the sensitivity of values characterizing the preferred attributes of DSSE on its quantitative and qualitative parameters, such as the availability and the condition of means of transport (e.g. boats), the height of embankment dams, etc.

Let us note that:

- the degree to which the above preferred attributes of DSSE have been achieved determines the system's effectiveness,
 - the achievement of a given level of DSSE effectiveness implies a certain level of cost,
 - the same level of DSSE effectiveness can be achieved by a variety of measures, e.g.:
1. at the stage of **prevention** - by expanding retention reservoirs and/or raising the height of embankment dams and preparing floodplains. The use of floodplains generates two types of losses: preparations supporting the possible use of floodplains and losses resulting from the use thereof;
 2. at the stage of **preparations** – by temporarily raising the height of em-

bankment dams (e.g. with the use of sand bags), selecting floodplains which will effectively lower the flood stage, preparing means of transport for evacuating people and property in a flood emergency, partially evacuating the local residents, developing various rescue action strategies, etc.;

3. at the stage of **responding** – by deploying various forces and means, developing strategies for their use, initiating temporary measures such as breaking embankment dams to evacuate water to areas where the anticipated losses will be less damaging than in an agglomeration.

The cost of unitary increment in DSSE's effectiveness for each of the adopted solutions may vary significantly. The desired level of effectiveness should be achieved at the lowest possible cost. If **effectiveness** is defined as the relationship between the effectiveness of flood protection measures and the cost of their implementation, the effectiveness of DSSE will reach an extreme level. The solutions proposed at stage one and two are implemented as part of **domain security management**, while the measures indicated at stage three – as part of **rescue action management**. As regards the former, we are dealing with the **efficiency and effectiveness of domain security management**, and in the latter case – with the **efficiency and effectiveness of rescue action management**.

Our primary goal is to ensure a desired level of flood security in an urban agglomeration that is **only** a derivative of DSSE effectiveness.

The discussed options of ensuring the flood safety of an urban agglomeration have been analyzed in terms of a cause-and-effect relationship of relatively isolated categories. The possibility of other flood-related threats (synergistic effect), such as the epidemiological threat, has not been taken into account. The presented analysis involved a qualitative approach. The following example accounts for the synergistic effect of a flood, such as the contamination of potable water, with the use of a quantitative approach.

EXAMPLE 2

Let us assume that for the forecast atmospheric conditions and the present DSSE values:

- the probability of a flood in an urban agglomeration analyzed in Example 1 is $P(p)=0.4$,
- the probability of potable water contamination in the event of a flood is $P(z/p)=0.7$.

Potable water could be contaminated on a similar scale for reasons other than a flood. The probability of contamination is $(z / \underline{p}) = 0.05$ (*provided that a flood does not take place*). In view of the existing assumptions, the *total probability of potable water being contaminated in the analyzed urban agglomeration* is:

$$P(z) = P(z / p) P(p) + P(z / \underline{p}) P(\underline{p}) = 0.31$$

Whereas the *total probability of potable water not being contaminated in the analyzed urban agglomeration* is equal to:

$$P(\underline{z}) = P(\underline{z} / p) P(p) + P(\underline{z} / \underline{p}) P(\underline{p}) = 0.69$$

It should be noted, however, that the above characteristics, i.e.:

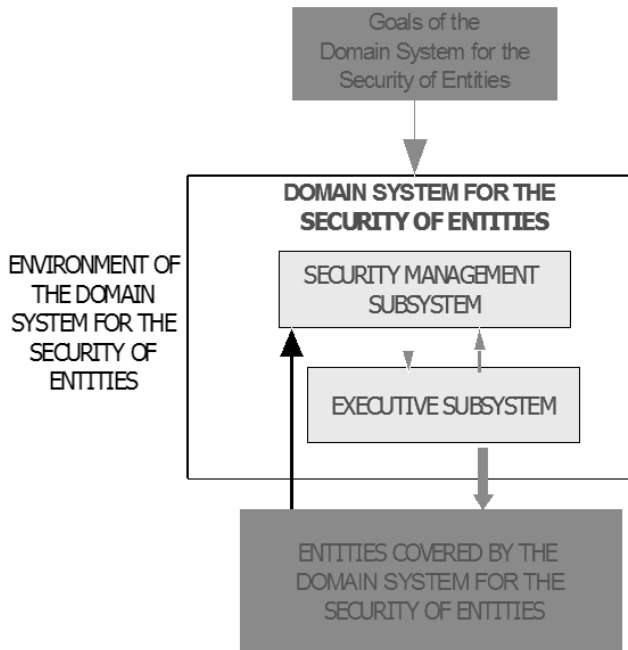
- *total probability of potable water being contaminated in the analyzed urban agglomeration,*
- *total probability of potable water not being contaminated in the analyzed urban agglomeration,*

are neither indicators of domain security nor indicators of DSSE's effectiveness. Potable water contamination is not synonymous with a human health hazard, yet it undoubtedly impairs the functioning of an urban agglomeration.

1. OPERATING EFFECTIVENESS OF THE DOMAIN SYSTEM FOR THE SECURITY OF ENTITIES

The main goal of DSSE (Fig. 1) is to ensure that an entity is adequately secured against various types of threats by preventing, preparing, responding to an emergency and minimizing the consequences of events that pose a threat to human life, health and the natural environment.

Figure 1. Model of a Domain System for the Security of Entities



(source: own compilation)

The probability, range and scale of potential threats vary for different entities. DSSE should be adapted to the probability of the threat's occurrence, and it should ensure the required level of domain security. The above implies that the attributes of DSSE should be adapted to local requirements that determine a given entity's degree of security, in particular legislative norms, spatial management solutions, infrastructure, quantity and quality of DSSE forces and measures, organization and performance of rescue action in the event of a threat. The main responsibility of DSSE is to ensure the required level of domain security for a given entity. The extent to which the above goal is attained is indicative of DSSE's **operating effectiveness**, defined as the consistency of the produced results with the system's goals. In a descriptive approach, DSSE is regarded to be effective if the set goal has been achieved and the performed tasks have been successfully completed. For the system's effectiveness to be analyzed in an evaluative approach, **a measure (indicator) of DSSE's operating effectiveness** has to be adopted to determine the **level of goal performance**.

2. PREFERRED ATTRIBUTES OF THE EFFECTIVENESS INDICATOR OF THE DOMAIN SYSTEM FOR THE SECURITY OF ENTITIES AND ITS COMPONENTS

The factorial analysis of the system's ability to ensure a satisfactory level of domain security, as presented in point 1, clearly indicates that the operating effectiveness of DSSE and its components can be evaluated in measurable terms based on:

1. an indicator of DSSE's operating effectiveness,
2. qualitative characteristics of the components of DSSE's executive, information and decision-making potential.

The indicator of operating effectiveness of DSSE and its components should have the following features:

1. it should be consistent with the system's operating goals,
2. it should be consistent with the indicator of operating efficiency of a superior system,
3. it should be sensitive to changes in values characterizing the key attributes of the system and its components,
4. indicator values should be determinable,
5. changes in indicator values should be interpretable.

The operating effectiveness of DSSE's components will be determined by analyzing the effect of changes in their properties on the indicator of the entire system's operating effectiveness.

The above approach to evaluating the operating effectiveness of DSSE and its components supports the determination of those elements' usefulness (weight) as the planned tasks are being carried out by the system. A quantitative analysis investigating the effect of changes in the components of DSSE's executive, information and decision-making potential [4] on the system's operating effectiveness may be carried out by a multi-factorial analysis of regression [7] of the effectiveness indicator relative to the values characteristic of those components.

where:

- W – indicator of DSSE's operating effectiveness
- W – set of possible values of indicator W
- W_j – indicator of operating effectiveness j – a component of executive, information and decision-making potential. ***Its value is determined by its effect on the resulting operating effectiveness of the entire system***
- W_j – set of values of indicator W_j - $W_j \subset W$

The following dependency takes place for the determined values characterizing the components of DSSE's executive, information and decision-making potential:

$$W \neq \sum_{j \in J} W_j \quad (1)$$

The components of DSSE's executive, information and decision-making system contribute to the system's operating effectiveness through the components of the executive potential. An entity's functional impairment resulting from a given type of a security threat is usually continuous, while the occurring threats are random in nature.

EXAMPLE 3

Let us analyze the problem of determining the form of the indicator of DSSE's operating effectiveness which is introduced to prevent the functional impairment of an entity due to a given type of threat. We will base our discussion on the DSSE described in Example 1. The degree of an entity's functional impairment resulting from a given type of threat is determined by the entity's level of resistance, established upon its formation, and the effectiveness of the DSSE designed to prevent and counteract the threat. DSSE's effectiveness is determined by two of its components: its **information and decision-making potential** and its **executive potential**.

The following may be adopted as indicators of DSSE's operating effectiveness:

1. distribution function of the degree of an entity's functional impairment relative to the studied potentials,
2. regression of the degree of an entity's functional impairment relative to the parameters determining the identified DSSE potential.

where:

S – is the random variable determining the degree of an entity's functional impairment,

S – is the set of possible values of variable S .

Let us assume that $S = [0, 1]$, where:

0 – indicates that the entity is fully functional,

1 – indicates that the entity has been completely deprived of its functionality – it is unable to perform the tasks for which it had been established.

$\underline{p}$ - a pair describing the DSSE potential:

$$\underline{p} = \langle \underline{p}_1, \underline{p}_2 \rangle \quad (2)$$

$\underline{p}_1 = \langle \underline{p}_{1,1}, \underline{p}_{1,2} \rangle$ - a pair describing the system's information and decision-making potential, where:

$\underline{p}_{1,1}$ - a parameter indicating the time (e.g. distribution function, anticipated value) after which a decision on the most appropriate response to a threat situation will be made,

$\underline{p}_{1,2}$ - a parameter indicating the quality (adequacy) of the decision on the most appropriate response to a threat situation,

$\underline{p}_2 = \langle \underline{p}_{2,1}, \underline{p}_{2,2}, \underline{p}_{2,3} \rangle$ the system's executive potential which ensures the flood security of an urban agglomeration, where:

$\underline{p}_{2,1}$ - a parameter indicating possible measures at the stage of threat prevention, e.g. construction of retention reservoirs in the upper course of the river, raising the height of embankment dams, etc. Then:

$\underline{p}_{2,1} = \langle \underline{p}_{2,1,1}, \underline{p}_{2,1,2} \rangle$, where :

$\underline{p}_{2,1,1}$ - capacity of retention reservoirs,

$\underline{p}_{2,1,2}$ - height of embankment dams,

$\underline{p}_{2,2}$ - a parameter indicating possible measures at the stage of preparations for a threat situation, e.g. mobilization of suitably qualified forces, supply of materials for raising the height of embankment dams, provision of means of transport for evacuating people and property in a flood emergency. Similarly to $\underline{p}_{2,1}$, parameter $\underline{p}_{2,2}$ will be the n-tuple describing the forces and the resources used in this stage;

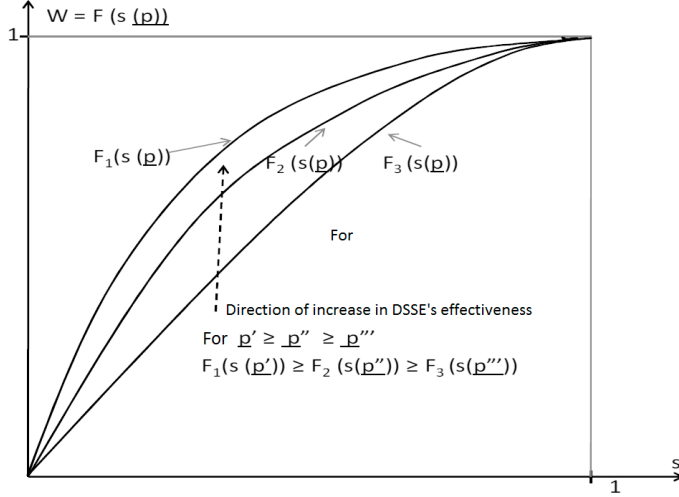
$\underline{p}_{2,3}$ - a parameter indicating possible measures at the stage of responding to a threat. It is an n-tuple characterizing the forces and resources used in this stage.

The above parameters do not form a complete set of symbols used in quantitative analyses of flood prevention schemes and the determination of the preferred attributes of DSSE. They merely illustrate one approach to the problem. In subsequent parts of this example, the form of the analyzed indicators of DSSE's effectiveness will be described.

Ad. 1. If S is a continuous random variable, then the *indicator of DSSE's operating effectiveness will be its distribution function* (Fig. 2):

$$W(p) = F(s(p)) = P \{ S(p) < s \}. \quad (3)$$

Figure 2. Relationship between the distribution function of the degree of an entity's functional impairment relative to the value of parameter p characterizing DSSE's executive, information and decision-making potential



(source: own compilation)

In practice, an entity's degree of security is easier to identify by quantifying the degree of its functional impairment. In this situation, the indicator of DSSE's operating effectiveness will describe the entity's functional state. This can be modeled with the following symbols:

i – number of an entity's functional state,

S_i - set of values of random variable S corresponding to the i^{th} functional state of an entity:

$$S_i \subset S; \quad S_i \cap S_k = \emptyset \text{ for } i \neq k, i, k = \overline{1, I}; \quad \bigcup_{i=1}^I S_i = S;$$

I – number of identified functional states of an entity.

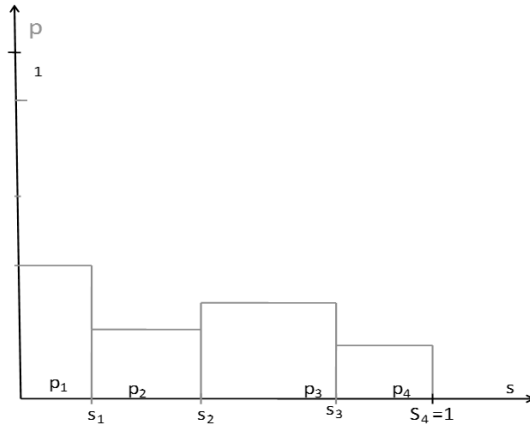
Let us assume that $I=4$, then if:

- ♦ $s \in S_1$, the entity's functionality is not threatened,
- ♦ $s \in S_2$, despite an existing security threat, the entity remains fully functional,
- ♦ $s \in S_3$, the entity's functionality has been impaired in 50%,
- ♦ $s \in S_4$, the entity has been completely deprived of its functionality.

The indicator of DSSE's operating effectiveness is the probability of event occurrence $\{ S \in \mathbf{S}_i \}$ (Fig. 3.):

$$W(p) = P \{ S(p) = s \in \mathbf{S}_i \}, \text{ for } i = \overline{1, 4}. \quad (4)$$

Figure 3. Indicator of DSSE's operating effectiveness described by formula (4)



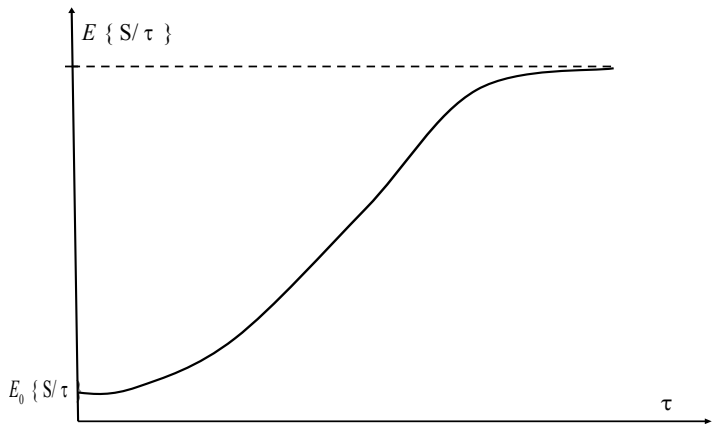
(source: own compilation)

Ad. 2. Regression of the degree of an entity's functional impairment relative to the parameters determining the identified DSSE potential [7] is equal to:

$$E \left\{ S / \underline{p} \right\} = \int_s s dF(\underline{p}). \quad (5)$$

Figure 4 illustrates a sample regression of the **degree of an entity's functional impairment** relative to the parameter indicating the time ($p_{1,1} = \tau$) after which a decision on the most appropriate response to a threat situation will be made.

Figure 4. Regression of the degree of an entity's functional impairment



(source: own compilation)

The presented forms of the indicator of DSSE's operating effectiveness do not account for the given threat's economic (business, cultural, etc.) consequences for the entity. The above is due to the specific objectives set for DSSE. These aspects had not been taken into consideration when planning the system's operating goals, consequently, they are not accounted for in the proposed indicators of DSSE's operating effectiveness.

Let us now analyze whether the different forms of the indicator of DSSE's operating effectiveness, as presented in Example 3, are consistent with the system's preferred attributes:

- Ad 1.** The indicator of DSSE's operating effectiveness is consistent with the system's operating goal, i.e. the prevention of an entity's functional impairment following a threat. By definition, both forms of the operating effectiveness indicator, as illustrated by formulas (3), (4) and (5), determine the degree of an entity's functional impairment.
- Ad 2.** A conclusive statement cannot be made since the form of the effectiveness indicator of the superior system remains unknown.
- Ad 3.** The effectiveness indicator's sensitivity to change in the values describing the key operating attributes of the system and its components can be directly verified when the analytical form (e.g. regression) of

the relationship between the indicator and the above values is known. If the indicator's analytical form is unknown, its sensitivity can be verified by statistical analysis that relies on "historical" data or the results of simulation experiments carried out for this purpose.

- Ad 4.** The values of the indicator of DSSE's operating effectiveness, as described by formulas (3), (4) and (5), for the set values describing the key operating attributes of the system and its components can be determined by simulation.
- Ad 5.** The adopted form of the indicator of DSSE's operating effectiveness is marked by a clear frequency interpretation of changes in its value – the number of given states per 100 "observations". The above statement is characterized by a high degree of uncertainty due to the method of performing the "observations". Should observations be performed at set time intervals or only upon the occurrence of a threat?

4. ANALYSIS OF FACTORS INFLUENCING THE OPERATING EFFECTIVENESS OF THE DOMAIN SYSTEM FOR THE SECURITY OF ENTITIES

The DSSE's operating effectiveness is determined by the quality of processes performed by the following subsystems (Fig. 1):

- executive,
- management.

The possibility and the quality of executive process performance is affected by the factors termed as "*DSSE's executive potential*" in [2]. The value of executive potential is determined mostly by:

- forces deployed by the executive system: number, effectiveness, level of training, motivation, etc.
- resources – technical equipment of the executive system, its ability to effectively respond to potential threats and perform the assigned tasks;
- allocation of forces and resources in view of the type and the place of the forecast events, their scale and the required speed of response to an emergency event. The speed with which the allocated security forces and resources respond to an emergency is determined by: the proximity of the allocated forces and resources to the place of the event, road access to the place of the event, the attributes of the allocated forces and resources, etc.

The executive potential of DSSE forces and resources may vary. Their

distribution should ensure maximum protection against the forecast threats and the best possible access to the place of the event.

The degree of domain security delivered by DSSE's executive potential is determined by: the speed of response and the allocation of adequate forces and resources, quality of management (coordination) delivered by the management subsystem during rescue action. The decision to deploy the forces and resources in counteracting the consequences of an emergency event has to be preceded by several information and decision-making processes relating to:

- receiving and verifying information on the event's occurrence,
- analyzing the situation and developing rescue action scenarios.

The speed of response, the allocation and the management of security forces and resources during rescue action is determined by factors termed as "*DSSE's information and decision-making potential*", comprising:

- information (infrastructure, operational) resources deployed in the process,
- threat monitoring subsystem,
- technical and planning support for information and decision-making processes,
- technical and planning support for rescue action management.

In the existing security management subsystems, including rescue action management subsystems, information and decision-making processes are carried out by man. Therefore, the quality of information and decision-making processes and, consequently, the information and decision-making potential of the domain system for the security of entities is significantly affected by:

- ergonomic and organizational potential of persons involved in the process,
- knowledge and level of skill of persons involved in the process.

With the progressing level of automation in rescue action management, man is increasingly often confined to the role of an operator [3] who needs a sound knowledge of the phenomena taking place in the work process as well as the skill of operating the supporting technical and planning resources. Technical resources involve mostly computers equipped with external devices that are used by the operator to acquire vital information for performing the assigned tasks and communicating decisions to the system's executive

units. The above implies certain consequences, i.e. the need to prepare data transmission equipment and the need to train the operators of rescue action management subsystems for the purpose of performing the assigned tasks.

A factor which significantly affects the automation of information and decision-making processes is the adaptation of technical and planning resources to the operator's characteristic traits and his changing role in the process. To maximize system efficiency, the operator has to be provided with a supportive work environment. An environment which does not meet the operator's basic needs causes fatigue, it increases the probability of a human error, a delayed response to an emergency signal and lower process effectiveness [5].

5. OPERATING EFFECTIVENESS OF THE DOMAIN SYSTEM FOR THE SECURITY OF ENTITIES AND ITS COMPONENTS

The following factors have not been taken into consideration in our analysis of the domain system for the security of entities:

- losses resulting from the occurrence of the analyzed event,
- direct costs of the response measures undertaken,
- frequency of the occurrence of the analyzed event.

Frequent threats affecting an entity, even if not of catastrophic dimension, could cause substantial losses over time, while the magnitude of even highly severe losses resulting from rarely occurring threats could be much lower than the cost of the relevant preventive measures. For this reason, an analysis of DSSE's operating effectiveness solely in view of the degree of security it offers does not fully illustrate the problem.

As regards most threats, the above factors can be controlled through the introduction of preventive and preparatory measures. ***Therefore, the problem of ensuring the security of entities should be analyzed in a given time interval in the context of effectiveness, defined as a relationship (e.g. difference, quotient) between the possible losses generated by a threat and the costs borne to initiate preventive, preparatory and response measures.***

The symbols introduced in Example 3 account for the fact that the random variable:

S- entails the interpretation of losses (expressed in selected monetary units) in a given time unit (e.g. day, month, year, decade, etc.) sustained by the entity in consequence of a given emergency event. In view of the

above, the dependency (5)

$$E\{S / \underline{p}\} = \int_S s dF(\underline{p})$$

will describe the **regression of losses sustained by the entity relative to parameter**

$\underline{p} = < \underline{p}_1, \underline{p}_2 >$ - i.e. the pair characterizing the executive, information and decision-making potential of the analyzed DSSE.

The following symbols are introduced:

K- cost of achieving the given level of executive, information and decision-making potential of the analyzed DSSE characterized by parameter $\underline{p} = < \underline{p}_1, \underline{p}_2 >$,

G – distribution function of variable K in set K for a set value of (p).

Then the dependency:

$$E_n\{K/\underline{p}\} = \int_K k dG(\underline{p}) \quad (6)$$

will describe the **regression of costs borne to achieve** the executive, information and decision-making potential characterized by parameter $\underline{p}$.

The quotient:

$$\varepsilon_{DSBP} = E_n\{K/\underline{p}\} / E_s\{S/\underline{p}\}, \quad (7)$$

or the difference:

$$\underline{\varepsilon}_{DSBP} = E_n\{K/\underline{p}\} - E_s\{S/\underline{p}\} \quad (8)$$

may be adopted as a **measure of DSSE's effectiveness whose properties are characterized by parameter** $\underline{p} = < \underline{p}_1, \underline{p}_2 >$.

Since the required degree of domain security may be achieved by various methods (including by altering the values of DSSE's components) that entail various implementation costs, in the next step of our analysis, we will focus on **optimizing DSSE's operating effectiveness**. The issue of optimization will be discussed on the example of the analyzed flood threat. Our analysis will be narrowed down to rescue measures only.

EXAMPLE 4

The rescue action initiated in response to a flood threat generates two types of losses:

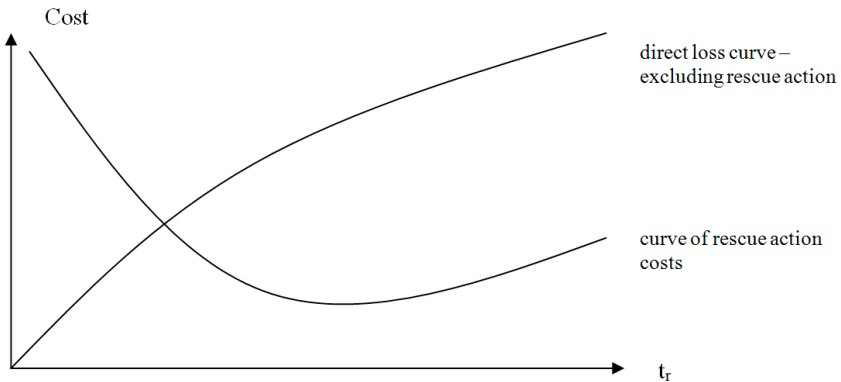
- losses sustained by urban agglomeration sites in the event of a flood (K_b),
- the cost of preparing and carrying out effective rescue measures in the event of a flood (K_p).

The total (resultant) costs (K_w) caused by a given event are equal to:

$$K_w = K_b + K_p \quad (9)$$

The main goal of rescue measures initiated as part of DSSE is to minimize general flood costs. It can be assumed that flood losses are a non-decreasing function of rescue action time, and the cost of rescue measures has the features of a convex function (Fig. 5).

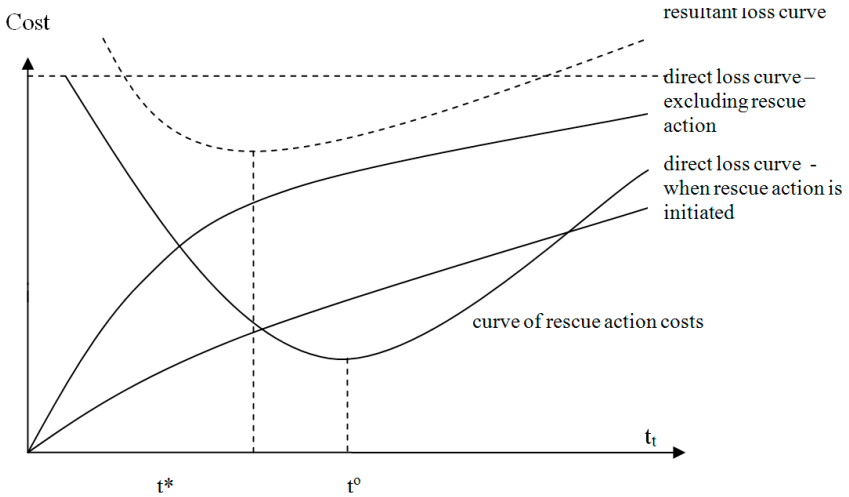
Figure 5. Direct losses and rescue action costs



(source: own compilation)

Therefore, the resultant flood costs reach the minimum value for a given rescue action time (Fig. 6).

Figure 6. Direct losses resulting from the rescue action, and the resultant losses



(source: own compilation)

Key to Figure 6:

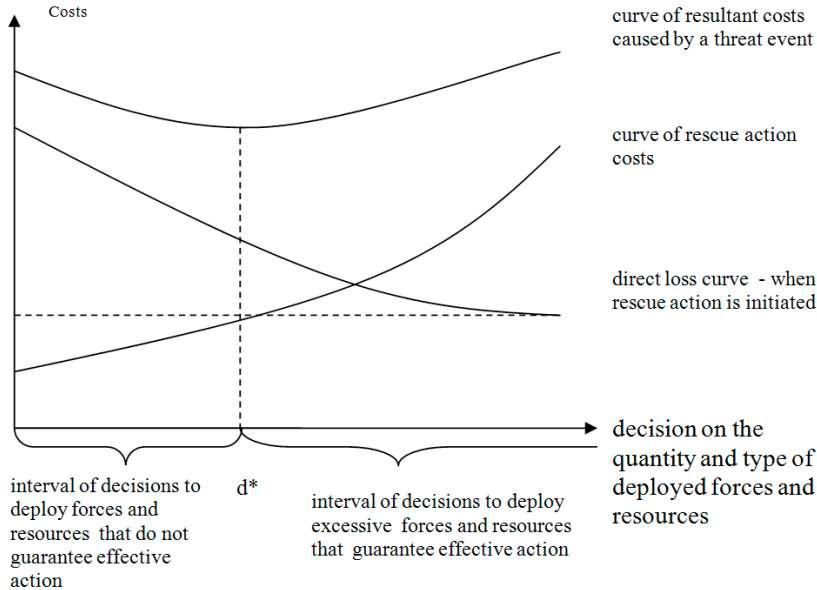
t^* –rescue action time for which the resultant losses caused by a threat event are minimal,

t^o – rescue action time for which rescue action costs are minimal.

As shown in Figure 6, the value of direct losses caused by a threat event, rescue action costs and, consequently, the resultant costs, is determined by the duration of rescue action. Its minimization could reduce costs and direct losses only to a limited extent.

The key factor determining the value of losses generated by a threat event is the quality of decisions to deploy rescue forces and resources that effectively counteract the consequences of the threat. If the relevant forces and resources are to be deployed rationally in a manner that supports the rescue action initiated in response to a given event, the effect of decision quality on losses and costs is presented in Figure 7.

Figure 7. Direct losses, rescue action costs and resultant losses



(source: own compilation)

Key to Figure 7:

d^* - optimal decision to deploy rescue forces and resources.

If rescue action is performed adequately, the resultant losses caused by a threat event that requires the initiation of rescue measures will be determined by two factors:

- adequacy of the decision to deploy forces and means that counteract the consequences of a threat event,
- time of response to a threat report.

6. CONCLUSIONS

The evaluation of the security of entities and the operating effectiveness of the Domain System for the Security of Entities, in particular the measure (indicator) of an entity's level of security, has been analyzed in various studies [6, 8, 9]. The presented solutions do not meet the set requirements, and they do not account for the risk factor [12]. In this study, the problem has been narrowed down to domain safety, and repeated attempts were made to express in measurable categories an entity's degree

of security and the operating effectiveness of the Domain System for the Security of Entities. This approach will foster the development of a method for defining the type of safety engineering instruments [10, 11] that fulfill an entity's functioning safety requirements. As part of follow-up work, the author will develop the fundamentals for formulating a method of describing projects and implementations (including organizational) that ensure the required degree of domain safety of an entity.

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This research paper has been financed from the science budget for 2010-2012 as part of individual research project No. 0 N516313938.



National security - definition, character and determinants. Studies on the quality of security

WITOLD POKRUSZYŃSKI

CONTEMPORARY DILEMMAS OF PHILOSOPHY OF THE SAFETY

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ABSTRACT

Existing literature of the subject, written by authors - philosophers recognized and respected in Poland, regardless of its teaching and scientific character can not be treated as merits for understanding philosophy of contemporary safety. These very extensive monographs written by universally known authors, indeed are interesting literature on the subject, but only some of them are resolving safety issues in the context in view of polemology (war) and irenology (peace). However, as of today there is not any Polish monograph about philosophy of safety in the contemporary notion, in the situation of challenges and threats and unpredictable circumstances in the 21st century. That is why there is urgent need of revising current views concerning philosophy of war and peace and formulating essential dilemmas of philosophy, which are directly linked with individual safety, state, and alliance (group) safety.

KEY WORDS:

modern philosophy, personal safety, structural safety, universal values, security

INTRODUCTION

I want to emphasize, as of today, there are two fundamental methods of the presentation of philosophical issues. Followers of first trend think that best way to know philosophy is to learn its history and on this base reach the reality, and the truth. Others prefer systematic considering the existing problem and reaching crux of a problem. In my belief, best way of reaching the heart of the matter is to connect history with present-day human problems, because his highest value in the 21st century is **safety**.

Moreover, against various opinions, philosophy of safety is something

more than only a theory of safety. Philosophy is preparing to answer basic questions which are nagging us. Philosophy helps us finding the truth out in specific reality. Philosophy must give us response, why this way is and where the cause lies. It shapes the safe future for individual, for nation. Author tries to give partial replies, to questions put this way, even it so, that philosophy is unfinished process of the insight into contemporary reality from more and more new perspective and more and more deep understanding. In philosophy how, an outstanding Polish thinker is writing Fr. Prof. Józef Tischner “it’s not to know, like other perceive problems, but to raise problems and search for responsible solutions”. This brief statement has undoubtedly transferring into philosophy of safety in the third millennium what is an object of inquiry of the author in this article.

DEFINITION, THE STRUCTURE AND FUNCTIONS OF PHILOSOPHY OF SAFETY

Philosophy, similarly to the majority of fields of study, in past were only branches of universal science, as even physics, sociology, economics. Within many centuries of one’s development philosophy diversified more and more. New ways of thinking, new trends and concepts arose. Therefore it’s not so easy to orientate in crowd of philosophical schools and fields of study arising over the centuries beginning for the antiquity.

Philosophy, in notion, is the science that studies the general deliberations about the essence and the structure of the existence, the human cognition and principles of assessing, places of the man in world and his world-view. Today entire philosophical disciplines are complementing by philosophy of law and state, philosophy, social philosophy, the philosophy of culture, philosophy of aesthetics, the theory of cognition, ethics and finally safety philosophy. This last discipline will be a common core in the more distant part of the article in many aspects, i.e. about the essence, meanings, structure and functions of philosophy in the field of safety.

It’s common knowledge that the concept of safety philosophy, treated as detailed philosophy arose from attempts to overcome two phenomena – *polemology* (philosophy of war) and *irenology* (philosophy of peace), in view of challenges which turned up at the two last decades of the 20th century. Then safety was identified with the form of good being. In current reality, safety philosophy should portray causes of negative phenomena, ways of finding the truth out and searching responsible solutions. Philosophy of

safety should show that contemporaneity is not only threats and disasters but also possibilities of dynamic growth and building happiness up. And so the role of philosophy is not decreasing, on the contrary, its definition comes from essence of human being in complicated world, and maybe that is why there are problems in formulating the vision and fundamental concepts result.

At the present exist two fundamental concepts of philosophy, broadly understood – *materialism*, taking only a matter into consideration. Second is – *spiritualism*, recognizing only a ghost. It turns out that today we live in world of matter and the ghost. And as for the present, we can admit the existence of Thomism, but also materialism and spiritualism. Second large current of contemporary philosophy is moreover analytical philosophy.

Before I develop a philosophical issues and safety problem, I will try at first to introduce main meaning of philosophy, its essence. It is possible to make it into two methods - on the longer road, or going on cuts. In this particular case, fulfilling the duty simultaneously towards the Reader, I will take a shortcut – beginning from origin word “*philosophy*” and comprehending the concept of safety philosophy. Straightest it is possible to determine that philosophy is meditation about important cases. And if yes, it is every of us at one time somehow philosophised or is philosophizing not being conscious of it. That’s the way of general perception of philosophy in the etymological aspect. How should we perceive safety philosophy as important branch of science Reader will find in further part of the article.

CONTEMPORARY CONCEPTION OF SAFETY

Trying to define contemporary safety it should be remembered that safety is the field including a few disciplines and scientific specializations - among others are appearing so as political science, sociology, psychology, methodology and other, e.g. the strategy and the management. Nowadays it is possible to come across at least a dozen or so definitions of the same notion in the literature on the subject. Every of them shows that safety, similarly to peace, isn’t a state given once and for always. Dictionary definitions about the safety, most often determine the *safety as the status of state or the group of states, able to resist threats triggered by the man or the nature - in the contingency*. In some studies on social or humanistic sciences we can encounter comprehending the safety as the *ability to survive, independence, identity, and potentialities of development*. According to the author,

in safety philosophy reader should see two estimates phenomena. Firstly – **challenges**, secondly – **threats**. Challenges generate new situations into the macro scale, which require indispensable needs, and appropriately to them appropriate action of state or the group of states (alliance) in the destination of achieving the safety status, in this situation, required and determined individually. That's why studying safety in various dimensions, one should in every case – clearly divide challenges and threats – only then it will be possible to achieve objective assessment of safety.

Contemporary comprehending the safety assumes its widest spectrum, which goes far beyond military area, which still in the 20th century was fundamental element of safety system. Therefore, contemporary safety can be considered in three aspects: subjective, object and future.

In subjective dimension it is possible to distinguish the **national security** (of state) and **international security** in regional or global area. In object dimension it means creating conditions to keep a separate identity, activity and autonomy in the environment means on an international forum. In the dimension of the future it is creating the security system in the face of challenges and threats of 21st century in the various scale means.

We are distinguishing also three meanings of the safety. First meaning, which is universally accepted, is recognizing safety as *state of peace, certainty, and freedom from threats and fear*. Second meaning is *process, in which safety state and its organization undergoes permanent and dynamic changes appropriately to all or only to fundamental conditions*. In other words, the safety means constant activity of human, local communities, states and international organizations in creating desired state of safety. Third, last meaning, is understanding safety as *the principal, basic need and value of the man and his being*.

It is possible, going for cuts, to say that basic components of safety are guarantees of inviolability of the object and freedom of its development according to guarantee of human rights. It means that the safety includes connection between two elements – assurance of surviving and freedom of development of the entity (state). These are not two equivalent ingredients of security system. Assurance of surviving of subject constitutes the foundation of safety, and gives a possibility of physical existence. However, as freedom of development according to guarantee of human rights safety contains conditions of protection of businesses of the entity given in widely understood progress of civilization.

Contemporary comprehending of safety in the whole system of notions included criteria takes first-rate position in fates of the people, local communities and nations (states). However, formulating an unambiguous definition from a philosophical point of view is not simple, although almost each of authors is defining differently, although the being of the phenomenon is the same. According to that, there are a lot of possibilities of defining this term. For example, Janusz Świniarski claims that “safety is a state, which provides conditions of self-realization for the human. Safety is a state in which exists formal, institutional and practical guarantees of the protection of what is what is an essence of full self-realization.” According to Jan Szmyd “safety involves feeling of stability and constancy state of definiteness, with feeling the lack of internal and external threats, and moreover feeling of certainty and peace in everyday living and confidence in the future.

In my opinion, taking into account philosophical, axiological, etymological and ethical aspects – we may define **safety as state and process of lasting, surviving and the development of every form of the existence.** According to the foregoing – all conditions which are not favourable for all these three elements should be recognized as danger of safety. Optimism and confidence are features of safety, they are shaping the belief that we will be able to be pleased with our goods and happiness in us.

Aforementioned rank of safety in a system of values, and its utilitarian meaning inclines to reflection, that safety is indispensable, it is impossible to replace it with some other state or process. Safety is an necessity with universal, human dimension. The above considerations, on the border of philosophy, should not stay in the sphere of theoretical enunciations, they should find practical application in the individual, and national life, but also in the international or global dimension. Such a need is on the time, because safety is a dynamic phenomenon, and contemporary threats have the same character, any there is their source.

SAFETY AS THE SUPREME VALUE OF THE MANKIND

One of classical philosophy disciplines is axiology – philosophy of values (gr. *aksis* means “worth”, “valuable”). In common use it is also expression “theory of the values”. These three words are often use interchangeably. Some thinkers are even equate philosophy and axiology. In their opinion, every science is an investigation of that what exist, and it makes no men-

tion about values. Philosophy should in their view, deals with that, what is supposed to be.

Axiology is enquiring questions - e.g what kinds of the value does exist? What is the order of system of values? Which way of existing do they entitled to - subjective or objective? Or rather absolute, and maybe relative? How we get to know values? Of course, aforementioned questions are not all matters of philosophy from the range of values. If we analyse these issues more precisely and deeper it will turn out that there are considerably much more questions.

In axiology, as the overall theory of values, we distinguish two disciplines dealing with certain kinds values – ethics and history of philosophy. Ethics is analyzing ethical values (the good or the evil), ethical decisions, acts and attitudes (justice, courage, sympathy). The fundamental shape of ethical thought gave three great philosophers – Aristotle, I. Kant and M. Scheler. We can also count among this group well-known polish thinkers – K. Twardowski, W. Tatarkiewicz, T. Kotarbiński, K. Wojtyła and other.

In my opinion history of philosophy, which does significant matter in exploring philosophical issues, requires separate treating. It is possible to know well exact sciences without studying their history, but it is impossible in philosophy. This field of study requires the history of its development – it is an introduction into philosophy in every area (field) of this issue. Many years of experience shows, that during twenty five centuries no self-taught person, or someone who didn't know work of his predecessors wasn't able to make any contribution to development of philosophy. That is certain correctness formed over development of issue such as philosophy. Without the knowledge of history of forming the safety and its theory, it is not possible to take problems of philosophy of the safety especially in current reality. Coming back to the issue of values referring to safety, one should objectively state that safety is now and it will be in the future a supreme value of mankind in the 21st century.

PLACE OF SAFETY AMONGST UNIVERSAL VALUES

At the beginning let us explain to ourselves what mean the universal values, and then we will try to put the phenomenon of safety in philosophical order in this value. Simultaneously, besides comprehending the value, we should try to refer to the value safety.

Philosophy, as already mentioned above, is an universal science, it ex-

aminates a whole reality, not only chosen aspect with a specific method. Philosophical subject of research is totality, which was met by philosopher – that what is outside it as well as and in it.

After this short introduction into philosophy defined as universal science, let us make an attempt to locate safety in the sphere of the universal value. Then we are reaching again a point of departure – definition of universal value. What is universal value? The simplest way is to assume, without bigger mistake, that it is absolute value – it express the value of human, doing, phenomena. In our case it regards the safety, as the absolute and everlasting value.

Again putting the question – what place the safety is taking amongst universal values? – we can give the positive answer, it occupies **central**. Safety means everything, what is valuable and has a meaning in material and spiritual life. Everybody, indifferently what place everyone is taking in the society, wants to feel safe. People, as a social units are taking the central place and treat safety as an absolute value amongst other universal values. In my opinion this way one should just notice the place of the safety amongst universal values in the philosophical and axiological presentation.

PHILOSOPHICAL DEFINITION OF SAFETY

Always, when we are setting about appointing or determining contents of some notion, we are coming to his being, that is to axiology. We are trying to fix criteria, according to which we are starting reaching for determining the occurrence in given field. Trying to formulate correctly definition of safety we will act similar.

In order to achieve possibly correctly definition of safety philosophy, one should determine the menials role. Due to fact that safety is playing an important role in the life of every man on the globe, from here definition should reflect his being in the positive or negative meaning. In this situation, every attempt to define the concept of philosophy of safety, considering criteria, challenges and threats of the 21st century may be accepted under condition, that it will be philosophically scientific, substantially correct, and her contents and its essence will be socially useful in today's reality full of dynamic transformations and the unpredictability.

In this place I must admit, that there is a lot of safety definitions, what sometimes bothers understanding them and mastering. Either they are

vague, without essence of this phenomenon or too extensive and complicated. However, there is very few definitions of philosophy of safety, which fulfill of all mentioned above conditions. And in some publishing positions about safety lacks it.

One should conclude that an optimism and a confidence are a feature of the safety. As carrier of this two, safety gives as a belief that we will be pleased with our goods and happiness without big obstacles. However the social significance of the safety manifest itself in cooperative abilities in every possible dimensions, i.e. micro and macro of the scale. It has gigantic meaning for the process of the socialization, essential for the individual development and all the community life.

Due to existential meaning safety as an universal value requires philosophical defining. Definition expressed in this place by the author will be a base to deliberations of relevant problems of philosophy of the safety. The author's definition has the following contents: **a safety is a state and a process of lasting, surviving and the development in conditions ensuring the self-realization.**

CONTEMPORARY FUNCTIONS OF PHILOSOPHY OF SAFETY

To enter issues of the function of philosophy of safety, at first let us try to get to know, at least general, what functions has philosophy as a science. Knowing functions of philosophy as such, it will be possible to make an attempt specifying the function of philosophy of safety as the certain value in the axiological presentation. This essential condition can be fulfilled if we realize what philosophy is. Author, A. L. Zachariasz in "Philosophy her being and functions" answered questions what philosophy is. Whether we are dealing only with the multitude of autonomous philosophical systems, that is with many philosophers, whether with the field of the theoretical cognition. It turns out that we can talk about philosophy in both mentioned above meanings. However speaking about philosophy as the magnitude of individual systems, we won't divide views that some of them are exclusively individual expressions of authors. Individual concepts are arising in frames of the whole, in field which is philosophy. That's why they will consider both - positive and negative experience of the past. But also, simultaneously, they will formulate new, more deepened and better justified prospect which lets for understanding world, the man and his contemporary needs. Otherwise they will be only intellectual attempts, which

won't make reality more explained as the subject of cognition.

Knowing philosophy as the science, let us try to specify functions and next will be easier to enumerate functions of philosophy of safety. There are two common recognized functions - theoretical function and practical function. Theoretical function of philosophy contains the cognitive and methodological function, which means methods of the cognition and abilities of appraising value of the knowledge. On the other hand practical function is an reference to traditional comprehending the practical wisdom.

Philosophical safety features are included, in author's personal belief, to both groups. To the general theoretical and practical function, which we can distinguish as such as functions:

- **cognitive**
- **social**
- **axiological**
- **ideological.**

Hereinafter let us proceed to short description of them.

The cognitive function of philosophy of safety focuses on research of problem of threats and ways of minimalization or elimination them in macro- and micro- scale – on the territory of one state or group of states. Moreover it detects “uncharted territory” and generalizing results of research between scopes of individual fields of study.

The social function of philosophy of safety focuses on service for man as an unit, but also on service for entire community. It helps in the the most important cases – it enables retrieval nature of safety in the future. Social function express itself also in analyzing and assessing fallacious or distorted views, without scientific bases and it helps seeking for the objective truth.

The axiological function philosophy of safety focuses mainly on the forming and researching norms of universal value and establishing criteria of assessing particular elements of safety systems in the aspect of their effectiveness on the given stage of the development of the mankind.

The ideological function philosophy of safety is in the first place using philosophy as the instrument of forming and popularizing particular system of universal values and views in the destination of acquiring the wide circle of supporters. In other words, this function of philosophy

is in not only finding out the truth, but also building the effective safety of the individual and societies.

Main task of philosophy of safety is to support knowledge about the war and peace, about the essence of the safety and also its threats. Moreover, to enrich the knowledge about political, legislative, ethical, economic, military, social and cultural determinants and guarantees. Philosophy of safety should lead the man into world of universal, general, favourable values for obeying tolerance, pluralism, democracy, laws and the freedom of people and human bonds. Philosophy should also formulate general rules of conduct, which conduct the realization of all mentioned above values. In conclusion of this issue let us put a question - whether indeed that's all is included in tasks of philosophy of the safety?

And so, the answer is yes, because safety is included in an absolute (universal) value of societies of the 21st century.

PLACE OF PHILOSOPHY OF SAFETY IN THE PRESENT DAY

For the beginning let us ask questions - whether in contemporary times the concept of the safety is regarded as scientific field ? And do we willingly always use it? We will try to answer the question putted this way based on even already dissertations. So it is possible to begin with constructing a hypothesis, that in contemporary time humankind acknowledges philosophy of safety as the science. Its place in present world should be at least superior.

MAINSTREAMS AND PROBLEMS OF PHILOSOPHY OF THE SAFETY

The other day many theoretical works about threats and its counteractions turned up. However as for currents, contemporary there is not a lot directions of philosophy of safety. And so arises a question why? Let us try, in this article, to find these philosophers which formulated and still are formulating main directions and currents of philosophy, and also fundamental their contents of the war, of the peace and of the safety. Let us see which it are.

In the XX century dominated two opposing ideologies, which led to two world wars, bloodiest in the history of humankind – there were the fascism and the communism. These ideologies were represented by such philosophers: Karl Heinrich Marx and Friedrich Engels, Adolf Hitler, Alfred Rosenberg, Joseph Goebbels and in the East by Vladimir Lenin and

Joseph Stalin. These two last named were creators of the socialism in the Soviet Union.

Fortunately the XX age was an end of both - naziism (fascism), as well as communism at the cost of 60 millions of victims. They were replaced by Islamic fundamentalism, which is focused on which as an political alternative for both - the liberalism, and for the communism. That is we are dealing among others with the religious fascism, with increase in the ethnic and racial awareness - the result is nationalism. American scholar and philosopher - Francis Fukuyama, claims that Islamic world differs considerably from other cultures in one fundamental feature - rejecting the religious tolerance.

According to Samuel Huntington - American political scientist – it is possible to expect that civilization identity in the future still will be a significant factor, and world will be developing through interactions between seven or eight main civilizations: west, Confucian, Japanese, Islamic, Indian, Orthodox, South American and perhaps African. In my opinion, there is a lot of right in this statement, all the more after revolution in North Africa in two last years, this eighth civilization can become real.

For reinforcements of the identity have an intense influence basic factors, which are differences between these civilizations. Among them we can enumerate history, language, culture, tradition, religion – which are fundamental and more expressive than different political regimes. Admittedly not always differences ends with conflict, and not always with the violence, but as history shows – differences among civilizations generated most dogged and lengthy armed conflicts.

Almost certainly, and at the same time most dangerous cause of the future armed conflict may be a quarrel between one and with other culture. Mentioned above S. Huntington notices the very interesting phenomenon in the global security – simultaneously indicated that the greatest threat of the coming age, in which Europe and America will unite or will die will be potential of civilization abrasions. There is only one way to prevent the global chaos and implement the lasting international peace – that is creation new international order based on the **civilization**. In a similar manner, in the face of perspective challenges and threats of the 21st century, in 2011, gave an opinion well-known American political scientist and the strategist Prof. Zbigniew Brzeziński.

THE PACIFISM AS THE IDEOLOGY OF THE SAFETY

Generally, and very widely – pacifists are these people for who peace is a superior value. And therefore they are often taking an activity of different kind to aim at strengthening this value in the global scale. And so all, we can call pacifists everyone, who propagate peaceful coexistence and support of strengthening the peace.

Opponents of these meaning are *pacifists* the *sensu stricto*, who accepts only these actions in favour of the peace, which are not accepting using force. They are announcing demands of liquidation of structures – mainly armed forces, and in reduced scope also police and municipal (commune) guard and similar organizations. Some of pacifists, in the more narrowed understanding, are quoting the figure of the Christ and contents of the Bible, as an argumentation for their views. They references to authorities, to their arguments and actions. Most of pacifist found an advocate of peace treated as the global value - in John Paul II. Pope John Paul II regarded that peace is sole state in which may came true personal and principal human purposes – salvation. However there are also statements of the Pope which exclude him from the circle of outermost pacifists. It is he – the Pope, who determined the pacifism as the ideology of illusions, of impossible to fulfil hopes, which is a way to drown fear and realize particular interests.

Other confession authors are dividing this assessment of pacifism created by Pope John Paul II. We may include Fr. Prof. I. M. Bocheński, who states “Statement that it is possible to keep the peace eliminating military strengths, is one of the superstitions associated with the pacifism”. Similarly the reality of the pacifism is surrendering to the Fr. Prof. Tadeusz Ślipko, who said “the will of the peacekeeping is very right, but I don’t think it is a pacifism. The pacifism, calling to discontinue all defence isn’t right. I am condemning such a pacifism which is finding no arguments for running the war. I don’t know, whether possible liquidating all military potentials would be, but I think that it is impossible”.

The activity of pacifist circles is originating from the consequence of not taking into account the reality of contemporary world and orthodox treating the peace and safety, as the value and the social relation on the internal, local, regional and global range. Negation of all armed struggle, even the one which serves strengthening the peace and safety, can not gain universal approval of the community neither local, regional or global. No ideology, no political power and organization can not pick up the right to the defence of self-worths and goods.

In history we have a lot of examples, in order to state that submissiveness and the passivity aren't included to the best ways of solving arguable problems. They were regarded as the flimsiness of one of sides what increased conflict and didn't weaken him. Contemporary world notices other environments and social forces, of which inspirations are not result result from adhering to the pacifist ideology.

THE SAFETY, THE WAR AND THE PEACE IN CONTEMPORARY PHILOSOPHY

The safety in contemporary reality belongs to the main value of the individual and societies. Philosophical opinions today are being voiced from different ideologies, but are importing the majority from them oneself to the peacekeeping, building the civilization up and ensuring conditions to worth the existence of the individual and the society and their development

Pope John Paul II investigating contents of statements of XIII Leon on political developments and public in the local, regional and global scale which dominated world after the completion of World War II in 1945, gave his evaluation in the Encyclical in 1989, in the year to the liquidation of the bipolar division of world and the abolition of dominance of the inspired ideology with the Marxism and the Leninism. The Pope among others states, that with source of antagonisms international in different dimensions in years 1945-1989 is a period of the particular hazard of the world peace. At that time, the room was threatened with the real spectre of a total war, for which effects were difficult for predicting. World, divided in the two political systems fighting each other and ideological, dominated by the great powers, chose false means of strengthening the peace by the arms race. This race, instead of to eliminate the threat, heightened him. Gigantic centres, intended to arming in no way didn't serve the humanity, of realization of personal values. While large areas were touched with the deficiency and hunger, as well as illnesses and the illiteracy, systems of mutual annihilating were being created on the Earth and in the outer space.

John Paul II, effecting assessing and the evaluation of sides, enjoying considerable influence to the state of international relations, pointed at the ideology which the most is being held responsible behind the existing state of affairs. According to the spirit of the Encyclical "Rerum novarum" with system of values both typical of the Church and own, the Pope showed that an odium of the evil existed and comes from the ideology which negated

human traditional values, subordinated the human person wholly to the team. A Marxism was her and inspired with this ideology realistic socialism. Man, deprived of everything, what could, to call one's 'and possibilities of earning a living thanks to the own entrepreneurship, is becoming dependent from the social machine and from the ones which are exercising control over it, what is making it difficult for him much to understand one's dignity as persons and is closing the road to creating authentic human bond.

MILITARY INTERVENTION IN THE CONTEMPORARY SAFETY

Forming of regulating norms of using force, was an object of development process of international relations, especially in the legal, philosophical and political dimension. If we assume that we will understand by intervention the interference in matters being included in exclusive competence of the second state in the lordly way, then we will notice that this phenomenon was a base of the forming oneself of relation between states and of evolution of norms of the international law. Norms, regulating cases of falling back on military power along with principles of the territorial sovereignty, independences and evennesses of states, are building the framework of international order (of order) legal. They also constitute the ground for creating the collective security system. The evaluation of the occurrence of using military power in international relations depends on many factors, and firebrands from the politics and the legal aspects.

Of establishing safety rules international and of military intervention, he is a process and is subject to a permanent development. Certainly it isn't possible to acknowledge that the current state is in this regard excellent, or enough sufficient in order to judge him as. Efforts of the UN in the destination of bringing the situation under control in 1991 during the Iraqi-Kuwaiti armed conflict, of intervention NATO in Kosovo (1999) time Russian-Georgian conflict (2008), are of it with distinct example in the world.

The international community is condemning all forms of intervention except for action included under the auspices of the UN against the state constantly breaking the international law and violating principles of the peaceful coexistence. The ban on intervention, included in the Art. of 2 sec. 7 UN Card, he is a universally acknowledged principle of international law, they added: through the UN Card an individual or collective

self-defence isn't acceptable intervention. However intervention, UN joint actions necessary for holding or restoring the international peace and safeties are determined by granting recommendations by the Security Council or taking applying to all members of the decision, according to Art. 39 and next articles of the UN Card, decided with RB resolution UN which has different levers, including using of military forces the UN. analysing the phenomenon of intervention and individual her signs, it is possible to notice the certain correctness relying on the fact that for her the ban results above all in principle sovereignties, independences and evennesses of everyone without exception of states and the self-determination of nations.

Other understanding military intervention still exists in other situation. It is known, that Art. 2 of pt. 4 a ban on using force and threats of for her using any state against the territorial integrity and the political independence contain UN Card, but also is widening this ban at the head of united Nations which are deciding on the agreement of the made decision. Such an accepted format doesn't mean a total bar of using force, all the more, that according to Art. 51 UN Cards, using force in exercising the right to the individual or collective defence in order to provide assistance to you is permitted which fell down with victim of the aggression by the aggressor. Since there are various opinions about this phenomenon, one should a little bit more widely irradiate him, although I am not concealing, situations very much folded and unpredictable can be, and reactions must be immediate.

All legal systems will acknowledge the principle: **vim vi repellere iura permitunt** – violence can be defeated by violence. Article 51 is ensuring the legality of the individual and collective self-defence, and is appealing in this place to the inherent entitlement. Conditions of exercising the entitlement for the self-defence are clearly defined in the UN Card. the UN Card is granting the right to grant the right RB for the self-defence, but for invaded state.

The collective self-defence is based on the agreement expressed freely by sides, included in the purpose of the treatment of the armed aggression on one or a few of them for the attack against everyone. The existence of the agreement entered into according to the UN Card authorizes all sides to apply the self-defence, rather than only an invaded state. It isn't in addition necessary for the agreement to be entered into before the armed attack. Adding the fact that rules of the collective self-defence are also applicable to a defence at the request of the victim of the armed aggression

to it it is possible to reach a conclusion that every state can take advantage of the individual and collective self-defence. An action being aimed at a peacekeeping and safeties are an alternative option of using the armed forces based on decisions of competent bodies of the UN.

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Also acting with using military forces is an example of military intervention in the objective of protection of own citizens and their good. The UN card isn't forbidding intervention simply of this type, but from the other side the respect for the territorial sovereignty is a base of international relations. It seems, that problem of intervention, will require additional, more radical additional treating towards the growth of the threat resulting from the terrorism and for appearance of a few cases of this type of intervention, e.g. in the destination of the release of hostages.

Intervention is still other issue in the defence of human rights, intervention taken to the purpose of the protection of citizens of the state, against which she is directed. Norms of the international law aren't prone to accept legalities of intervention of this type, justified by higher accounts, with the general interest or the protection of human rights.

The evolution of purposes and the need and the perception of phenomena led sovereignties and intervention to changes in taking the issues concerning the phenomenon in the safety international. From one side he is supporting the institutionalization of the value of the sovereignty and the rule of non-interference into matters being included in exclusive competence of states, on the other whereas for discourse about the relativization of the sovereignty and seeking the new area for her. The globalization causes the occurrence of the relation between states, still as only with attributes having at their disposal resulting from the sovereignty what the

international law and relations between them, but remaining participants of the international life are guaranteeing.

PHILOSOPHY OF PERSONAL AND STRUCTURAL SAFETY AGAINST 21ST CENTURY THREATS

At the beginning let's stand a philosophical question - *what can we understand as "personal safety" and "structural safety"*, and next we will discover that terms in an axiological scope. Generally it can be said that any discussion on security has deep sense only when they relate to the size of a human being because of what it appropriate, in the individual, social, institutional and global category. Thus, personal security concerns security of the person (individual) with all its material and spiritual values. However, structural safety refers to the organizational and institutional social life at the local, national, regional and global levels. For this reason, considerations in this matter must take into account the value of humanity and axiology in many aspects.

HUMAN IN THE FACE OF CONTEMPORARY THREATS

Sense of security comes from such sources as, from one side - human, on the other whereas - nature. Centuries of experience shows that the biggest threats for a man are caused oftener by other man rather than by nature. Thomas Hobbes in the 17th century, sociologist and philosopher recognized fear and danger of a sudden death as the natural state of existence. People, according to the philosopher's statement, left to their own devices demand for the power and benefits, being guided by motives for own interests. In this case, without broader rationale it is possible to state, that threats born for two reasons, i.e. from hate of the second man and the greed. Of course, both first and second, are coming into existence against the different background, in the specific situation, but in fact comes down to it alone - threats to life of both the health of people and their possessions. One should admit that him is right in the forming of the widely comprehended social order.

We live in the 21st century, in which the level of the security threat is not decreasing, grows with each passing day, and in some areas exceeds imagination of the average man. So a question arises: where and when does the man want to be safe? It turns out that on the basis of studies and statistical data, without the bigger mistake it is possible to risk the state-

ment which reads as follows – “every man, irrespective of the age and a social rank wants to be safe at home and in the street, the school and the work, in the café and the club, at the cinema and at the theatre, in the tram and the bus, on the train and car, in the air and cosmic watercraft, in the park and on the beach and other places of the public utility”. In a word, the man wants to be safe in every place and time – on own territory of his state and abroad. In order to satisfy mentioned above desires of personal safety there are involved suitable forces.

Moreover, quite big meaning has a caused threat of natural phenomena of the nature and technical devices or means of communication today land, water, air and cosmic. Not without meaning for the safety are infectious diseases and epidemics – both those already detected and undisclosed. The fight against these threats becomes more expensive and requires using specialist groups (of accident wards) what not always is possible.

Apart from exchanged threats, the 21st age is revealing new phenomena of threats for personal safety - which we are ranking: world terrorism, organized crime (in the national and international reach), proliferation of the weapon of mass destruction (nuclear, chemical, biological), the cyber-terrorism, the bioterrorism, mass migrations, the massive unemployment, an economic crises and the inefficiency of the ruling elites.

These categories and kinds of threats and their sources are already showing that their character is strongly complicated and it is hard to answer the question which from them they constitute homogeneous whole. Just the opposite - a threat is a sum of threats fragmentary, resulting from different phenomena surrounding us. It is possible to put forward the statement that there is no objective possibility to create closed list of threats, it is and will be open, because main source of threats is human.

It turns out, that this problem, security issue is even more compound. Long-standing observation shows emphatically that individual kinds of threats are characterized by a changeability, i.e. with the passage of time the threat is intensifying so that after achieving the critical state a retreat takes place. A form of growing of threatening in the time function can be an example of such a phenomenon, as well as perhaps to be different form of growing of threatening and unloading him, for example a tension between different states he can grow, and then unloading him by way of peace negotiations is taking place, diplomatic or wars.

These simple comparison point complicated character of appearing

threats due to the fact of the changeable structure of particular elements of threats and the scale of their appearing. Dissertations, kept in this object are leading to the conclusion that the sense of security is against for feeling the threat. It next means that the sense of security always appears when feeling the threat is low or minimal.

It could seem, that accepting an optimum state, in which the subjective evaluation of the sense of security would coincide with sense of the total safety. But it would be too major simplification - . because sense of absolute security of one can simultaneously be situation caused state of threat for other. In such a complicated situation it is possible to reach to this of interpretation: in every threat reaching absolute sense of security is something positive, but dubious; making an appraisal of reality in the space between the sense of security, but feeling the threat is becoming essential. It means that subjective sense of threats in fact consists of the fixed sum of peculiar threats. Every category of threats is different in its being and requires the professional attempt at this evaluation. Differently one should lead the assessment of the safety personal, and differently a structural safety.

MAIN ASPECTS OF PHILOSOPHY OF THE PERSONAL SAFETY

Appealing to world of the value, so as: the freedom, love, the truth, the justice, the solidarity, peace and the safety, makes the man responsible to one's active, philosophy is in the forming of the personal safety, i.e. it favour the man in his realistic of civilization and cultural conditions.

Modern times are entering into the concept of safety new categories, so as: state of the economy, legislation, correct relationships inside states and international - between states, peace and the brotherhood. That is from modern times problem of personal safety has been noticed in the general system of the national security. At that time Immanuel Kant postulate of the civil society, in which it would be eliminated power of senses, in Kant's state good legislation would guarantee subjective treating citizens in the judicious way, and gives them possibility use their rights. Apart from Immanuel Kant, many other thinkers put forward the ideas of the activism, subjective treating the man as the creator of it fate, safety and the autonomous value, the man has also essential dose of the freedom enabling that activism and the responsibility for its and other safety.

Based on numerous examinations, led at many centres, it is possible to put forward the statement that in the build process of the contemporary

civilization the man created the intangible assets, technical and from other different fields and achieving high standards of the social life. Realization of even right industrial purposes, brought for the man a lot of good and in certain areas the economic security, but at the same time as these positive changes globalization of threats and challenges took place - new disadvantageous phenomena appeared, as even if progressing degradation of the environment, degeneration of the human health, intensifying of diseases associated with the progress of civilization. In moral area is still a dilemma "to be" or "to have". We are observing new phenomena in the military sphere, a threat moved away of a world war remained, but wasn't eliminated in our awareness.

To mentioned above challenges one should attach also internal challenges which directly shape the personal safety. We should note such occurrences as: the domestic and international organized crime, the sense of security of the personal entity and his possessions and a lot of other, new theoretical-cognitive and practical problems.

This, changeable and unpredictable new situation of the 21st century is raising the rank of philosophy and the education to the safety in work of explaining sources of both nature of the personal safety, ways and methods of forming it and the defense in the face of contemporary threats. One should in this place emphasize that existing referring concepts into the war and the peace cannot in no case to justify the idea of the personal safety - it could lead to the abstract pacifism, not taking the realism into account socio - political and military in world.

A personal safety is also an limit of the certain minimum of negative emotional experiences of the individual, resulting from participation in the social life which manifest itself in the form of anxiety or fear. They are these emotional states which we are usually surviving every day, and there is no to no way to avoid them. The difference between them consists in the fact that **fear** is regarding to social threats (anxiety of loss of the work, examination, disintegration of the matrimony, of return home late, performing dangerous duties during saving people etc.), however fear is typical answer to physical dangers, e.g. threat of the loss of one's health. According to K. Kołodziejczyk, both of them can be understood in two ways – in some situations they have positive effect on a quality of life, causing the increase in the activity and motivation for the problem solving among others by raising personal professional qualifications. In other cases they are the source of the personal threat, since action can disrupt the man, to cause

creating disadvantageous relations with the social environment, to induce to secluding oneself and avoiding contacts with other people, to be the source of even an aggressive behaviour in determined states and conditions. Knowing nature of the concept of the personal safety, we can go to the next stage of deliberations, i.e. to philosophy of the structural safety.

MAIN ASPECTS OF PHILOSOPHY OF THE STRUCTURAL SAFETY

At the beginning it is important to point that issues of structural safety aware that the structural safety refers above all to the organizational and institutional side of social life in the local, regional and global context. In the context of deliberations putting a question is justified: is possible to consider the structural safety without taking the personal safety into account? In chapter categorical separation of these two kinds of safety would be violation of methodological procedures. The structural safety makes sense only when serves the individual (personal safety), indifferently whether it in the local, regional or global scale. It must always be considered and carried out in the scope of personal safety which was theme of inquiry in the previous issue.

The deeper safety analysis and his structures in the axiological aspect is leading to the conclusion that it should embrace to take into account three basic areas of issues, they are: challenging and threatening, the subjective structure of the safety and the object structure safety.

Challenges – can be understood as long-lasting tendencies in the area of the safety, requiring the identification and taking closely determined, appropriate not military action are indicating, and in some cases also military. Challenges concern happening occurrences above all in given, specific areas, so as: mass migration, terrorism, organized crime, antyglobalism moves, growing disproportion between the of civilization level of the north and south countries, the climate change and their results, diseases associated with the progress of civilization and conflicts on the different background to armed conflicts inclusive.

Threats – are the outcome of such factors as: the arms race, the increase in the power of states - not absolutely neighbouring (e.g. of China and India), perceiving them as potentially aggressive. According to D. Bobrowy “threats can appear in the form of the physical or psychological. They are first triggered by the nature, second by the human”.

Threats creates also the subjective spectrum of safety, they almost al-

ways have a determined, appropriate, peculiar plot. They usually suggest methods or ways to combat threats in specific situations. In this case an universal, professional, objective evaluation of a situation and made rational decisions. Concepts and procedures of prevention for threats can, and sometimes must effectively respond to their symptoms, causes or consequences.

Second, not less valid spectrum of the safety is object spectrum. It lets, based on the probable threat, called by the nature or the man, construct the catalogue of kinds of the regional, global and national security.

Examining the phenomenon of the safety and the war and peace in contemporary world we should take into account - among others what sudden increase of the civil and information society, integration and globalization, sudden increase of the competition between states, consolidating widening alliances, the development process of the democracy and human rights, the mutual permeation oneself of cultures, following the freedom of religious faith. As can be seen the safety is becoming only a phenomenon, but it became field which requires employing specialists with various areas' knowledge, so that effect professional analysis and the evaluation of occurrences and formulate concepts futures.

Analyzing philosophy of the personal and structural safety, we can say that the safety depends from what is happening around us, i.e. from the external environment and internal, which are sources of possible threats of different kind and in the different scale. It depends also on our vigilance and our theoretical and practical preparation as for responding to threats. One should understand that the safety includes the connection of two essential elements, i.e. providing surviving and freedoms of the development of the entity in all areas of life. Safety assurance, this ensuring lasting and surviving the individual, continuities constituting the condition of the development. The development means equaling of the subject to others in the progress of civilization.

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National security - definition, character and determinants. Studies on the quality of security

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EUROPEAN SECURITY POLICY – A WAY AHEAD?

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ABSTRACT

The role of the EU's foreign and security policy is to preserve peace and strengthen international security, to promote international cooperation and to develop and consolidate democracy, the rule of law and respect for human rights and fundamental freedoms. The article aims at showing the perspective and directions of development of European security policy.

KEY WORDS:

European security environment, security strategy, global security, European Union security

The Second World War and the Cold War brought about a significant re-evaluation and shift in the world order. After the collapse of the Soviet Union and the entire Eastern Bloc, the power of Europe was eventually distorted as well. For the first time in history, a country outside the Eurasian geopolitical region, namely the United States, pushed to the foreground, leaving the rest of the world far behind, both in terms of economic strength, as well as technological and military potential¹. It turned out that a world superpower was established, which is unable to be balanced even by the whole united Europe. Moreover, the United States became the guarantor of European security, thus being able to shape the direction of many aspects of political influence through certain decisions, and in this way – form a convenient development of international relations.

It seems that the geostrategic area of the European Union (EU) undergoes the civilization crisis. Its dynamics is concentrated almost entirely

¹ For more see: Z. Brzeziński, *The Grand Chessboard*, New York, 1997 and Z. Brzeziński, *Second Chance*, Basic Books, Cambridge 2007.

on consumption, leaving the question about its role in the world without an answer. Western Europe focuses its attention on itself, refusing to take up concrete actions in other regions. It is rather a short-sighted policy of isolation. The collapse of the bipolar system destroyed the basis for a certain system of values and Europe was not able to build any constructive alternative which would give the continent a new strength. Most efforts are concentrated on establishing the concept of the “European identity”, including common foreign, security and defence policy. The article aims at identifying the elements of the European security environment on the one hand, and on the other, it presents the evolution of the Common Foreign and Security Policy (CFSP) concept, which allows for identification of general goals of the Common Security and Defence Policy (CSDP).

The origins of the Common Foreign and Security Policy reach as far as the very beginnings of the integration. All undertakings, such as establishment of the European Coal and Steel Community (Treaty of Paris) in 1951, Western European Union – WEU (modified Brussels Treaty) in 1954 and European Economic Community and European Atomic Energy Community (Treaty of Rome) in 1957 constituted important steps towards building common foreign policy. In 1984 followed the reactivation of the WEU and in 1992 European Union was constituted (Treaty of Maastricht), which also meant the establishment of the CFSP. The treaty of Amsterdam (1999) created European Security and Defence Policy as a part of the CFSP and EU gained access to operational capabilities of the WEU at the same time. The CFSP became a tool to react to threats and to use EU’s potential. European power concentrated mainly on being together and establishing a network of interdependencies (within the EU and with external political actors). The Kosovo crisis in 1999 demonstrated weakness of the EU military capabilities (support from the NATO was inevitable). This pushed Europe towards the necessity to establish European capabilities and gain them also from the WEU (European Headline Goal). It also set up an idea of creating European Union Rapid Reaction Force in the amount of 50-60.000 troops till 2003, which was later modified into the idea of the European Battle Groups that function nowadays. Treaty of Nice (2001) allowed the ESDP to realize Petersberg tasks (humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking) and the WEU transferred all its military and operational capabilities as well as institutions to the EU to perform these tasks. From the time on, WEU realized only the tasks of common defence. In

2009 there was established an institution of the High Representative for the EU in Foreign Affairs and Security Policy, who also became a Vice-President of the Commission. The Lisbon Treaty has also brought about a progress in European Security and Defence Policy, preserving special decision-making arrangements, but also paving the way towards reinforced cooperation amongst a smaller group of member states enabling creation of common defence.

Thus, nowadays, the CSDP² possesses the following tools and structures:

- High Representative, who assists the Council in CFSP issues by contributing in particular to the formulation, drawing up and implementation of policy decisions and by acting on behalf of the Council at the request of the Presidency and conducting political dialogue with third parties.
- Political and Security Committee (PSC), which meets at the ambassadorial level as a preparatory body for the Council of the EU. Its main functions are keeping track of the international situation, and helping to define policies within the CFSP including the ESDP. It prepares a coherent EU response to a crisis and exercises its political control and strategic direction of the EU-led military and police operations.
- European Union Military Committee (EUMC), which is the highest military body set up within the Council, composed of the Chiefs of Defence of the Member States, who are regularly represented by their permanent military representatives. Provides the PSC with advice and recommendations on all military matters within the EU.
- European Union Military Staff (EUMS), which composed of military and civilian experts seconded to the Council Secretariat by the Member States.
- Civilian Planning and Conduct Capability (CPCC), which is a part of the Council Secretariat, the permanent structure responsible for an autonomous operational conduct of civilian ESDP operations. Under the political control and strategic direction of the Political and Security Committee and the overall authority of the High Representative, ensures the effective planning and conduct of civilian ESDP crisis management operations, as well as the proper implementation of all mission-related tasks.

² The change from the ESDP into the CSDP was introduced by the Lisbon Treaty.

- Committee for Civilian Aspects of Crisis Management that provides information, drafts recommendations, gives its opinion to the PSC on civilian aspects of crisis management.
- European Gendarmerie Force, which are to facilitate the handling of crisis that require management by police forces, usually in a critical situation, also taking advantage from the experience already gained in the relevant peace-keeping missions.
- European Defence Agency (EDA) created to help EU Member States develop their defence capabilities for crisis-management operations under the ESDP.
- European Union Satellite Centre, which is to support the decision-making of the EU by providing analysis of satellite imagery and collateral data. It is one of the key institutions for ESDP, and the only one in the field of space.
- European Institute for Security Studies (EISS) – a think tank which researches security issues of relevance for the EU and provides a forum for debate.
- European Security and Defence College (ESDC), which provides training in the field of the ESDP at the strategic level in order to develop and promote a common understanding of ESDP among civilian and military personnel.
- Headline Goal 2010 – a document according to which by the year 2010, EU was supposed to be capable of responding to the whole spectrum of crisis management operations.
- European Battle Groups – a military force consisting of at least 1500 combat soldiers.

Many years of experience of wars, which took place on the European continent meant that Europeans began to change the way they perceive the quality of international relations, moving slowly away from a policy of hard power in favor of voluntary integration and use of soft power. They realized that stability and security are the condition *sine qua non* of development and began to adapt to that idea the tools of foreign policy. This resulted in a possibility for an integrated Europe to partially restore its position, at least in economic terms, but it also allowed Europe to remain a respected actor on the political scene. It also serves as a model for other countries, provides aid to developing countries and represents a counter-weight to the tough policies of the United States.

The EU is a formation of its own kind. It allows its member states to realize their goals and ambitions in the fields of their interest and achieve compromise in other areas. Such solution makes it possible to concentrate on the most important issues for a given state, which simplifies the compromise. The EU constitutes an extraordinary power – 27 states, in order to belong to “the elite”, adapted their economies and law to the EU requirements and standards. At the beginning of the XXth century, such changes would have been possible only through imposing by the colonizer, while in the XXIst century, it happens with a free will in order to establish broader cooperation, which is a guarantee of persistence of the EU structures. The perspective of accession to the EU constitutes an important element of the stabilization and is a strong motivator.

Free from traditional threats, Europe has achieved a very high level of socio-economic and technological development, but also went to another “level” in the political sphere. The idea of Europe is the creation of networks of interdependences and linkages, which is built around the “network policy”, designed to guarantee security and stability. This does not mean however that Europe is completely insensitive to the risks. Technological advancement caused that the role of asymmetric threats raised significantly, and Europe has to be able to prevent and respond to them.

At this point, it would be useful to define a threat. There are a lot of possibilities, i.e.:

- actions and processes containing the probability of evoking a danger³;
- state of consciousness created by the perception of the world in which particular occurrences are perceived subjectively as dangerous⁴, in other words, it is a specific action or event which is likely to be hazardous;
- objective factors creating the state of uncertainty and danger⁵;

Identification of a threat may cause lowering of the security level (internal and/or external and may result in increased feeling of uncertainty and lack of stability at the same time

There are also various criteria of threats classification:

3 *Słownik terminów z zakresu bezpieczeństwa narodowego*, Wydawnictwo Akademii Obrony Narodowej, Warszawa 2002, p. 162

4 S. Korycki, *System bezpieczeństwa Polski*, Wydawnictwo Akademii Obrony Narodowej, Warszawa 1994, p. 54

5 S. Dworecki, *Zagrożenia bezpieczeństwa państwa*, Wydawnictwo Akademii Obrony Narodowej, Warszawa 1994.

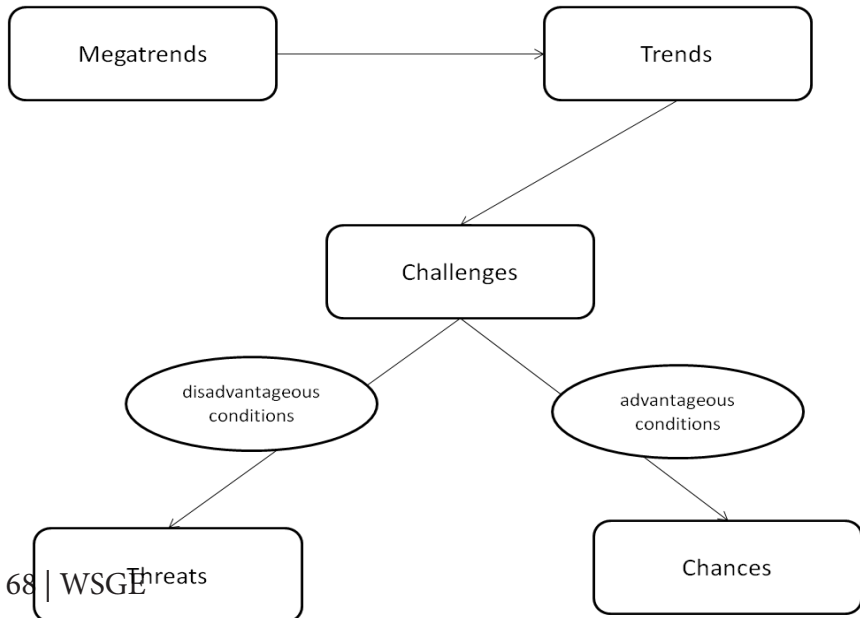
- subjective (who is threatened / who threatens);
- objective (which sphere is threatened);
- source of threats (what causes the threat);
- range / scale / place of a threat (global, regional, local);
- results of a threat.

The most “illustrative” (the most meaningful) is the objective criterion, as it gives a „picture” of threats affecting given spheres of human life. According to the objective criterion threats may be:

- political (geopolitical);
- military;
- economic;
- social (socio-cultural);
- natural (ecological / environmental);
- technological.

Trends in the European security environment are mostly identified by the European Security Strategy (2003) – *A Secure Europe in a Better World*; *European Security Strategy* and the *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World* (2008). Trends may evolve into threats or chances (fig. 1).

Fig. 1. Categories of security environment description



Source: A. Antczak (ed.), *Europa – bezpieczny kontynent?*, Vizja Press, Warszawa 2011, p. 16.

There may be global (concerning the whole world) or regional (concerning given regions) threats. Main global trends:

- international terrorism⁶ and organized crime;
- proliferation of weapons of mass destruction (WMD) and more common access to nuclear technology;
- common concentration on energy security;
- increased importance of IT systems security and cybersecurity;
- environmental threats – climate changes as an important factor of international security;
- natural resources – external politics of a state is to some extent dependent on natural resources;
- increased role of media and public opinion in social life;
- uncontrolled and mass migration.

Regional – EU-specific trends:

- increased contradictions between the EU MS political interests;
- growing importance of regional security in the closest neighbourhood – a ring around the EU is a key to success;
- multilateralism;
- "soft power" politics – promotion of democracy, human rights and the rule of law (good governance) – as a "Western" political culture concept;
- aging of societies.

Global and regional trends with their possible threats and chances for the EU are presented in table 1. Trends are neutral in their nature. It all depends on the way they are used – whether they turn into threats or chances.

⁶ The most media-appealing one.

Table 1. Global and regional trends with their possible threats and chances for the EU

trends	threats	chances
global	for the EU	
organized crime / terrorism	terrorist attacks social anxiety economic and financial losses	closer international / interregional cooperation
WMD proliferation	WMD possession by terrorists	WMD possession by the EU
energy security	access to resources weaker countries alienation weakened interest in other areas	supplies diversification EU's common energy market effective distribution network
cybersecurity	critical infrastructure paralyze cyberterrorism	technological progress better security systems
climate changes	environmental degradation humanitarian aid financing	new technologies development
media importance growth	information chaos access to information for terrorists	better access to information higher social awareness
migration	nations concept diffusion assimilation problems delinquency growth	low-cost manpower
regional		
member states interests divergence	lack of coherence weakened international position particularity of interests	incentive to reintegration
regional security	concentration on the neighbourhood regional powers	"ring" of security

multilateralism	dependence on others	strengthened international position network of interdependencies
democracy and human rights	rules imposing	chance for peace
soft power policy	inefficiency	alternative to hard power defence budgets stability
aging of societies	pension system collapse budget expenditures increase manpower decrease	young societies development
medicines resistance	social anxiety military capabilities decrease	progress in medicine
humanitarian aid growth	expenditures increase expeditionary forces growth	technological progress

Source, A. Antczak, *Europa – bezpieczny kontynent?*, op.cit., p. 296-297.

Apart from listing most of the above mentioned trends, the ESS also assesses the security environment in which the EU operates in terms of global challenges and key threats, including terrorism, the proliferation of weapons of mass destruction, regional conflicts and state failure. It sets out the EU's strategic objectives, namely confronting threats through a policy of conflict prevention and responding to complex problems with multi-faceted solutions; building security in Europe's neighbourhood; and promoting an international order based on effective multilateralism. Finally, it draws the policy implications for a Europe that has to become more active, more capable and more coherent. It should be noticed however that there is no reflection of the ESS in national security strategies. Moreover, the ESS is not a complete security strategy, identified threats and the EU objectives were formulated in a very general way, and implementation regulations were practically omitted.

The debate concerning ratification of the Lisbon Treaty by member states and its final entry into force as well as concerns about a new NATO strategic concept are an evidence for the necessity of undertaking difficult

tasks aiming at facing new challenges and threats to security in the XXI century⁷. Shifting dynamics, new actors on political scene and appearance or rather intensification of non-state actors' influencing the international environment (international consortia, group of interests (lobby mechanisms), supranational organizations as well as organized crime groups or religious organizations and combat rebellious groupings) and public opinion entails the necessity to possess coherent and effective security strategy (as it is the case of the United States). It is also worth realizing that if projection of national security strategy is a complex process, then projection of the European Union security strategy as a *sui generis* structure requires multidimensional analysis employing a variety of methodological tools.

Strategy, considerably simplified, means pursuance towards concrete objectives in shortest time possible, thus it seems crucial to determine favorable conditions. This in turn, requires conducting deep security environment analysis which will allow for identification of trends in the international arena as well as threats, challenges and chances for the EU. The European Union security strategy should be formulated basing on previous security environment analysis and strategic interests identification. Such analysis constitutes a starting point for the EU's objectives system projection which is a crucial element for the strategy projection process. Properly defined objectives as well as ways of their achievement in a definite time, including the EU's vision and mission with anticipated destimulates allow for effective security strategy projection. As the objectives projection process is fundamental, identification of the factors which influence their formation as well as their prioritization plays the key role.

Security strategy has to include elements concerning own territory defence. Otherwise, it is not a security strategy, but a strategy of external operations in the security field, which should constitute only a part. The ESS does not focus on internal issues almost at all, which in case of the EU as an international organization of supranational character is of great importance. Specific duality in the approach to security is a characteristic feature of the EU security system.

Europe aims at playing an important role in the international arena taking into consideration the security aspect and being one of the key players in the field. In order to achieve this goal, it is necessary to possess an effective security strategy. The objectives system is most important,

7 R. Zięba, *Bezpieczeństwo międzynarodowe po zimnej wojnie*, Wydawnictwa Akademickie i Profesjonalne, Warszawa 2008, p. 290-295.

being the “heart” of the whole strategy. The strategy itself should in turn be based on the strongest sphere which constitutes an inclination for further action in other fields and comprises a center of the strategy (with the possessed advantages, attributes and chances). For the EU such sphere is economy and technology whose implication are reflected in the usage of the so called soft power (which is also a result of political culture based on non-military methods). It is also a foundation of the European multilateralism trend, democracy and human rights promotion leading towards the development of the EU as a non-military power (empire).

Nowadays, main challenges for the European security policy are caused by the creation of new states, nationalisms and ethnic problems, enforcement of religious fanatics (mainly orthodox Islam), globalization of economy as well as a threat of huge migration from poorer parts of the world to Europe. The last factor is the reason for European special interest in life conditions improvement in the third world countries, to minimize the number of immigrants generating many problems inside the EU (social, political and economic matters due to different culture, social status, system of values, etc.). The most important issue, from the perspective of the European role in the world, is the “shift of gravity” – towards Asian countries and new economic powers. The importance of Europe diminishes and floats towards so called Asian Tigers, and Europe seems helpless facing the changes.

Europe has then a few options as far as its own future and strategic priorities are concerned. The EU enlargement through the accession of the Western Balkans states seems to be a “natural” path. According to some experts, further enlargement to the east may cause a serious threat for the integration process, while others claim that growing variety will prevent more advanced forms of European integration, but there are no reasons to over exaggerate it. Opponents of the Ukrainian and especially Turkish accession dispose of strong arguments – increase of the number of the EU citizens (for approx. 40%) and enormous clash of cultures (particularly in the sphere of democracy conceptualization, human rights, and ethic and moral values derived from religion).

The analysis of the security environment combined with the EU’s interests allows for identification of main political goals. General strategic goals of the EU were listed in the European Security Strategy as well. The realization of common policy is often very difficult or even impossible due to significant diversity in particular interests of the member states (inter-

nal disputes within the EU – mainly nationalism and ethnic conflicts as well as economic and social ones, the problem of the Balkans as well as relations with the East – mainly with Russia). However, it seems that proper determination of political goals requires broader analysis of the overall vision of the EU in the field of security and its international mission, which is a result of its political aspirations⁸. Taking into consideration the security aspect, it is important to present civilian missions and military operations within the CSDP as well as the advancement in establishing and developing operational capabilities of the EU. Together, there are 24 CSDP missions and operations (fig. 2).

1. Civilian missions:

- Police Forces (Congo 2005-7, Bosnia and Herzegovina 2003-, Congo and Afghanistan 2007-, Macedonia 2003-5 and 2005-6, Palestine 2005-);
- Rule of Law (Kosovo⁹ 2008-, Iraq 2005-, Georgia 2004-5);
- Security Sector Reform (Congo 2005-, Guinea-Bissau 2008-2010);
- Border Assistance Missions (Palestine 2005-, Ukraine/Moldova 2005-2011);
- Monitoring Missions (Indonesia 2005-6, Georgia 2008-).

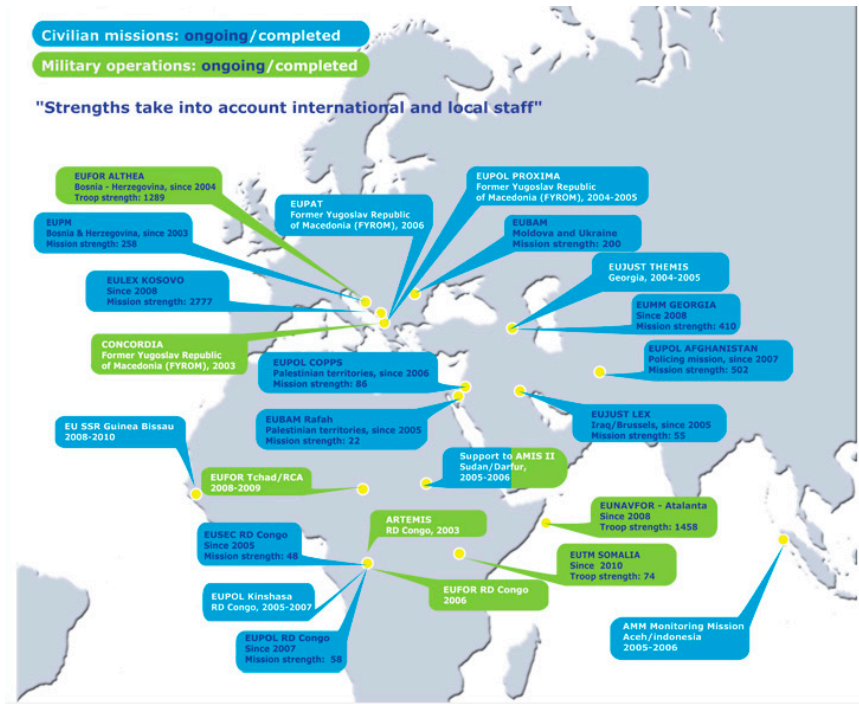
2. Military operations:

- European Union Forces – EUFOR (Chad 2008-9, Bosnia and Herzegovina 2004-, Congo 2003 and 2006, Macedonia 2003, Somalia 2008-);
- Military Support Operations (Sudan 2005-6);
- Military Training Operations – military-civilian (Somalia 2010-).

⁸ Supraregional activities – the EU's role in resolving the Middle East conflict, relations with Asian countries and the ensuing opportunities and threats.

⁹ So far, it has been the largest one.

Fig. 2. Missions and operations conducted within the CSDP



Source: <http://www.consilium.europa.eu/eeas/security-defence/eu-operations?lang=en>, December 2011.

As it can be noted at the fig. 2, the missions and operations are conducted mostly in the Middle east region, in the Balkans and in central Africa – areas of the highest geopolitical importance for the EU.

The security environment of the XXI century is demanding. Recent events in the North Africa complicated the overall situation even further, which is especially important for Europe, as the region is its close neighbourhood. This matter is strictly related to the Petersberg tasks as well as missions and operations of the EU conducted within the CSDP. Equally important are the Transatlantic relations – the notion to make them strong and real, and push them toward strategic partnership not only on paper. Relations with Russia and Eastern Partnership generate another area of the EU's strong interest – not only in a strictly political dimension, but also in

a more practical one, namely with respect to the energy policy.

Common Security and Defence Policy, however, is not only about politics in its pure sense, it is also common defence market and capabilities – it means cooperation with respect to the security and defence technologies, defence equipment (including the purchase systems) and teamwork on the development of space systems. Effective CFSP is also about the role of the High Representative, whose position nowadays is quite weak and widely incomprehensive in the world (especially by Russia and Asian countries).

The security environment analysis allows for trends identification as well as threats and chances determination, which in turn permits for the EU's interests recognition. The analysis of reciprocal relation of the security environment and interests (diffusion, complementing, contradiction) enables objectives projection which should contain the EU's political system typology with special attention to its territorial and administrative structure. This in turn should determine the direction of evolution and enable establishing of this system as a key element and a starting point for European political and strategic objectives projection (objectives categorization and their interdependencies, prioritization as well as identification of factors influencing objectives change)

Europe uses its tradition of building mutual interdependencies for maintaining stability and security. It deals with establishing a specific net of relations based on the economic ones. Continuously developed common economic power is supposed to be the main force stemming all attempts to destroy the existing international order in Europe. Nowadays, Europe is building its stability and security establishing the net of interdependencies exceeding the economic sphere. Such bounds are so strong that no country would risk breaking them in order to destabilize European order by the use of force. In a similar way the EU tries to deal with other states, e.g. in the Balkans. It seems to be an effective solution as the perspective of being a member of the EU (the elite) is attractive to such extent that the candidate states are willing to make many compromises.

Basing on the analysis of the internal and external potential, there can be identified political goals, which in turn form the basis for determining the EU's international roles. In the European tradition, especially in Western Europe, there exists a specific idea to build relationships, which can be called a variety of network connections. The idea of Europe to maintain security, at the beginning between several Western countries, and then widening the area, going out far beyond the framework of the

European Union, being a gradual inclusion of more countries in the network of mutual dependences, starting from the economic ones. Economic dependence (or rather the benefits of trading profits) is the basis for this system. Gradually built economic common power was to become the main force inhibiting any attempt to destroy the existing order in Europe, favoring the EU's development. The success of this line of thinking led to a desire to join the system of other countries (the pursuit of wealth). In this way, based on a full voluntary, the EU has built its own security zone, creating further areas and nets of relationships, not only in the economic sphere. These ties are now so strong that no country would risk so much for breaking it, and destroy the stability of the European order and pursue special interests through force. Similarly, the EU is trying to deal with the conflict-sensitive countries (such as the Balkans) to build a network of relationships and include these countries into further common action so as any violation of the stability was for these countries too expensive to become "profitable". It seems that this method is still very effective, because the vision of belonging to the elite (that is the way the EU is perceived) is so attractive that individual states are able to agree to a far-reaching compromises. This goes along with the promotion of democracy, the rule of law and human rights, as well as the role of stabilizer and non-military / civilian power. This approach allows to define the source of power and the "uniqueness" of the EU in the international arena by implementing the international roles theory.

The roles of the EU largely depend on the mission and the objectives it sets itself to achieve this mission. Assuming that the EU has four key priorities in its international politics, which are: economy, promotion of development, environment protection and security, respectively are established its roles as well. It can therefore be concluded that the roles played by the EU create a whole network which covers virtually all areas of the world. This network is composed of many smaller or larger components, which refer to specific priority areas of the EU policies (U.S., Middle East, Eastern policy, the Mediterranean region, the Balkans, Africa, Asia, etc.). Within the synthetic role of global player, the EU plays the following partial and specific roles:

- non-military (civilian) power: global intervener, mediator, non-proliferation and disarmament promoter, stabilizer and aid provider;
- normative power: democracy, human rights and good governance promoter as well as enlightened guide and a model to imitate;

- economic power: joint supervisor of the world economy, free trade propagator, aid provider (bridge between the poor and the rich), development promoter and a model to imitate as well as a “good uncle”;
- strategic partner;

as well as a complementary role of a regional power: development promoter and regional integrator – roles largely directed inward, as well as regional stabilizer, aid provider and a model to imitate (Figure 1a and 1b). The roles overlap, are sometimes complementary and they can also partially or completely exclude each other (although such a situation is rare with respect to the EU).

The analysis shows that the EU’s roles are evolving quite rapidly. Currently leading is the specific role of the enlightened guide, which can become a partial one and gradually replace the role of normative power, which, as a concept, begins to fade away slowly. The EU’s policy statements also present a tendency for an evolution of the global player synthetic role in the direction of a partner role. This means for the Union in a way a step back, withdrawing from the concept of having influence on the shaping of the world order, weakening its power position. Global player implied willingness to act and exist in the world in a political sense, which is not determined by the role of a partner. It means however equal treatment of other players, which on the one hand significantly reduces the “momentum” of EU policies, on the other – provides a signal to other players that the Union does not want to treat them with superiority. Furthermore, the EU seeks to expand the role of a strategic partner. Until now, however it has not been implemented in an effective manner in relation to any of the partners, and multiplication of “paper” strategic partnerships does not strengthen it. To achieve this, the Union must develop the tools necessary to effectively fulfill this role, which requires above all political will and active measures for dynamic development of cooperation with partners of strategic importance and undertaking joint actions, which could form the basis for subsequent real strategic partnerships.

Generally, the EU’s international roles network is a complex system. It is significantly extended, and the partners have different status and position. The EU itself also plays the roles of different positions, depending on their destination – from the role of the aid provider and mentorship through economic partnership to a strategic partnership. The Union is trying to adjust its roles regarding its position and interests as well as the position and the needs of a given partner. In this way, it attempts to properly

alter its "offer" and the roles according to individual countries or regions of the world. They are, however, often formed basing on an improper analysis, ignorance or misunderstanding of local culture, both in political and socio-economic and strategic sphere (which is most apparent with respect to the Asian countries and Russia) or lagging the dynamically changing conditions shaping the world order (the case of China). Nevertheless, the heterogeneity of the EU's international roles network helps to build a diverse network of relationships, being the EU's pillar for security and foreign policy concepts.

Summing up, the analysis of the security environment (its conditions) always requires a comprehensive approach, but the case of the EU is doubly complicated. It is the creation of *sui generis* type – an international organization of transnational character, which realizes part of the policy at the Community level, some – at the intergovernmental one. The difficulty also applies to a kind of duality associated with the need to conduct the analysis at different levels – the external (international environment in which it operates) and the internal one, which, however, has two dimensions. The first concerns the internal affairs of the EU as a whole, while the second – differences between Member States – both conflicts of interest (political, economic, social, ecological and cultural), but also differences in many indicators (demographic, economic, social, technological, etc.).

The analysis of actions taken by the most important actors in the international arena allows to draw a conclusion that nowadays, an intricately woven network of international political and economic ties becomes the guarantor of security, through various methods, means and modes of operation. Globalization and all interdependences it causes, results in countries' inability to remain indifferent to any security regime created by other actors. Taking also into account that Europe is not threatened by any immediate military danger, the EU focuses mainly on guaranteeing its own security through efforts to resolve crises and conflicts outside its territory (to raise the general level of security).

The key element of the EU policy is its unsolicited ground. The developing European strategic culture is founded in turn on effective multilateralism based on international law observance. This is the reason why the EU eagerly emphasizes the rules of the United Nations Charter which are supported by sovereignty of states principle and legitimacy of collective activities. The EU has a lot to offer in the international arena especially while applying properly combined soft and hard power tools.

Summing up, it is worth noticing that a constant element of the EU foreign policy is its gradual enlargement, which is beneficial for the member states as well as candidates and the EU as an organization. Economic profits, resulting from the accession of new countries, influence not only the Europeans, but also support the stability of new members, strengthening the overall position of the EU at the international arena at the same time. On the other hand, the EU does not possess too many strong tools to conduct security policy. Missions and operations within the Common Security and Defence Policy are of great importance. They include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilization. All these missions are supposed to contribute to combating terrorism also by supporting third countries in fighting against terrorism in their territories (article 28b of the Lisbon Treaty). Nevertheless, the EU is not self-sufficient and the period of global crisis has largely undermined its position and roles on the international arena, making the EU politically weakest ever in its history.

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National security - definition, character and determinants. Studies on the quality of security

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CORRUPTION AS A THREAT TO POLISH NATIONAL SECURITY

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ABSTRACT

Corruption is one of the growing problem and one of biggest threats to polish national security. The aim of the article is to examine the issue of corruption and its meaning in internal security system of the Republic of Poland.

KEY WORDS:

financial profits, level of corruption, corruption in Middle-East Europe, corruption crime, functioning of Central Anticorruption Bureu, paid protection, CBA

The issue of corruption is a very serious threat to the proper functioning of each country. This threat is associated with criminal activity, which presents a huge threat to the security of the state and citizens. Such a far-reaching statement is not without its justification. Corruption brings enormous financial profits for criminals and gives them uncontrolled influence in the highest bodies of state administration. The effects of these impacts and the scale are very difficult to determine.

Corruption has acquired many definitions given by various opinion-making circles and legal groups. The originally English term *corruption* meant spoilage, rotting, and moral decay. Later, the concept of corruption extended to bribery. Corruption was defined as the receiving or demanding, by the employee of a state or social institution, of personal benefit in return for the execution of official activities or for a violation of the law. Another definition defines corruption as the depravation of officials of state or social institutions manifested as bribery and venality. In its report on corruption in Poland, the World Bank¹ defined corruption as the

¹ The International Bank for Reconstruction and Development, (IBRD), commonly known as the World Bank began functioning in June 25th, 1946 was a result of the provi-

exploit of public office to obtain personal gain.

In view of the growing problem of corruption in Poland, including within the Armed Forces, for the first time in the history of Polish legislation, the definition of corruption has been fixed and contained in the Act of 9 June 2006, *about the Central Anticorruption Bureau*².

Corruption, in accordance with the Law on CBA, is a deed:

- 1) *consisting of the promising, offering or giving by any person, directly or indirectly, any undue advantage to the person occupying a public function for itself or for any other person in return for any act or omission in carrying out its functions;*
- 2) *consisting of the request or receipt by a person occupying a public function directly, or indirectly, any undue advantage, for itself or for any other person, or accepting an offer or promise of such benefits, in exchange for any act or omission in carrying out its functions;*
- 3) *committed in the course of economic activities, involving the implementation of obligations to the public authority (institution), based on the promising, offering or giving, directly or indirectly, to the person in charge of the unit not included in the public sector or working in any capacity for such a body, of any undue advantage for itself or for any other person, in exchange for any act or omission that violates its obligations and reciprocation is socially harmful;*
- 4) *committed in the course of economic activities involving the implementation of obligations to the public authority (institution), based on the request or receipt, directly or indirectly to the person in charge of the unit not included in the public sector or working in any capacity for the benefit of such entity, any undue advantage or accepting an offer or promise of such benefits for themselves or for any other person in return for any act or omission that violates its obligations and reciprocation is socially harmful.*

The problem of corruption affects all the governments in the world. In the fight against it, not only adequate police services are involved, but also many other organizations operating in individual countries and internationally. The large number of organizations supporting the fight against corruption in Poland and in the rest of the world is confirmation of the scale of the corruption risks for the various economies of the world. The

sions of the Bretton Woods conference of July 1944 (then it was also founded).

² Central Anticorruption Bureau (CBA) is a special department set up to fight corruption in public and economic life, particularly in state institutions and local government, as well as to combat the activities detrimental to the economic interests of the state.

threat to the proper functioning of the global economy requires the undertaking of big challenges for the organizations and services responsible for combating corruption. The importance of this issue assures the commitment of countries, and the existence of the corruption is confirmed by the statistics carried out by both professionals and non-governmental organizations. It should be noted that the statistics generated on the basis of opinion polls always are subject to error, and relate only to assumptions as to the occurrence of corruption. Of course, these studies are very important in learning the methods and the mechanisms of the action of criminals, and are a source of information for governments to determine the directions and strategies to eliminate this form of crime. Relevant data to enable the precise definition of the state of corruption in the country are the data collected by the service responsible for detecting, combating and preventing corruption. The data relates to matters dealt with criminals and contains information concerning the number of crimes and the perpetrators of these crimes.

Calculating the level of corruption is an extremely difficult task. The problem of measuring corruption is taken seriously by both governments and non-governmental organizations monitoring corruption in the world. The world's largest organization dedicated to the study of corruption is the so-called Transparency International³ (TI). TI is an independent, non-governmental organization auditing, disclosing and combating corrupt practices, especially in public life. It was founded in 1993 by Peter Eigen. It has branches in 90 countries including Poland. TI publishes an annual Corruption Perceptions Index.

The TI index ranks countries according to their degree of the very perception of corruption among public officials and politicians, and is based on several surveys and studies carried out by independent institutions (among others Gallup International World Bank, Price Waterhouse Coopers and The World Economic Forum). Questions are asked of businessmen and national experts, as well as national citizens and foreigners. It is important here that this ratio does not reflect the actual level of corruption of the countries studied, but instead gives only a subjective perception of corruption by certain respondents. Thus, its credibility is different for

³ Transparency International is a global, non-governmental institution that detects disturbing corrupt activity and publishes the compilation on this subject by comparing a number of countries. It is a non-governmental body that does not prosecute offenders of corruption and only helps the authorities and services of various countries in more frequent detection and elimination of illegal dealings.

each country.

Each country is assessed on a scale of 10 (maximum transparency or lack of corruption) to 0 (the biggest corruption). Ranking is arranged according to the number of points scored, from largest to smallest. The highest place in the ranking is the least corruption.

The number of countries which have been tested to determine number of points is growing, indicating an increasing awareness of the governments about the importance and significance of the problem, and allows the development of new methods and ways of preventing and combating corruption.

The Corruption Perceptions Index encompassed over 178 countries in the year 2010. First place went to New Zealand alongside Denmark and Singapore. A result of 9.3 points is a worthy model to follow for the other countries participating in the rankings⁴.

In the top ten in comparison to 2009 there has been no change. Noteworthy is Iran, which left the bottom of the ranking and was promoted up to 22 items, going up finally to the 146th place. Poland was 41st with a score of 5.3 points, this compared to 2009 represents an improvement of 0.3 points and the promotion of eight places since the previous edition of the Index, Poland was classified into 49 spot with a score of 5.0 points. The results obtained in 2010, allowed Poland to be ahead of Hungary and acquired the 3rd place among post-communist countries, second only to Estonia and Slovenia. The lowest ranked were such countries as Somalia (with a score of 1.1 points), Myanmar (1.4 points) and Afghanistan (1.4 points).

Details of the locations of individual countries can be found in the published report by Transparency International⁵.

One of the institutions engaged in monitoring the perception of corruption in Poland is the Foundation for Public Opinion Research Centre (CBOS). Foundation for Public Opinion Research Centre is a specialized centre conducting surveys representative of the Polish population regarding opinions on all important socio-political and economic issues, which has been in operation since 1982. The unique nature of the CBOS has been recognized by the Sejm (the Lower Chamber of the Polish Parliament),

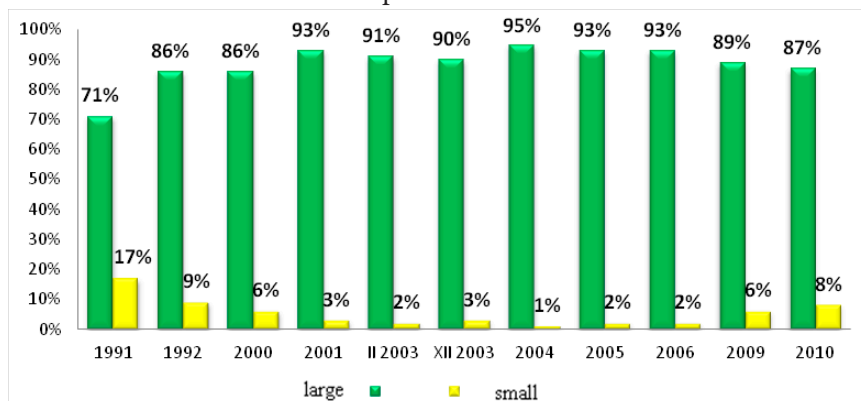
⁴ The table on the results of the perception of corruption in individual countries participating in the survey is at: <http://antykorupcja.edu.pl/index.php?mnu=12&app=docs&action=get&iid=10130>.

⁵ <http://antykorupcja.edu.pl/index.php?mnu=12&app=docs&action=get&iid=10130>.

which with the Law of 20 February 1997⁶ granted it the status of an independent foundation and entrusted the task of social research for the public use. From now on, the plans and the quality of research work is supervised by the Foundation Council CBOS, in which experts from seven academic institutions and representatives of the Polish Sejm, the Senate, the Prime Minister and President of the Republic are represented⁷.

For the first time the measurement of corruption took place in 1991 when this question was sent to respondents requesting the opinion of whether corruption in Poland is a big problem or small one. Even then, 71% of the respondents expressed the belief that it was a serious problem. In April 2010⁸ - 87% of respondents considered corruption a big problem, while only 8% - too small. The results are illustrated in Chart No. 1. Another well-known research institution - Centre for Public Opinion Research (TNS OBOP)⁹ also received similar results to the CBOS. A survey conducted in April 2010¹⁰ showed that 72% of respondents considered corruption as a frequent occurrence, and 16% - as a rare one. Changes taking place in public opinion are shown in a graph No. 2

Chart No. 1 - do you think that corruption in Poland is a large or small problem?



6 Act of 20 February 1997 by the Foundation - Centre for Public Opinion Research (Journal of Laws No. 30, pos.163).

7 <http://www.cbos.pl>.

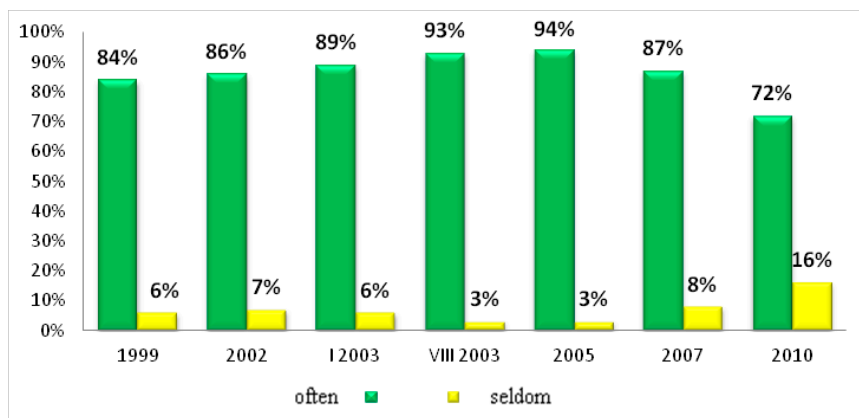
8 CBOS survey carried out on 8-19 April 2010 on a representative random sample of adult residents of Poland (N = 1056).

9 TNS OBOP has been in business for over 50 years. Since 1998 it belongs to an international research group TNS, which is one of the largest organizations in the world, dealing with marketing communications.

10 TNS OBOP survey carried out on 8-14 April 2010 on a representative sample of Polish population (N = 1000).

Source: CBOS survey conducted between 8-19 April 2010, N = 1056 answers “difficult to say” were omitted

Chart No. 2 - do you think there is corruption in Poland?



Source: TNS OBOP, the study conducted between 8-14 April 2010, N = 1000 omitted answers “difficult to say”

Based on these studies it should be explicitly stated that in the public opinion, the problem of corruption not only exists, but it poses a serious threat to the proper functioning of Poland in every area of its operation.

To evaluate the real threat of corruption, the data on the scale of corruption must be subjected to careful analysis which has been identified by the competent authorities responsible for exposing and combating these crimes. The state of corruption risks in Poland presented in this article was acquired based on data collected by all departments and authorities involved in the prevention, detection and combating of corruption. This data was first presented in 2010 in the document called “The Map of Corruption” prepared by the Central Anticorruption Bureau (CBA). The CBA is a special service set up to combat corruption as a whole in Poland.

Time constraints in the period 2004-2010 for collecting and analysing data, were caused by changes in the Polish criminal law on corruption offenses. In particular, they related to the criminal law amendment introduced by the Act of 13 June 2003 *amending the Act - the Penal Code*

and other acts of corruption offenses¹¹ in the area of corruption crimes. The legislature amended the wording of Art. 228-230 of The Penal Code and introduced the art. 230a, 296a and 296b of the Penal Code. Data for 2011 will be available in mid 2012; therefore, it is not included in this article.

The analysis of data on corruption crimes was based on data recorded at the National Criminal Information Centre. The National Criminal Information Centre is an organizational unit of the Police Headquarters¹² and carries out the following tasks:

1. of the Chief Constable of Police as Head of the National Criminal Information Centre on¹³: a. collecting, processing and transmitting criminal information;
b. maintaining databases;
c. Compilation of the analysis of criminal information.
2. of the Chief Constable of Police as the central technical organ of the National Information System for administration of data used by KSI pursuant to the Act of August 24, *the participation of Polish Republic in the Schengen Information System and Visa Information System*¹⁴.

Corruption offenses registered in the years 2004 - 2010 by qualified entities, are shown in Chart No. 3



11 Act of 13 June 2003 amending the Act - the Penal Code and other acts (Journal of Laws No. 111, item. 1061).

12 http://www.policja.pl/palm/pol/130/Krajowe_Centrum_Informacji_Kryminalnych.html.

13 Act of 6 July 2001 on the collection, processing and transfer of criminal information (unified text: Dz. Laws of 2010, No. 29, pos. 153).

14 Act of August 24, *the participation of Polish Republic in the Schengen Information System and Visa Information System* (Journal of Laws No. 165, item. 1170, as amended).

Source: own study based on the map of corruption published by the Central Anticorruption Bureau

The number of registered corruption crimes in the years 2004 – 2010, according to the legal assessment of the deed classified by the services appointed to fight corruption, is presented in the table No. 1.

Table 1 - corruption offenses in the period 2004-2010 according to the legal assessment of the crime

Year of the registering	The registration authority	228	229	230	230a	231 § 2	250a	296a	296b
2004	Police	473	895	196	0	111	0	0	0
	Prosecutors	266	118	60	0	67	0	0	0
	SG	2	40	0	0	2	0	0	0
	ŽW	5	1	1	0	13	0	0	0
	Total	746	1 054	257	0	193	0	0	0
2005	Police	688	1 015	214	15	262	3	17	9
	Prosecutors	210	122	29	4	100	0	0	0
	SG	0	87	0	0	1	0	0	0
	ŽW	5	1	2	0	29	0	0	0
	Total	903	1 225	245	19	392	3	17	0
2006	Police	1 155	1 393	214	23	684	20	31	6
	Prosecutors	484	152	49	17	121	0	1	1
	SG	5	91	1	0	2	0	0	0
	ŽW	2	5	0	0	50	0	0	0
	Total	1 646	1 641	264	40	857	20	32	7
2007	CBA	5	11	17	2	5	0	0	0
	Police	852	1 621	247	21	2 233	37	90	104
	Prosecutors	1 681	2 684	599	232	339	60	77	19
	SG	4	141	0	0	1	0	0	0
	ŽW	0	5	0	0	58	0	0	0
	Total	2 542	4 462	863	255	2 636	97	167	123

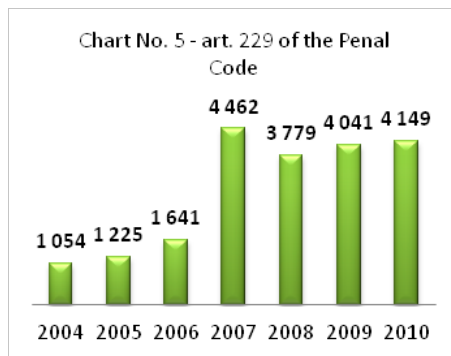
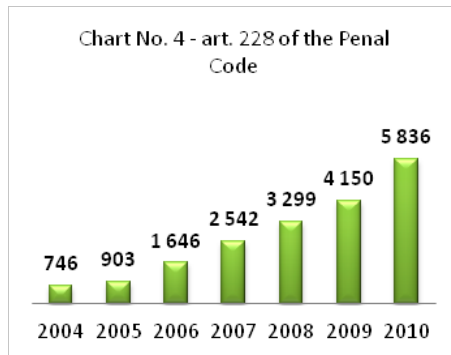
2008	CBA	73	36	15	2	16	0	45	220
	Police	1 456	1 608	221	62	329	8	53	2
	Prosecutors	1 765	2 080	335	74	217	19	65	13
	SG	4	52	0	1	0	0	0	0
	ŽW	1	3	0	0	49	0	0	0
	Total	3 299	3 779	571	139	611	27	163	235
2009	CBA	73	20	17	9	11	0	8	402
	Police	2 444	1 656	565	235	756	4	97	121
	Prosecutors	1 619	2 198	352	105	778	6	25	5
	SG	0	151	0	0	2	0	0	0
	ŽW	14	16	1	0	36	0	0	0
	Total	4 150	4 041	935	349	1 583	10	130	528
2010	CBA	113	32	25	6	27	2	7	39
	Police	5 227	3 648	943	352	1 267	116	120	595
	Prosecutors	472	437	63	26	283	4	40	2
	SG	8	21	0	0	0	0	0	0
	ŽW	16	11	1	0	36	0	0	0
	Total	5 836	4 149	1 032	384	1 613	121	167	636

Source: own study based on the map of corruption published by the Central Anticorruption Bureau

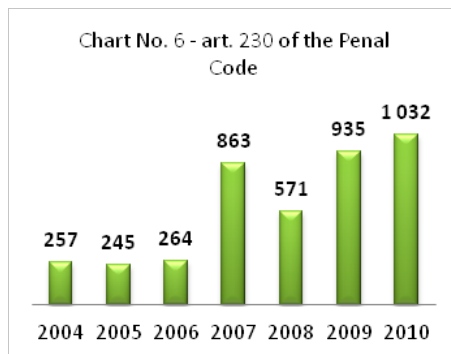
Presented in the table abbreviations are:

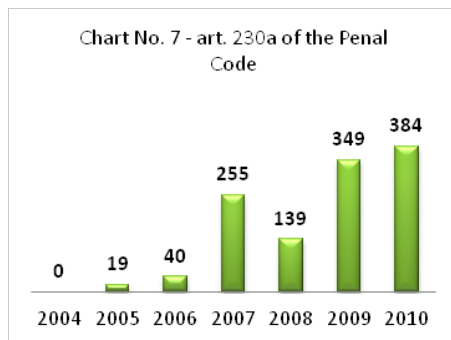
- CBA - Central Anticorruption Bureau,
- SG - Border Guards,
- ŽW - Military Police,
- k.k – the Penal Code

Below, statistics regarding the registration of corruption in the years 2004-2010 according to qualifications of a deed have been presented; charts from No. 4 to No. 11.

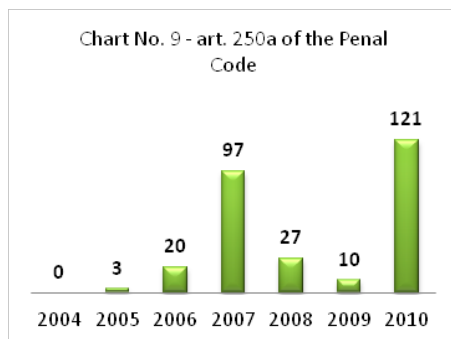
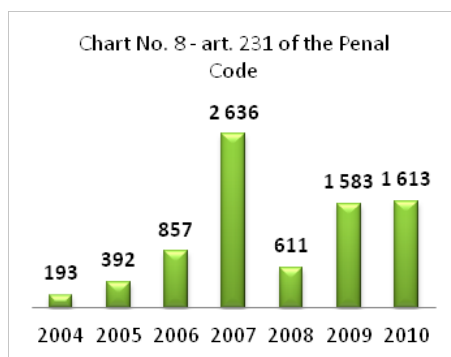


Source: own study based on the map of corruption published by the Central Anticorruption Bureau

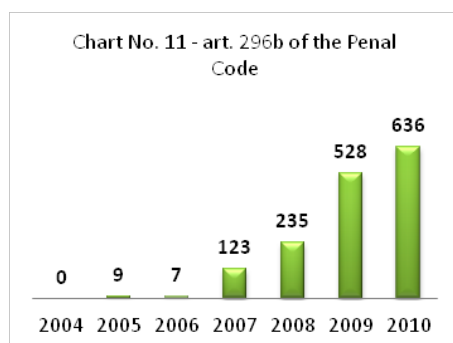
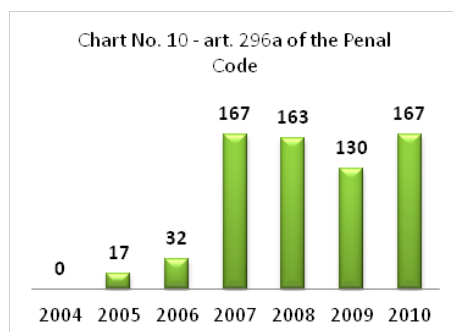




Source: own study based on the map of corruption published by the Central Anticorruption Bureau



Source: own study based on the map of corruption published by the Central Anticorruption Bureau



Source: own study based on the map of corruption published by the Central Anticorruption Bureau

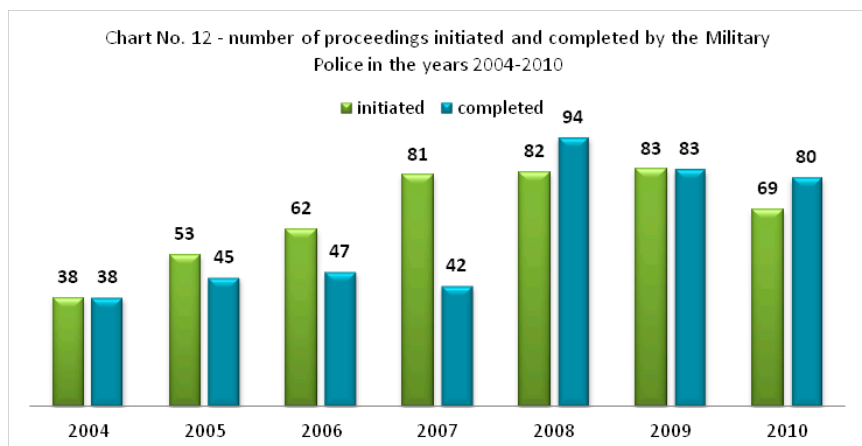
The total number of crimes recorded in the years 2004 - 2010 by the aforementioned entities amounted to: **55 203**.

Corruption affects all areas of a social, economic, social and national security. Corruption also does not bypass the critical state sphere of The Polish Armed Forces. Corruption in the Armed Forces is a threat to the national defence system as well as a danger to the national sovereignty and security of the citizens.

The Military Police, the Chief Military Prosecutor's Office and the Military Counterintelligence Service deal with disclosing, combating and preventing corruption in the Armed Forces of the Republic the Poland.

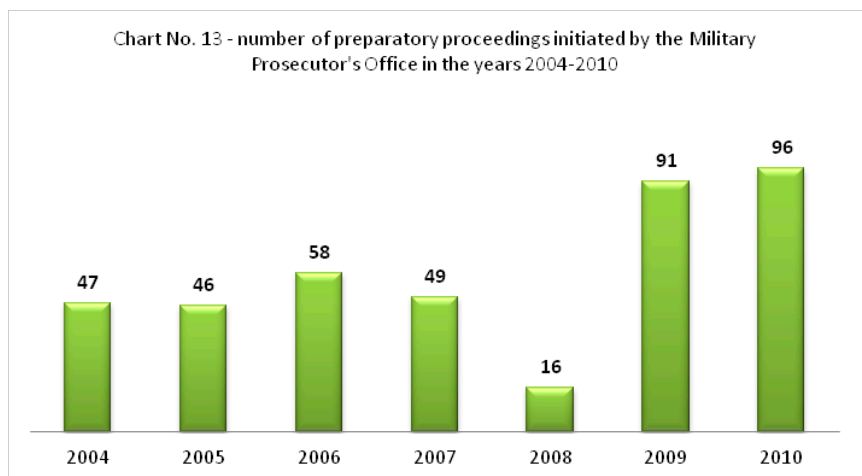
These services operate on the basis of legal acts, in which the prerogatives and responsibilities are set out in detail. Based on data collected by the Military Police for the years 2004-2010, it appears that during this period 468 preparatory proceedings concerning corruption offenses were

initiated, and 429 investigations were completed. Figures broken down by individual years are presented in the Chart No. 12.



Source: author's elaboration based on corruption maps published by the Central Anticorruption Bureau

Based on data collected by the Supreme Military Prosecutor's Office, it appears that in the years 2004-2010 the military prosecutor's office initiated 403 preparatory proceedings in cases of corruption offenses. Figures broken down by individual years are presented in Figure No. 13



Source: author's elaboration based on the corruption maps published by the Central Anticorruption Bureau

Corruption is a sophisticated crime which, to commit, an offender often takes a long time. The preparations consist of studying the existing legislation in order to search for legal loopholes allowing possible impunities to take effect.

Corruption is a game in which there are at least two players involved, who cooperate closely with each other, holding the secret rules of the game. This game is called the crime of corruption. None of the participants in the game is interested in exposing the offense, and in such a game there can be no losers. Each participant is a winner and everyone gets a prize. These are usually free bank cards, cards giving special privileges to use various services, shares in companies, and offshore bank accounts bans which have now replaced traditional cash bribes. Sometimes money is not transferred to a recipient's account until the completion of a contract. A bribe is often hidden in the invoice as an additional cost due to "delays" or "unforeseen" costs of delivery.

Another example could be the sale of the apartments by a housing developer at significantly reduced prices to persons designated by the official, who earlier procured the acquisition of land for the construction of a housing estate at an understated value. Sometimes bribes are proposed by companies, sometimes even the officials themselves demand them. Public orders are associated with long and complex procedures involving many steps before the project can ultimately be brought to fruition. A venture is vulnerable to corruption at any time during its life cycle from the initial decision about its launch, through conducting a tender procedure until its total completion. In the case of construction projects, you may find that the completion of the construction is not everything, because in order to give the building into the service you must obtain the consent of the inspector, and this may be associated with the need for bribe.

In the system of organized corruption a very important role is played by intermediaries –so-called 'touts'. There is a close relationship between venality, bribery and paid protection: bribery contributes to creating a category of intermediaries who settle affairs in return for financial benefits, and their activity in turn facilitates the acceptance of illegal profits by people performing public functions; disclosed offenses (bribery, corruption, paid protection or abuse of) rarely occur alone, in general, are usually disclosed in connection with the affairs of an economic, administrative or political character;

- paid protection becomes a specific form of camouflaged bribery,

designed to prevent the detection of corrupt officials – the appropriate recipients of bribes; very often in the process of investigation a situation that is followed by traces breaking at the stage of one of the intermediaries takes place. A very good example of such a mechanism is corruption related to the issuing of driving licenses, possibly due to a complex formula examination.

In relation to public officials at various levels, ranging of customs officers, tax officials, local governments, to prosecutors, judges and ministers, it is difficult to determine the *modus operandi*, or operational methods, because very often it depends on the individual character of the matter concerned.

The following trends have been observed for a long period of time:

- a growing share of funds contained in the disposal of organized criminal groups is devoted to corruption;
- corrupt activities of organized groups are often camouflaged by the allocation of funds for social activities or charity, which seeks to justify the anticipated good will of local authorities and communities and create a positive image of the offender;
- The members of organized criminal groups penetrate the organs of government and local government.

Analyzing information in the possession of the departments responsible for combating corruption in Poland, in particular the Police, the Central Anticorruption Bureau, Military Police and Internal Security Agency, the following areas of the social life of our country that are most vulnerable for corruption offenses can be presented, and identification of the mechanisms that cause these crimes can be pointed out.

As the first, **the field of national security** was indicated. The security of the state consists of public safety and military security. The Police are responsible for the public safety to the highest level. Other services that have the power to use means of direct coercion¹⁵ and the use of firearms, are also involved in the assurance of public safety. These services, among others, perform duties connected with the exposure of crimes and offences. Every activity which may be followed by a restrictive action is burdened by the possibility of a proposal to withdraw from its implementation, thus a proposal of a financial benefit which is a form of corruption. This is most

¹⁵ The right to take coercive measures directly comes from the provisions of the laws governing the functioning of departments and institutions established to ensure public safety and national security.

commonly associated with the proceedings for traffic offenses or maintenance of public order. Firstly, regarding road traffic, a police officer who has stated a road traffic offence, suggests a fine in accordance with the table of charges. Consequently, he meets with the proposal of a bribe of lower value than the proposed fine, in return for withdrawing from the issue of a ticket, and additionally for not assigning penalty points. In the second case the situation is similar. The officer stating a breach of the public peace e.g. illegal trafficking, proceeds to the issue of a ticket, but meets with the proposal of withdrawing from the appropriate punishment for a gratification.

The National Security of Poland is implemented and assured by The Polish Army and special services. The Polish Armed Forces ensure the military security of the state, while the action of the Internal Security Agency, Intelligence Agency, the Military Counterintelligence Service, the Military Intelligence Service and the Central Anticorruption Bureau are non-military actions but also of key strategic importance. Safety is also understood as the proper functioning of the abovementioned services. Corruption in this area is most commonly associated with tender proceedings. It is perilous for the proper functioning and development of the Armed Forces. The mechanism consists of influencing conduct the provisions of the tender, by introducing records guaranteeing a specific manufacturer or supplier. A particular type of tender procedures are public orders which are exempt from the Act. The basis for such a mode, otherwise the lack of application of provisions of the Act, is in art. 4, point 5 of *the Act* and *does not apply to: orders containing classified information if required to do so to maintain vital national safety interests, or orders covered by the public service secrecy laws if required by the fundamental public interest or fundamental interest of the state.* This provision is extremely important in ensuring safety when making purchases with an impact on the fundamental interest of the state, but in the case of overstepping powers of purpose and legitimacy of its use, it can cause a major threat in the area of protection and security of the interests of the state.

Another field with a high degree of exposure to the crime of corruption is the **government administration and local government administration**. This area is important for a proper business, economic and social development of the state. Any act of corruption has a negative impact on the quality of our lives. At the level of government administration, corruption mechanisms are very complicated and intricate. This is due, among other things, to a long-term activity, from which negative consequences

for the state budget will be felt in the future. Every *good decision* for one side entails a serious threat to the proper functioning of the state. Examples of this are negative entries in the enacted legislation such as the granting of subsidies, incentives or concessions. No liability per person, resulting from the fragmented organizational structure and from too many officials involved in the granting of such concessions, helps *interested people* undertake acts of corruption. The lack of accountability for decisions gives a civil servant a sense of impunity, and thus influences one to commit a crime. At local government level corruption usually involves public orders, the granting of concessions, issuing decisions and the creation of development plans and plans for retaining land. In public procurements the most commonly used mechanisms are specific records indicating one contractor or manufacturer, or influencing the committee, which may result in the cancellation of the tender, for example, if it didn't succeed in selecting a particular bidder. Another method is to suppress the use of provisions of the Act about public procurement and to grant contracts to entrepreneurs having a particular family, social or financial relationships with decision makers (contractors). The procedure for granting concessions is as follows: a party concerned with obtaining concessions tries to stay ahead of their competitors or lead to their elimination in the market by establishing contact with the relevant corrupt official. The way of gaining authorization to commence construction of a house and connect the media, is to corrupt the proper civil servant for the speedy and efficient settlement of the matter. Very often the officials deliberately obstruct issuing or indefinitely extend the procedure or seek further problems. Often in a district (municipality) there are fixed rates for issuing a particular decision. Unfortunately, the majority of the population accept that and gives financial benefits to obtain an appropriate decision. Another type of action is to indicate by clerk of a particular contractor such as a designer, which guarantees a decision without any problems. Often the contractor is the same official. It is difficult to eliminate because nobody wants to speak about it. If someone *had a positive decision arranged*, is no longer interested in reporting it to an appropriate authority. Furthermore, there is a fear of criminal liability and a reversed hard-won decision.

Another area at risk of corruption is **justice administration**. The occurrence of corruption in this area is a very big threat to law and order as well as social justice in our country. We expect from justice, that the harm which affected us will be rewarded by the proper operation of the relevant

authorities. Justice is very important for every citizen. Every citizen expects that legal bodies acting in our country will provide him a sense of full justice. Only then can we feel safe, and if we feel safe then we can actually develop and build a common state based on mutual respect, dignity and justice. The functioning of justice is a very difficult task, of course we mean proper functioning. Justice administration is to declare the guilty and to inflict a penalty as well as to decide about the redress for the victim. Every action, and every decision taken in this area may be threatened by corruption. A judgment of guilt involves two parties, the victim and perpetrator. While there are occasional cases of judges and prosecutors being corrupted by the victims, it is corrupting by the perpetrators, which is more common. In the first case, it may be situations related to rights for property, for example, during divorce proceedings. This involves trying to get a favourable ruling about the size of allocated material possessions or alimony, even though the wronged person had no part in acquiring their wealth. Similar situations may occur in the affiliation of paternity. It consists of the attempt to force a favourable decision for the injured woman, which consists in *choosing a father* for her child conceived with another man entirely. Criminal activity can be successful where there is an absence of DNA testing¹⁶.

In the case of offenders, the situation looks completely different. Each offender, besides certain exceptions of a voluntary submission to punishment¹⁷ is interested in receiving the lowest possible penalty. The procedure of corruption starts at the very beginning, i.e. from the emergence of the possibility of being charged with committing a crime. In this case, the corruption will be extended to people who will take part in the process of gaining the evidence. Besides judges and prosecutors; witnesses, assessors experts and even the victims themselves should also be included. Regardless of the type or nature of the case, corrupting people will have

16 DNA test is a common name for the analysis of the genetic material of two individuals (in this case the child and his alleged father), in terms of common features. It allows you to determine whether a man is the biological father of the child, or to exclude such a possibility. It is the most effective and most reliable method to determine paternity. It enables the exclusion of a man's biological paternity with 100% certainty, or confirmation with a probability of 99.99%, as in the statistics of population genetics is described as „practically proven“. These results are so highly feasible, because when performing genetic testing in paternity direction, two key features of the DNA molecule are used - its inheritance, and polymorphism.

17 Normative basis for voluntarily accepting the punishment is provided in art. 387 of the Penal Code. Pursuant to this provision, an application for a conviction without a hearing may be submitted by the accused until the end of the first hearing of all accused at the main hearing.

the same goal: to undermine the credibility of prosecution, the victim and witnesses and to obtain an acquittal or, again, the lowest penalty.

The next area where there is a corruption is within **the health service**. This area may have a slightly smaller impact on the security of the state, but it does have great importance for the life and health of citizens. Health is the supreme welfare of a man. Generally, when we feel that something is wrong with us, we head to the doctor to get them to help us regain our good health. The highest good causes that can be very vulnerable to criminal activity. Our objectives are simple - to obtain additional, undue resources by the medical community. Unfortunately, a common saying, that 'health has no price', in this case rings true. Criminal action in the case of life threatening diseases can be called cruelty.

The Health service is not just made up of doctors or nurses, but a whole staff of people involved in the process of saving lives and maintaining health. The Health service also consists of backgrounds of hospitals, clinics and medical equipment all used during treatment. Unfortunately, corruption is everywhere. Selected cases in which corruption is most common are:

- extortion of the bribes for being admitted to a hospital for a treatment or operation;
- accepting bribes for the performance of a surgery or operations;
- accepting bribes from the manufacturers / distributors of prescription drugs for their patients, although they are not the best, and often much more expensive than others;
- the extortion of money for carrying out specialized diagnosis;
- extortion of money for care, (even though it should be provided as standard and free of charge)
- extortion of money for obtaining *a better bed* in the ward;
- forcing patients to use private visits to doctors, in spite of the fact that the treatment is conducted in a hospital or clinic;
- issuing false certificates of health status;
- evaluating healthy subjects for treatment in sanitariums;
- using medical equipment to conduct private practices;
- administering expensive but effective treatments for serious diseases such as cancers that are reimbursed by the National

Health Fund¹⁸ provided that the bribe is given;

- exceeding the provisions of the Act on public orders.

Further cases where there is a corruption in the health service can be enumerated in a big number, but this will not change the situation, in which if the patient is ‘placed against the wall’ (forced to act illegally) and if he does not give the bribe, he/she can practically say goodbye to his health or life. This situation is sometimes simply dramatic for patients and their families who cannot afford to give a bribe. The process of gathering evidence in corruption crimes is very difficult and often ends with total acquittal of the accused. The manner of giving a bribe takes place between two persons, i.e. a doctor (sometimes the mediator) and ill patient’s family or its representative. The money handed is transferred from hand to hand without witnesses, which guarantees the secrecy of the offense behaviour. The Bribe is not always in the form of money and is not always before treatment. All this is intended to protect the confidentiality of the under-hand dealings in order to avoid criminal liability.

Another area of corruption is **a tax administration**. The tax administration consists of clerks in tax offices and of customs officers. Every citizen or a businessman who works and receives revenue is obliged to pay taxes in accordance with current rates. The possibility of committing a corruption crime in this field by retirees, pensioners and civil servants who do not have other sources of income practically amount to zero. Those taxpayers are kept accountable by withholding tax from any resulting claims. The problem of corruption in the field of taxation occurs there where there are big profits and the possibility of obtaining tax exemptions.

The main reason of corruption in tax administration is the official’s preference and decision making by one person (without future consequences of taking the wrong decision). Often in the media there is information about making conflicting decisions in the same case by different tax offices. It would seem that we have one Law and one way of conducting. Unfortunately it is not. Where there is no clarity in the interpretation of the rules, there is the possibility of committing a crime, because you can always choose *the correct for yourself* interpretation of the regulation. This is the weakness of the Polish tax law. It is also incomprehensible that this

¹⁸ National Health Fund (NHF) is a state organizational entity operating under the Act of 27 August 2004 on health care services financed from public funds (Journal of Laws No. 210, item. 2135). The Fund fills in the Polish system of health care payer’s function: funds from the mandatory health insurance premiums, NHF funds health services provided to insured persons and reimburses medication.

state of affairs is being accepted by the civil servants who are responsible for preparing and overseeing the application of the regulations in this regard. Corruption exists there where you can avoid paying high taxes on business. This may include both small and large businesses. The mechanism of crime is simple and the profits are enormous. In the first instance we are looking for loopholes that may lead to a favourable interpretation for the businessman. Then we are looking for the access to the official who will issue a favourable decision and then it only remains to determine the value of a bribe. It may happen that a civil servant will find himself a businessman and will suggest himself a profitable way of settling the matter.

Tax administration it is also the customs offices. The mechanism of corruption involves a substantial underestimation of tax values that should be paid to the State because of an import. Lowering the tax may result from:

- undervalued goods liable to duty;
- underestimated quantities;
- change to the tax classification of the goods;
- misleading information as to the nature and destination of the goods;
- misrepresentation that the goods are on their way to another country (in transit).

These are selected courses of action while committing customs offenses. Please note that changing the rules, the activity of anti-corruption departments and conducted inspections contribute to the continuous evaluation of the crime mechanisms.

Another area at risk of corruption is widely considered **the Treasury**. The occurrence of corruption in this field causes very big damages for the proper functioning and development of the state economic sector. Corruption in this area causes drainage of the Treasury, which consequently trigger off reduction in expenditures (budget) for supporting among others: the state and citizens safety (military and public safety), health service, justice, education and science. The proper functioning of the privatization process influences the amount of the budget. Privatization is a very important element in the economic sector which has an impact on state finances. Cases of corruption relate to the condition of the companies appointed for privatization and valuation. The confirmation of major importance for the state of public finances is the anti-corruption protection *anti-corruption-*

*shield*¹⁹ with which government encompassed the process of privatization of about 80 companies. Protection of the privatization process is carried out by the Central Anticorruption Bureau, the Internal Security Agency and the Police. Other organs may be included in the task, but these are classified activities.

In this area there is also the whole sector of social insurances, Open Pension Funds, the State Fund for Rehabilitation of Persons with Disabilities²⁰. Each of these bodies is also threatened by a corruption.

Consecutive components included in the Treasury area are issues relating to the granting of concessions for the construction of wind turbines, matters relating to the extraction of shale gas, building nuclear power plants and other strategic projects for the country's long term economic ventures. Obtaining at the planning stage a guarantee for the implementation of the project, in the future will provide a permanent and substantial income for commercial companies to conduct operation, maintenance and development, which is extremely important for interested entrepreneurs.

The Supreme Audit Office (the NIK in Polish) is a chief and an independent body of state control with the mission of the guardian of public money. For over 90 years NIK has been assessing the functioning of the State and its management of public funds. Performing legal actions NIK identified in the report for 2010 the following mechanisms of corruption:

1. A conflict of interests with the companies sponsoring the activity of hospitals.
2. Arbitrariness of action regarding the licensees of highways.

¹⁹ The project aims to establish preventive mechanisms to reduce the risk of corruption in two areas: - Privatization of Treasury assets: anti-corruption protection covered selected state-owned company under the privatization plan for 2008-2011;

- Procurement with an estimated value of more than 20 million zł, implemented under the 10 ministries. Actions taken under the „shield corruption” are coordinated by the Chancellery of the Prime Minister. In the implementation of this program, next to the relevant ministries, special services are involved: Internal Security Agency, Intelligence Agency, the Military Counterintelligence Service and the Central Anticorruption Bureau. The essence of the „shield” is prevention. For this purpose, the officers of units involved in the project:

- Conduct an investigation and inquiry - based on materials obtained in the course of operational and exploratory work - for the irregularities in the privatized entities and public tenders;

- Provide appropriate information about the risks to the outside recipients in the areas covered by the shield;

- Conduct specialized training for officers and security agents in state institutions The source of this information is: http://www.abw.gov.pl/palm/pl/49/61/Tarcza_antykorupcyjna.html.

²⁰ <http://www.pfron.org.pl/porta1/pl/1/1/PFRON.html>.

3. Irregularities in the law affecting the operation of mining machinery repair market.
4. Arbitrariness of conduct regarding housing purchases with public funds.
5. The weakness of control over the activities of geodetic and cartographic administration.
6. Arbitrary implementation of contracts for the sale of timber in state forests.
7. Arbitrariness of conduct for the implementation of the government program.
8. Conflict of interests and the weakness of control during testing and screening of drivers and releasing vehicles into circulation.
9. Arbitrariness of action and the weakness of the supervision and control in the areas of real estate sales, purchasing raw materials, room renting.
10. Conflict of interests in the release of the tourist guides and tour leader professions.
11. Sponsorship by businessmen the activity of public administration offices.
12. Arbitrariness of conduct in implementing investments financed with public funds.
13. Freedom of conduct and conflict of interest in the businesses run by local governments.
14. Arbitrariness of conduct and the weakness of supervision of medical services over providing care by public health facilities.
15. Illegal practices in public health care, which pointed directly to the occurrence of a corruption.
16. Arbitrariness of conduct while referring patients for care and treatment to medical centres.
17. Arbitrariness of conduct and conflict of interests in the management of real estates.
18. Arbitrariness of conduct for the exclusion of land from agricultural production.
19. Arbitrariness of conduct for the commissioning of road works.
20. Arbitrariness of conduct in the recruitment in official positions.
21. Arbitrariness of conduct, conflict of interest and the weakness of the control in equipment purchases for the Police.

To summarize the contents of the article, it should be explicitly stated that corruption is a serious threat to the security of the Polish state and it is a big problem in the Polish army. Corruption offenses are very difficult to detect, so the comprehensive actions should be taken in order to undertake large-scale preventive and educational activities.



**National security - definition, character and determinants.
Studies on the quality of security**

*EDWARD KOŁODZIŃSKI
PIOTR ZAPERT*

**OPTIMISATION OF THE DEPLOYMENT OF ACTIVE ELEMENTS
OF AN ELEMENTARY UNIT OF THE NATIONAL SECURITY SYSTEM
FOR UNIFORM SECURITY THREATS TO ENTITIES**

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ABSTRACT

The article examined the issue of optimisation of the deployment of active elements of an elementary unit of the national security system for uniform security threats to entities. Authors described two models of improvement its functioning by changing the dislocation of active elements - exact model and linguistic model. For both cases, was formulated sample exercise and given the method of determining a solution.

KEY WORDS:

security, security system, security of entity operation, models of improvement of an Elementary Unit of the National Security System operation.

1. INTRODUCTION

The following change with time [1,2]:

- The number of entities protected by an Elementary Unit (EU) of the National Security System (NSS);
- the types and scale of threat to the security of entities' operation;
- the necessary qualities of the active elements of an EU to ensure the required level of operational security;
- executive capabilities of the active elements of an EU;

- the quality and scope of applicable computer aid in performing information and decision-making processes in managing emergency rescue in an EU;
- knowledge and skills of the functional personnel in managing emergency rescue in an EU.

These factors make it necessary to improve the NSS, including implementation of changes in legal regulations on the structure and the principles upon which its operation is based.

This relates in particular to one of its components – the National Emergency Rescue System (NERS). It naturally follows from the above that there is a need to take up and conduct research work aimed at improving the structure and principles of NERS operation. Any changes in KSR should be implemented only after an analysis of their impact has been performed – which, unfortunately, is not always the case.

As part of the presentation of research results relating to improvement of the structure of operation of NERS, [1] presents a Model of an Elementary Unit of the National Security System, whereas [2] analyses the factors which significantly affect the effectiveness of EU operations. One of the distinctive factors is the deployment of its active components against the entities that are being protected and against the sources of threat. Adapting the deployment of active elements to a changing environment related to the EU responsibilities increases the effectiveness of its actions and, consequently, the level of security of the entities in the area. However, each change of deployment of active elements of EU is associated with certain costs.

This paper discusses a specific issue of EU operation, namely ***maximising the level of security of entities situated in the area of its responsibility by changing the deployment of the active elements of the system, while keeping the related costs at the minimum level.***

The characteristic features of the object of the study include:

- high randomness in the occurrence of threats to security of entities and their course;
- difficulty in precise quantitative expression of the probability of occurrence of threats and forecasts. Attempts have been made at overcoming the difficulties by expressing their course and possible impact with linguistic variables and application of fuzzy sets theory to find solutions of interest.

Considering the above, this article will present two models of EU op-

eration through a change of deployment of its active elements:

1. accurate model;
2. linguistic model.

The article will use a set of symbols adopted in [1].

2. OPTIMISING THE DEPLOYMENT OF ACTIVE ELEMENTS OF AN ELEMENTARY UNIT OF THE NATIONAL SECURITY SYSTEM IN THE ACCURATE MODEL

2.1. NOTATION ADOPTED IN THE ACCURATE MODEL

The following notation will be adopted in order to present the issue of optimisation of the deployment of the active elements of an EU of the NSS [1]:

- $R = \{r: r = \overline{1, R}\}$ - a set of numbers of entities deployed in the area of the EU's responsibility, which have to be provided with a desired level of operation security,

where:

R - the number of distinct entities deployed in the area of EU responsibility;

- $Z = \{z: z = \overline{0, Z}\}$ - a set of numbers of possible threats to the security of the entities deployed in the area of the EU's responsibility,

where:

Z - the number of distinct types of threats to security of the entities deployed in the area of EU's responsibility;

- $E = \{e: e = \overline{1, E}\}$ - a set of active elements of EU which ensure security to the entities deployed in the area of the EU's responsibility,

where:

E - the number of active elements of EU;

- A - a set of possible deployments of active elements $e \in E$ EU in an area:

$$A = \{ a_k = \langle a_k(1), \dots, a_k(e), \dots, a_k(E) \rangle : k = \overline{1, K} \}, (1)$$

where:

- ✓ k – a variant of deployment of active elements $e \in E$,
- ✓ K – the number of distinct variants of active elements deployment $e \in E$,
- ✓ $a_k(e)$ – coordinates of an active element with the number $e \in E$;

- $I = \{i: i = \overline{1, I}\}$ set of numbers of threat sources,

where:

I – the number of threat sources in the area under consideration;

- $q: Z \times I \rightarrow \{0, 1\}$,

while:

$$q(z, i) = \begin{cases} 1 - \text{gdy źródło o numerze } i \in I \\ \text{ma możliwość generowania} \\ \text{zagrożeń } z \in Z, \\ 0 - \text{w przypadku przeciwnym} \end{cases}$$

- $I_z = \{i: q(z, i) = 1, i \in I\}$ – a set of numbers of sources generating threats from $z \in Z$ the operation security of the entities deployed in the area of EU responsibility;
- F – function of evaluation of distinct variants of deployment of active elements $e \in E$ – permissible solutions of deployment of active elements $e \in E$:

$$F: A \rightarrow Y \subset R^G, (2)$$

where:

- ✓ Y – a set of evaluation values for the quality of permissible deployments of active elements $e \in E$ – permissible solutions,
- ✓ R – the set of real numbers,
- ✓ G – the number of indexes of quality evaluation of the deployment of active elements $e \in E$ – permissible solutions,

$$F(a_k) = (F_1(a_k), \dots, F_g(a_k), \dots, F_G(a_k)), a_k \in A \quad (3)$$

2.2. AN EXAMPLE OF OPTIMISATION OF DEPLOYMENT OF ACTIVE ELEMENTS OF AN ELEMENTARY UNIT OF THE NATIONAL SECURITY SYSTEM IN THE ACCURATE MODEL

Let us assume that:

- there are two entities with the numbers from the set $R = \{1, 2\}$ in the area of EU responsibility;
- there is one type of threat to the security of operation of entities with numbers $r \in R - Z = \{1\}$;
- the adopted type of threat with number $z=1$ is generated by four sources – $I_1 = \{1, 2, 3, 4\}$
- location of entities $r \in R$ and sources $i \in I_1$ of threats to security of entities operation are constant;
- entities are protected against threats by three active elements – $E = \{1, 2, 3\}$;
- permissible deployment of active elements is determined by the following sets:
 - ✓ number 1 – $A_1 = \{<1.5, 4.5>, <2, 3>\}$,
 - ✓ number 2 – $A_2 = \{<7, 5>, <2.5, 2>\}$,
 - ✓ number 3 – $A_3 = \{<8.5, 3.5>, <6.5, 5.5>\}$;
- criterial function (the index of active elements deployment) (3) assumes the following form:

$$F(a_k) = (F_1(a_k), F_2(a_k)), \quad (4)$$

while:

$F_1(a_k)$ - a measure of the level of security of entities operation at the k -th variant of deployment of EU active elements – let us assume that it is a probability of proper functioning of entities;

$F_2(a_k)$ - the cost of k-th variant of EU active elements deployment.

With the adopted assumptions, the set of permissible variants of EU active elements deployment is determined by the Cartesian product:

$$\mathbf{A}^{\text{dop}} = \mathbf{A}_1 \times \mathbf{A}_2 \times \mathbf{A}_3, \quad (5)$$

which is equal to:

$$\mathbf{A}^{\text{dop}} = \{a_1, a_2, a_3, a_4, a_5, a_6, a_7, a_8\},$$

where:

$$a_1 = \langle \langle 1.5, 4.5 \rangle, \langle 7, 5 \rangle, \langle 8.5, 3.5 \rangle \rangle$$

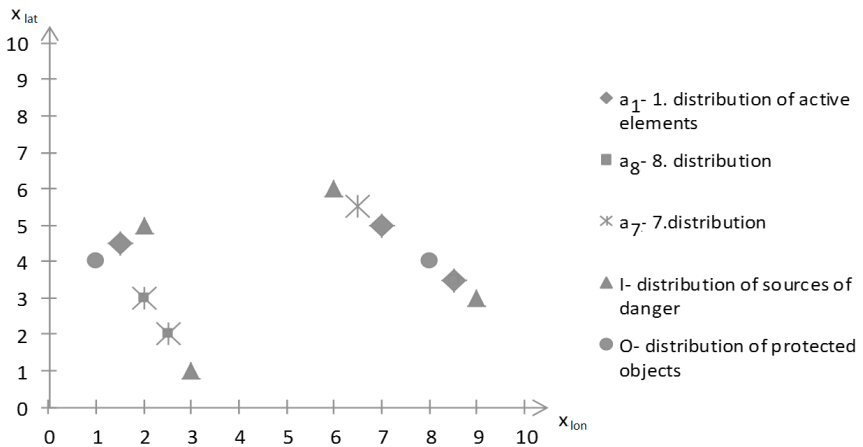
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$$a_7 = \langle \langle 2, 3 \rangle, \langle 2.5, 2 \rangle, \langle 6.5, 5.5 \rangle \rangle$$

$$a_8 = \langle \langle 2, 3 \rangle, \langle 2.5, 2 \rangle, \langle 8.5, 3.5 \rangle \rangle.$$

Deployment of active elements of EU and an example deployment of entities and sources of threat is shown in Fig. 1.

Fig. 1. Illustration of deployment of protected elements and sources of threat and active elements



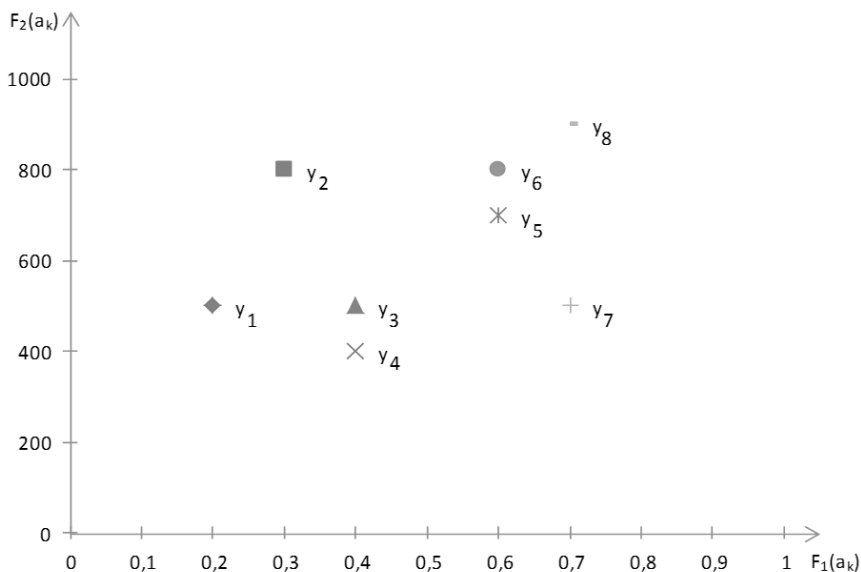
(source: own compilation)

The optimum deployment of $a_{k*} \in A$ active elements with the numbers $e \in E$ should be determined such as to maximise the probability of the proper operation of entities with the numbers $r \in R$ and to minimise the cost of deployment of active elements of EU:

$$k^*: F(a_{k*}) = \max_{a \in A_k^{dop}} F_1(a_k) \min_{a \in A_k^{dop}} F_2(a_k). \quad (6)$$

It is assumed that for admissible deployment of EU active elements $EU - a_k \in A^{dop}$ function of criterion (4) ($y_k = F(a_k)$) assumes the values: $y_1 = (0.2, 500)$, $y_2 = (0.3, 800)$, $y_3 = (0.4, 500)$, $y_4 = (0.4, 400)$, $y_5 = (0.6, 700)$, $y_6 = (0.6, 800)$, $y_7 = (0.7, 500)$, $y_8 = (0.7, 900)$, presented in Fig. 2.

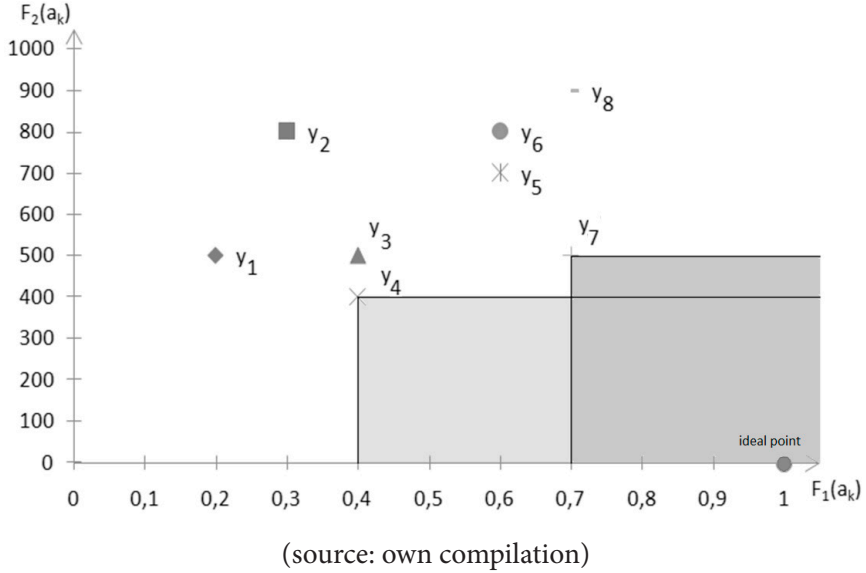
Fig. 2. Illustration of evaluations of distinct variants of deployment of EU active elements $e \in E$



(source: own compilation)

Note that the solutions $y_7 = (0.7, 500)$ and $y_4 = (0.4, 400)$ are non-dominated solutions (fig.3.) – there are no better solutions than those two.

Fig. 3. Illustration of evaluations of distinct variants of deployment of active elements $e \in E$ EU and a preference cone which is consistent with a decision-maker's opinion



A model of solution preference should be adopted in order to determine the optimal deployment of EU active elements. We assume that the preferred distance will be the minimal Euclidean distance between the position of evaluations y_k and the ideal point $y^* = (F_1^*, F_2^*) = (1, 0)$ and that the weights of indexes are the same. A substitute function of evaluation, which takes into account the adopted model of preference, and the standardisation of indexes, has the following form:

$$F^z(a_k) = \sqrt{\left(\frac{F_1^* - F_1(a_k)}{F_1^{\max} - F_1^{\min}}\right)^2 + \left(\frac{F_2^* - F_2(a_k)}{F_2^{\max} - F_2^{\min}}\right)^2}, \quad (7)$$

where:

- $F_1^{\max}$ denotes the maximum value of F_1 :

$$F_1^{\max} = \max_{a_k \in \mathbf{A}} F_1(a_k) = 1,$$

- $F_1^{\min}$ denotes the minimum value of F_1 :

$$F_1^{\min} = \min_{a_k \in \mathbf{A}} F_1(a_k) = 0,$$

- $F_2^{\max}$ denotes the highest possible value of F_2 :

$$F_2^{\max} = \max_{a_k \in \mathbf{A}} F_2(a_k) = 1000,$$

- $F_2^{\min}$ denotes the minimum value of F_2 :

$$F_2^{\min} = \min_{a_k \in \mathbf{A}} F_2(a_k) = 0.$$

Substituting the previously obtained results to (7) yields:

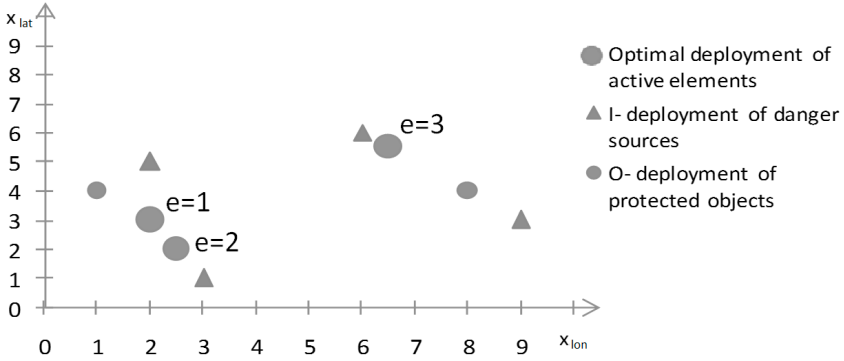
$$F^Z(a_1)=0.94, F^Z(a_2)=1.06, F^Z(a_3)=0.78, F^Z(a_4)=0.72, F^Z(a_5)=0.81, F^Z(a_6)=0.89, F^Z(a_7)=0.58, F^Z(a_8)=0.95.$$

Hence:

$$\min_{a_k \in \mathbf{A}^{dep}} F^Z(a_k) = F^Z(a_7),$$

which means that deployment of a_7 is optimal (Fig. 4.).

Fig. 4. Illustration of the optimal deployment of active elements as well as sources of threat and protected entities



(source: own compilation)

3. OPTIMISATION OF DEPLOYMENT OF ACTIVE ELEMENTS OF AN ELEMENTARY UNIT OF THE NATIONAL SECURITY SYSTEM FOR THE LINGUISTIC MODEL

3.1. NOTATION ADOPTED IN THE LINGUISTIC MODEL

Let us assume the notations for $\mathbf{R}$, $\mathbf{R}$, $\mathbf{Z}$, $\mathbf{A}$, $\mathbf{E}$, $\mathbf{I}$, $\mathbf{I}_z$ and values of G in chapter 2.1. Moreover, let:

- $\mathbf{L}$ denote a set of linguistic variables which evaluate solutions of the optimisation task. $\mathbf{L} = \{L_1, L_2, \dots, L_g, \dots, L_G\}$ where L_g denotes the g -th linguistic variable used to denote the g -th quality index;
- $M(L_g, a_k)$ denote the function of membership in a set which is the outcome of fuzzy reasoning for deployment $a_k \in \mathbf{A}$ and a linguistic variable $L_g \in \mathbf{L}$;
- $W(L_g, a_k)$ denote a sharp value of the linguistic variable $L_g \in \mathbf{L}$ of a permissible solution $a_k \in \mathbf{A}$ obtained by fuzzy reasoning [3] based on linguistic data of objects in the area and properly defined rules of reasoning:

$$W : \mathbf{L} \times \mathbf{A} \rightarrow \mathbf{R}; \quad (8)$$

- $\tilde{F}$ denote the function of evaluations of distinct variants of deployment of active elements $e \in \mathbf{E}$ – permissible solutions of deployment of active elements $e \in \mathbf{E}$:

$$\tilde{F} : \mathbf{A} \rightarrow \mathbf{Y} \subset \mathbf{R}^G, \quad (9)$$

where:

- ✓ $\mathbf{Y}$ – a set of values of quality evaluations for permissible deployments of active elements $e \in \mathbf{E}$ – of permissible solutions,

$$\checkmark \quad \tilde{F}(a_k) = (\tilde{F}_1(a_k), \dots, \tilde{F}_g(a_k), \dots, \tilde{F}_G(a_k)) = (W(L_1, a_k), \dots, W(L_g, a_k), \dots, W(L_G, a_k)), \quad a_k \in \mathbf{A}. \quad (10)$$

3.2. AN EXAMPLE OF OPTIMISATION OF DEPLOYMENT OF ACTIVE ELEMENTS OF AN ELEMENTARY UNIT OF THE NATIONAL SECURITY SYSTEM FOR THE LINGUISTIC MODEL

Let us take the data of objects from the area and types of threats from the example shown in 2.2. Let:

- linguistic variables which are indexes of the solution quality are determined by the set $\mathbf{L} = \{L_{\text{bez}}, L_{\text{kos}}\}$, in which:
- ✓ L_{bez} – linguistic variable which represents a level of security of protected elements of EU. It adopts the fuzzy values from the set {"SMALL", "MEDIUM", "LARGE"} and sharp values from the interval $\langle 0; 1 \rangle$ (Fig. 5.);
- ✓ L_{kos} is a linguistic variable which represents the cost of deployment of active elements. It assumes fuzzy values from the set {"SMALL", "MEDIUM", "LARGE"} and sharp values from the interval $\langle 0; 1000 \rangle$ (Fig. 6.);
- the criterial function (quality index for deployment of active elements) has the following form:

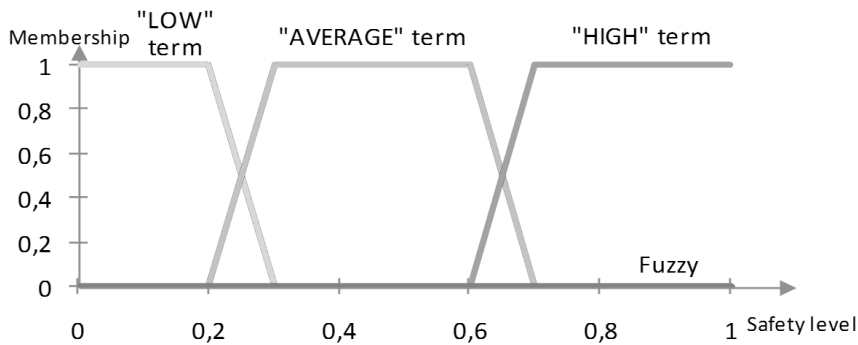
$$\tilde{F}(a_k) = (\tilde{F}_1(a_k), \tilde{F}_2(a_k)) \quad (11)$$

while:

$\tilde{F}_1(a_k)$ – $W(L_{\text{bez}}, a_k)$, the measure of level of security of operation of entities at the k -th variant of deployment of active elements of EU – it is a sharp value of the linguistic variable L_{bez} obtained by fuzzy reasoning [3];

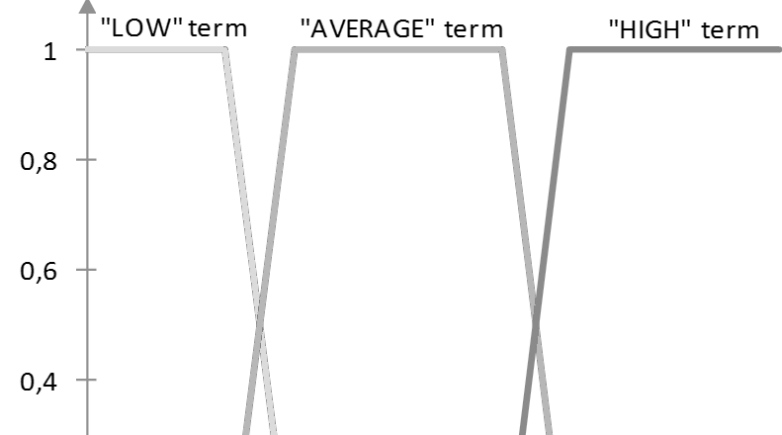
$\tilde{F}_2(a_k) - W(L_{kos}, a_k)$, the cost of k-th deployment variant of active elements of EU, which is a sharp value of the value L_{kos} obtained by fuzzy reasoning.

Fig. 5. Diagram of the membership function for the linguistic variable L_{bez}



(source: own compilation)

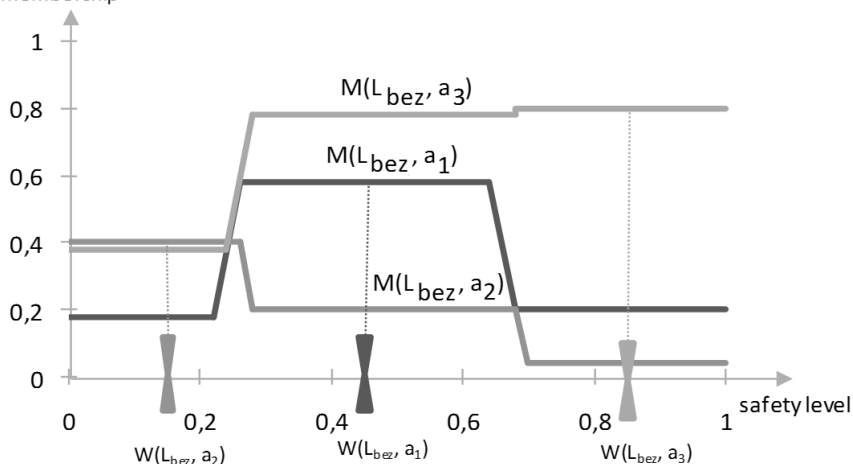
Fig. 6. Diagram of the membership function for the linguistic variable L_{kos}



(source: own compilation)

The reasoning for selected vectors of deployment yielded resultant fuzzy sets of costs of completing the units and the level of EU security, which were subsequently de-fuzzy-ficated by the MOM (Middle of Maximum) method [3, p. 252] (Fig. 7.).

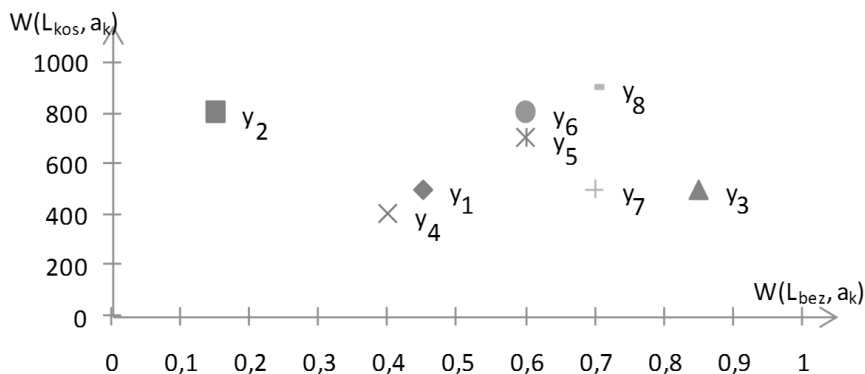
Fig. 7. Illustration of the membership function for fuzzy sets of the variable L_{bez}



(source: own compilation)

Let us assume that for the permissible deployments of the active elements of EU - $a_k \in A^{dop}$ the function of criterion (11) ($y_k = \tilde{F}(a_k)$) assumes the value: $y_1 = (0.45, 500)$, $y_2 = (0.15, 800)$, $y_3 = (0.85, 500)$, $y_4 = (0.4, 400)$, $y_5 = (0.6, 700)$, $y_6 = (0.6, 800)$, $y_7 = (0.7, 500)$, $y_8 = (0.7, 900)$, shown in Fig. 8.

Fig. 8. Illustration of evaluations of distinct variants of deployment of active elements $e \in E$ EU



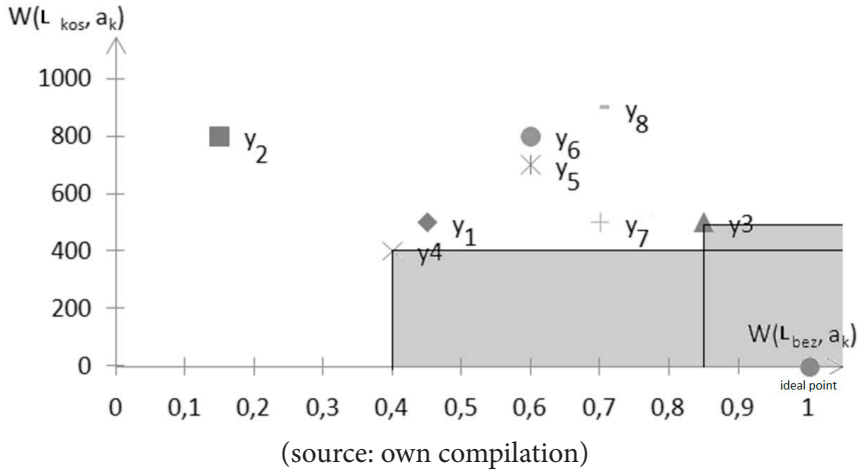
(source: own compilation)

Similar to the example in item 2.2., the optimal solution is the one which minimises the costs of completing the entities of active elements and which maximises the level of security of protected objects of the EU:

$$k^* : \tilde{F}(a_{k^*}) = \max_{a_k \in \mathbf{A}^{dop}} \tilde{F}_1(a_k) \min_{a_k \in \mathbf{A}^{dop}} \tilde{F}_2(a_k). \quad (12)$$

The non-dominated solutions in the example are the following: $y_3 = (0.85, 500)$ and $y_4 = (0.4, 400)$ (Fig.9.).

Fig. 9. Illustration of evaluations of distinct variants of deployment of active elements $e \in E$



EU and the preference cone which complies with the decision maker's opinion

We will assume that the preferred distance will be the minimal Euclidean distance between evaluations y_k and the ideal point $y^* = (\tilde{F}_1(a^*), \tilde{F}_2(a^*)) = (1, 0)$. A substitute function of evaluation which takes into account the adopted model of preference and standardisation of indexes has the following form:

$$\tilde{F}^z(a_k) = \sqrt{\left(\frac{\tilde{F}_1(a^*) - \tilde{F}_1(a_k)}{\tilde{F}_1^{\max} - \tilde{F}_1^{\min}}\right)^2 + \left(\frac{\tilde{F}_2(a^*) - \tilde{F}_2(a_k)}{\tilde{F}_2^{\max} - \tilde{F}_2^{\min}}\right)^2}, \quad (13)$$

where:

- $\tilde{F}_1^{\max}$ denotes the maximum value for the universum of the linguistic variable L_{bez} :

$$\tilde{F}_1^{\max} = \max_{a_k \in \mathbf{A}} \tilde{F}_1(a_k) = 1,$$
- $\tilde{F}_1^{\min}$ denotes the minimum value for the universum of the linguistic variable L_{bez} :

$$\tilde{F}_1^{\min} = \min_{a_k \in \mathbf{A}} \tilde{F}_1(a_k) = 0,$$
- $\tilde{F}_2^{\max}$ denotes the maximum value for the universum of the linguistic variable L_{kos} :

$$\tilde{F}_2^{\max} = \max_{a_k \in \mathbf{A}} \tilde{F}_2(a_k) = 1000,$$
- $\tilde{F}_2^{\min}$ denotes the minimum value for the universum of the linguistic variable L_{kos} :

$$\tilde{F}_2^{\min} = \min_{a_k \in \mathbf{A}} \tilde{F}_2(a_k) = 0,$$

Substituting the obtained results in (13) yields:

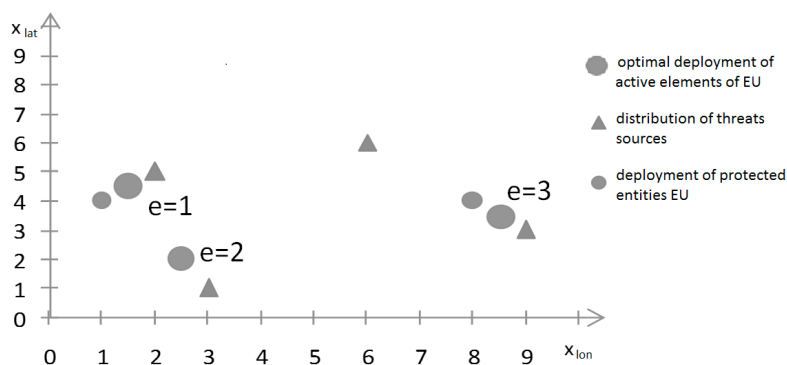
$$\tilde{F}^z(a_1) = 0.74, \tilde{F}^z(a_2) = 1.17, \tilde{F}^z(a_3) = 0.52, \tilde{F}^z(a_4) = 0.72, \tilde{F}^z(a_5) = 0.81, \\ \tilde{F}^z(a_6) = 0.89, \tilde{F}^z(a_7) = 0.58, \tilde{F}^z(a_8) = 0.95.$$

Hence:

$$\min_{a_k \in \mathbf{A}} \tilde{F}^z(a_k) = \tilde{F}^z(a_3)$$

which means that the deployment a_3 (Fig. 10.) is optimal.

Fig. 10. Illustration of the optimal deployment of active elements as well as sources of threats and protected entities



(source: own compilation)

4. SUMMARY

The complexity of issues of ensuring security for entities implies the necessity to consider counteracting the threats in a domain-related manner [2]. One of such problems associated with the issue is the optimisation of deployment of EU active elements with an established position of protected objects and sources of threat. The formulation of the task of optimisation of EU active elements and its solutions are shown for an example of uniform threats.

In fact, each entity is affected by more than one security threat to its operation. Moreover, this may be accompanied by synergy. Hence, there is a real need to develop a method of determination of the resultant deployment, which takes into account the results of optimisation in individual domains. This issue will be the subject of further studies.

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THIS RESEARCH PAPER HAS BEEN FINANCED
FROM THE SCIENCE BUDGET FOR 2010-2012
AS PART OF INDIVIDUAL RESEARCH PROJECT No. o N516313938.



National security - definition, character and determinants. Studies on the quality of security

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THREATS AND CHALLENGES OF CROSS-BORDER SAFETY IN THE CONTEMPORARY WORLD

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ABSTRACT

This paper includes selected problems related to the coherence of the European safety in the 21st century, taking into account the environmental aspects of globalization and cross-border safety. On the basis of the definition of cooperative safety given by G. Evans and concepts developed in the framework of OSCE the author considers the essence of the challenges of global and cross-border safety in a geographical and near-European area. At the same time the author defines the term of "the safety environment" as **a group of international and social factors as well as relations and conditions overlapping them, which shape the international relations of all the political actors.**

The essence of the publication constitutes an extract on new global and cross-border challenges. Based on the economic, social and natural events the author justifies the thesis regarding the increasing importance of non-military factors on shaping the European safety in the 21st century. On this basis, the author defines modern safety as **a specific product that requires certain managerial decisions as well as activities of different bodies, institutions and international organizations equipped by sovereign nations in the legal, material and military means to be applied as penalties against the aggressor and also in order to stop the fighting parties and restore the state of peace and security.**

The paper leads towards one major conclusion that the geopolitical balance of the modern Europe and the globalized World, through a series of evolutionary and coherent events mainly from the sphere of financial-banking, economic and social spheres can destabilize the balance of the world.

KEY WORDS:

safety, risks and challenges, cross-border, cross-border challenges.

INTRODUCTION

The contemporary world is facing a number of open conflicts. Revealing either a latent character or being *in statu nascendi*, hot spots are to be found in many areas. Over the last twenty or thirty years we have witnessed an amazingly huge re-evaluation in geo-politics. The trend towards a decisive transformation persists in the second decade of the 21st century. I even claim that because of industry and economics this process is even speeding up - mainly in the social area.

At the beginning of the XXI century the term "international safety"¹ gained a new dimension due to the events associated with international terrorism and counter-terrorism services operations and overall globalization of risks. There has appeared a range of new interpretations and definitions of the term "safety" as such. There have also been extracted new types and forms of safety threats such as energy, fuel, natural, financial, or food threats. In other words, **Area Safety System** (ASS) has been established.

Therefore, contemporary safety has become a global concept with regards to its content. At the same time, due to ASS, it has become coherent² and frequently asymmetric to a number of new contents which previously were not clearly defined. Hence, modern threats, which often reveal a global nature, are frequently of a non-traditional character. They result mainly from social transformations rather than from the decisions taken by governments. Consequently, they raise a number of uncertainties in the area of defining the widely understood contemporary safety and contemporary security policy.

THE ESSENCE OF THE CROSS-BORDER SAFETY CHALLENGES

Political and military safety of the contemporary globalized world reveals a multifarious and cross-border character. Moreover, it becomes trans-regional. Economic or social events taking place in one region make a significant impact on similar events in another (adjacent, related or de-

¹ The term "safety" is related to a number of other notions, such as danger, challenges, threat (eg. military, political, social, energetic), crisis, conflict, war, peace, reason of state, national interest.

² coherence – Latin *cohaereo*, the state of being connected, The Free Dictionary online; <http://www.thefreedictionary.com/> Assessed January 6, 2012

pendent) region. The theater of events extends – we are heading not only towards the globalization of threats, but also towards the safety globalization. To specify the contemporary concept of "safety", I will use the adjective "cross-border" to refer to the situation on both sides of the border.

The term "cross-border" can be used in the context to define (describe, analyze) the areas of not only trans-regional safety, but also sub-regional safety. However, the nature of modern political relations has an increasingly polycentric dimension³, and thus we can talk about polycentrism in international relations.

The global and cross-border nature of the challenges of the safe Europe in the 21st century is due to the geopolitical conditions of the modern world, or rather due to its multipolarity which, if not shaped formally yet, remains the *in statu nascendi* stage. While discussing global problems, one can distinguish four types (kinds) of global problems:

- ensuring sustainable peace and international safety;
- shrinking of the raw materials resources (mainly energy) and environmental protection;
- overcoming poverty, hunger and diseases;
- settlement of the economic and business problems or rather finding quick solutions to these problems.

The characteristics of today's global problems can be described as:

- worldwide – since they virtually affect a great number of people and multiple in various parts of the world;
- highly complex – because of their impact relying on multiple factors and interconnection network;
- unresolvable – because the scale of the global problems frequently exceeds the capabilities of counteracting (opposing) by a single nation.

The above mentioned three features are enough to perfectly illustrate the fact that the global issues are also cross-border problems. The aspect of the cross-border events in the sphere of safety challenges makes it clear that they will cover (affect) the areas situated at least on the territory of two or more states. Depending on the nature of the challenges, even several millions of people may find themselves within the area of such challenges.

³ Having many centers, especially of authority or control. The Free Dictionary online; <http://www.thefreedictionary.com/> Assessed January 6, 2012

Therefore, I support widening of the scope of the safety concept meaning. In my opinion, the arguments of the traditional (political-military) approach to the issue of safety has lost a great deal of its power after the end of the cold war. The extended treatment of the concept and content of safety is of a significant importance in today's world because of the globalization phenomena, its cross-border nature and the coherence of challenges and threats. Accepting the use of the extended meaning of the concept of safety one realizes that:

- any difficulty (challenge) in any field of the functioning of the state (society) can be treated either as a potential danger to safety or an opportunity to strengthen it;
- safety becomes a truly universal status, which will be the result of different activities (relationships);
- the importance and role of the different aspects of safety (not only military power) are extended;
- the state should focus its attention and introduce a greater range of issues subjected to assessment (analysis) in determining the status of cross-border (sub-regional) safety.

Hence, I support the thesis of the network-centric model functioning of both challenges and threats and, consequently, I advocate a network-centric area of safety. In this perception of the functional model safety remains a central element of the layout. At the same time, distinguished elements of the Area Safety System also functions (to a different degree) in the area of network security.

NEW GLOBAL AND CROSS-BORDER CHALLENGES

Classified and described so far, the challenges faced by safety seem to reflect a real picture of the potential dangers. Unfortunately, the evolutionary nature of civilization also refers to the evolution of challenges, threats and the very concept of safety (e.g. anti-terrorist), subjecting them to evolution and depriving them of their constant character. Today, the natural environment of human safety is multidimensional (internal and external) and covers different aspects (national, international) and different areas of activities starting from social, cultural, and ecological activities and finishing with military and political ones.

Safety threats are caused by external reasons and/or internal, international and global considerations. Therefore, it is essential to systematically

widen the area, levels and diversity of the analysis, as well as extend the diagnosed phenomena in the safety environment. Identification of the risks which are likely to disturb human peaceful and creative activity in the economic, social, scientific, and cultural areas is the basic task of departments and organizations (structures in general) responsible for the security of States and community/society. I use this form deliberately to mean not only the activities of the institution of the state, but also the activity of the civil organization.

It follows that taking key and strategic decisions in the sphere of safety should correspond to the standard of the possibly quickest actions and effective resistance to threats. However, it is necessary to bear in mind that the weakness of each strategy accepted for any action is its low (weak) resistance to unforeseen events, previously considered unlikely or even impossible.

It is difficult to clearly and precisely define the trends of the evolution of the contemporary safety challenges. I estimate that the major challenges in the field of the European safety for the next 20-30 years will be of non-military character. They are likely to evolve in the direction of cross-border challenges in the economic-industrial and, therefore, social spheres. Nonetheless, they may develop into a military fight if in the state of a severe crisis⁴.

Serious safety challenges in all areas will be constituted by the threats of natural disasters. Consequences of potential natural-atmospheric events (disasters) may have a destructive impact on the lives and health of the inhabitants of large territories, perhaps of a cross-border character.

Non-military threats, the ones described earlier as revealing an industrial-economic and social character, adopt the nature of cross-border challenges extremely easily. Highly consistent with these phenomena are the global processes in the world economies and/or social movements, which will take the form of the network structure (process). This may result in the domino effect, just to mention the financial crisis in the USA, protest of the Arabic states starting from Morocco and finishing with Bahrain and Oman, which have already been called a revolution (**the Arab spring**).

I argue that new challenges in the area of the European safety for the 21st century will be connected with the risks in the area of economics and

⁴ Compare the development of events in the former Socialist Federal Republic of Yugoslavia (1991-1995 and later in Kosovo), a Georgian-Russian war in 2008. Both of them were the result of the former ethnic and cultural conflict.

business and, as a result, will relate to the social area⁵. Potentially, the major areas of threats will include:

- **the economic crisis**, including the crisis in the financial-banking sector that has already been present for three years. It remains a major factor putting into danger the stability and peace.

Although the official statistics illustrate stabilization on the stock exchanges, an increase in production and a stable position of the financial markets, international institutions analysts are concerned about these indicators. During the Summit of the International Monetary Fund (October, 2010) the Chief Dominique Strauss-Kohn noted that if most States keep using the exchange rates to combat the crisis, global GNP will fall by 2.5% and a recession will return⁶. This manipulation of the individual currency rates is certain to lead to a currency war – a new challenge in the financial-economic sphere⁷.

Also the participants of WEF (*World Economic Forum*) in Davos in 2011 arrived at rather pessimistic conclusions concerning the future⁸. They emphasized the three threats:

- states' bankruptcy (the indebted Europe lacks money to cover the increasing budgetary needs, such as pensions and annuities);
- the absence of effective international economic cooperation which results in the rapid development of the grey market;
- growing demands for food, water and energy supplies.
- **depletion of raw material sources** (mainly energy and metal ores sources); the way to solve the problem is to reach for the resources at the bottom of the oceans (e.g.. Gulf of Mexico or under the Arctic).
- **a demographic crisis** resulting in the Europe which is getting older and depopulated. As shown by a sociological analysis, this process is very advanced. Only in Poland in forty-year time there will be about 5 million fewer than today⁹. Relatively quickly Europe is becoming the continent of

5 The case of Greece is a caution for pseudo politicians offering lies to their citizens and succumbing in the face of a growing number of social requests.

6 See J. Bielecki, *Wojna walutowa to śmierć dla wzrostu gospodarczego*, „Dziennik Gazeta Prawna” nr 198, October 11, 2010.

7 sample forms of the currency manipulation: under the administrative decisions foreign currency was bought out (China); maintaining a very low level of interest rates (USA); buying out their own currency and obligations (Japan); printing more and more empty money (USA).

8 See J. Bielecki, *Davos ostrzega świat przed rosnącymi wydatkami*, „Dziennik Gazeta Prawna” nr 7, January 12, 2011.

9 See M. Król, *Długa, smutna starość Europy*, „Dziennik Gazeta Prawna”, nr 52, March 16, 2010.

old people where all relations between generations break and a cultural unification takes place.

Moreover, I estimate that the major challenges in the field of natural safety will be associated with a number of phenomena, which will be related to a number of erroneous economic decisions taken in the past and being the result of the total human actions (of a political nature: e.g. changing the direction of the water of the rivers in areas of Aral lake, or of an economic nature: e.g. land improvement in the vicinity of Gopło lake).

Among numerous challenges, and thus threats to human safety and our material and cultural heritage in the area of nature I situate the following:

- **ecological**, including:
 - the spread of biologically non-degradable toxic substances which cause soil, air and water pollution, etc.;
 - pollution of the upper layers of the atmosphere by chlorofluorocarbons which cause damage to the ozone layer (the ozone hole) as a result of the increase in the penetration of the ultraviolet rays;
 - the greenhouse effect as a phenomenon causing the increase in temperature of the earth caused by gases limiting the reduction of heat from the Earth's surface and lower atmosphere to space ¹⁰;
 - a catastrophic increase in garbage (solid and liquid);
 - destruction of tropical forests and quick extinction of species;
- **meteorological** (climatic) relating to phenomena;
 - floods and/or droughts
 - hurricanes¹¹ belonging to the weather anomalies and divided into typhoons, cyclones, and tornadoes;
 - earthquakes (and consequently, tsunamis);
 - volcanoes.

10 one flight of an aircraft across the Atlantic absorbs around 60 000 litres of fuel, which is more than the average driver uses over 50 years. Every year the aircraft passenger inhale around 140 tonnes of carbon dioxide, and the exhaust gases emitted with the aircraft at an altitude of 10 km remain in the air one hundred times more than those emitted by the Earth's surface. Passenger aircrafts contaminate the atmosphere four times more than the chimneys standing on the Earth.

11 Hurricane Katrina (2005) is one of the thirty most fatal hurricanes to strike the USA. 1836 people died and 705 were considered lost. The Material damage in New Orleans approximated 81 billion dollars.

The above-discussed challenges may affect the connection (coherence) of the threats and generate a range of new social-economic phenomena as e.g.:

- **a migration wave** caused by, for example, unemployment, hunger, population boom as well as armed conflicts and wars;
- **a reduction in living standards** caused, among others, by poverty, growing social disparity, illiteracy, pandemics of serious diseases such as plague, AIDS, Ebola;
- **an increase in criminal activities** caused by smuggling (of goods and people), criminal structures, corruption;
- **the birth of a new terrorist structures** due to the cultural-economic backwardness and religious fanaticism;
- **civilization and cultural aspects** expressed by intolerance, xenophobia, and also illiteracy.

The final effect of all these challenges regardless of the cause and the lack of effective, early response of the international community may be crises, armed conflicts, and local wars.

Therefore, I claim that a highly broad and complex group of challenges and safety threats is revealed by a group of social risks, which are consistent with the civilization and cultural challenges. The primary challenge is, therefore, violations of human rights, including violation of the human right to personal freedom.

Hence, I argue that such rapid events in the Arabic countries (Tunisia, Egypt, Libya, but also Greece or Spain – defined as “the rebellion of the rejected”, Spanish *indignados*) should be perceived through a growing indication of the differences in the cultural values which rapidly and radically change geoeconomics. It should definitely be realized once again that there is no single and universal model of civilization and globalization. These and other “-ation” can will certainly have different faces – Arabic, Asian, or Latin American – and we have to accept this fact.

In this situation there is no need to prove the importance of the activities undertaken by the United Nations for the improvement of living standards of the poorest people by launching the Millennium Declaration in 2000 and opening the program entitled *The Millennium Development*

*Goals*¹². The analysis of the achievements and success of the implementation of this program has been satisfactory, but it also shows how much remains to be done. The need for further common efforts is illustrated by protest and determined positions of the societies of the Arab States.

The assessment of the threats (or safety) level is done by specialized institutes, agencies and experts. The level of professionalism and quality of the applied research tools is highly heterogeneous.

It is necessary to stress that, in the light of the analysis, games staff and activities carried out by brainstorming in **the Institute of cross-border safety at the Alcide De Gasperi University of Euroregional Economy**, taking into account the current views on the classification of risks we can discuss several groups, various potential crises that generate CROSS-BORDER THREATS:

- **military** – *rather unlikely* given the lack of open national conflicts in the border regions which could turn into open military conflict, the military alliances status and political threats to regional cooperation.
- **social** – *rather high* given the present multiple economic and financial links in the cross-border areas. Social threats may relate, for example, to:
 - migration because of unemployment;
 - international criminal groups;
 - epidemic (pandemic).
- **economic** – *rather high* due to the economic partnership and globalization processes taking place also in Euro-regions.
 - economic crisis (economic downturn).
- **informative** – *rather above average*, but only in the condition of national threats, for example, a terrorist attack. In this group cross-border threats may relate to an attack:
 - conducted completely in cyberspace;
 - a physical attack at informative systems.

One may certainly assume the presence of the third from of an attack – indirect (mixed), during which terrorists use both types of the attacks – in the cyberspace and physical ones in the real world.

Attacks in informative environment may turn into mortal threats, for example, through:

12 See The Millennium Development Goals Report 2010, UN, New York 2010.

- disrupting air and sea traffic control;
- overloading and interfering with the functioning of telephone communication blocking the notification of emergencies;
- damage and reconfiguration of software used in hospitals and medical services;
- pressure changes in gas pipelines resulting in disasters;
- access to the data parameters in the critical infrastructure;
- sabotage of data on financial markets.

Considering threats in cyberspace, Estonia is the country which has experienced a massive attack by hackers. The attack was conducted in April 26, 2007 (10 PM) and aimed at the Estonian information and government systems, as well as the main server of the Domain Name System (DNS). The attack was repeated three days later.

- **technological** – *rather high* due to a relatively high industrialization of the Baltic Euro-region. The analysis of threats demonstrates the possibility of the following categories of threats:

- disasters of oil-tankers;
- disasters of the Northern gas pipeline;
- accidents in nuclear power stations;
- loosening of the sunken tanks containing military gases from World War II;
- environmental pollution.
- **natural** – *high*, possibly due to the climate change generating a series of catastrophic events. This group of cross-border threats may refer to:
 - flood;
 - drought;
 - wind-storm (tempest);
 - hard rime¹³.

The second sub-group of cross-border threats relates to natural phenomena of a natural catastrophe character rooted in physical-mechanical phenomena including:

- earthquake;
- tsunami;

¹³ Rime – a coating of ice, as on grass and trees, formed when extremely cold water droplets freeze almost instantly on a cold surface. The Free Dictionary online; <http://www.thefreedictionary.com/> Assessed January 6, 2012

- volcanic eruptions¹⁴.

The results of the evaluations and studies carried out in my University show that "a system error" should not be allowed to occur in the establishment of the policy and strategy of safety. The challenges of the future necessitate a quick "program update".

CONCLUSIONS

The multiplicity of political-economic and cultural phenomena and processes in the contemporary world will determine the need for demilitarized reflection on safety challenges. At the same time it determines the range and depth of a careful reflection on the challenges of the new spheres, above all, economic, social, ideological, religious, humanitarian (purely human – Cz. M.) as well as organic. Of course, it should not be forgotten that the military aspect will not disappear from the issues of the safety challenges.

The considerations presented in this study indicate that the challenge for the European security in the 21st century will have a mulch-dimensional and multi-faced nature and a globalized content which, at the same time, will be consistent with the areas of their specificity.

A geopolitical balance of Europe and the world changes in a slowly but a rather systematic way which is partly due to the fact that Europe is in a bad social-economic state; America faces a bank deficit and political clinch; China strengthens its position in East Asia; Turkey and Brazil will aim at projecting their regional power to achieve international importance and prestige; India builds a full-size Navy; Germany has disrupted a political balance in the European Union and want to dictate their rules; Russia is a weak state based on the economy contingent upon the energy fuels, etc.

In conclusion, it should be noted that the development of the new European safety order in the 21st century can bring more competition and rivalry rather than cooperation. In this context, all areas of the revalued board of the international security¹⁵ are derivatives of the coherent phenomena of the political and social life which multiply (double, or even triple) the number of the possible operational activities (means).

¹⁴ it happens frequently that certain phenomena (or rather natural disasters) have secondary reactions, for example, the earthquake in Japan (April 2011) triggered a wave of the tsunami which, in turn, led to the technological disaster in power station in Fukushima.

¹⁵ Referring to the title of the famous book by Zbigniew Brzeziński.

Cross-border safety is a relatively young and recently dedicated segment of the international security issues, which has just started to develop. It is important for the social awareness to establish a belief that we should be able to identify the cross-border threats, assess them (measure their potential) and address them effectively.

In a globalized and highly industrial world where a balance between important natural social and economic systems is disturbed, there is an increasing number of events which have the characteristics of a disaster¹⁶. A man has more and more responsibility for their outbreak and conduct.

Cross-border safety is usually disturbed in the place and time of the least security. The ability to rightly assess the risk cannot be based on the case or witchcraft but on forecasting based on scientific methods.

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¹⁶ Katastrofy i zagrożenia we współczesnym świecie, ed. A. Mikusińska, WN PWN, Warszawa 2008, pp. 6-54, 70-83, 84-97



National security - definition, character and determinants. Studies on the quality of security

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ROLE OF EUROREGIONS IN FORMATION OF NATIONAL SECURITY

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ABSTRACT

Cross-border cooperation in Europe in XXIst century is common and well grounded phenomena. Specific form of cooperation is cross-border cooperation between euroregions. Its characteristic attribute is institutionalization of cooperated structures. Polish practice of cross-border cooperation has developed two models of legal and institutional creation of Euroregions: self-government and administrative-self government. Polish municipalities included in the structure of 16 Euroregions. They are covering most of the territory of Polish border areas. Euroregions activity has a significant impact on the creation of security in border areas. Through positive actions to many areas of life Euroregions formed primarily political, economic, social, ecological, and cultural security, thus affecting national security.

KEY WORDS:

Euroregions, cross-border coopertion, Euroregional cooperation

INTRODUCTION

Cross-border cooperation in Europe in XXI century is an important phenomenon. It's general legal principles were established by the Council of Europe. Basis for cooperation are included in the European Framework Convention on Cross-border Cooperation between Territorial Communities or Authorities. They were created at a conference in Madrid on May 21th , 1980.

Article 2, paragraph 1 of the Convention defines 'cross-border cooperation' as any mutual action taken which is aimed at strengthening and further development of neighbors relations between territorial communities or authorities of two or more Contracting Parties as well as the conclusion

of agreements and agreements necessary to achieve plans. Cross-border cooperation is limited by the principles of the properties of communities and local authorities specified by domestic law¹. By the term 'community and territorial authorities' we understand the Convention by individuals, agencies and authorities that implement local tasks, the regional and considered by the domestic law of each state.

The document, commonly known as 'the Madrid Convention', as an attachment also includes templates and outlines of agreements, statutes and contracts that may be concluded between Territorial Communities or Authorities. Any State which adopted the Convention committed to facilitate and support cross-border cooperation and thereby contribute to economic and social progress of border areas, as well as to strengthen the sense of community in Europe. Poland ratified the Convention in 1993².

1. EUROREGIONAL COOPERATION AS A FORM OF CROSS-BORDER ACTIVITIES

Next piece of legislation, cross-border cooperation is the European Charter of Border and Cross-Border Regions which is important. The document was adopted by the Council of Europe, on 20th of November, 1981 called European Charter of Border Regions in EUREGIO on the border of Germany and the Netherlands. The Charter of amendment took place on 1st of December in 1995 Szczecin, Euroregion 'Pomerania' and changed its name to the present. The latest amendment was on October 7th of 2004. The document is not an act of international law, is considered as a sort of guideline for further cooperation indicating the common direction of development and basic values, which correspond to values and objectives of the Treaty establishing the European Union as well as in EU Constitution³.

The Council of Europe adopted the European Charter of Local Self-Government, which took place on October 15th, 1985, ratified by Poland in 1994⁴. Card has the importance of an international agreement allows local government units, local communities the right to establish coopera-

1 *The European Framework Convention on Transfrontier Cooperation between Territorial Communities or Authorities* made on 21st of May, 1980. Coll. Laws No. 61 item. 287 on 10th of July, 1993.

2 Coll. Laws. No. 61 idem. 287 on 10th of July 1993.

3 The European Charter of Border and Cross – Border Regions were adopted on 20th of November, 1981 in EUREGIO on Germany and the Netherlands border. The text of the document is available on the website of the Association of Carpathian EUROREGION-<http://www.karpacki.pl/pliki/EKRG200805032703.pdf> [Date of access: 05.01.2012].

4 Poland ratified the Charter of the government announcement on 14th of July 1994, Coll. Laws. No 124, idem. 607

tion with units from other countries and the affiliation with them on the principles defined in national law.

The European Charter of Regional Government was adopted on 5th of June in Strasbourg in 1997 and continues understanding of the Charter of 1985. It contains recommendations for the granting of large permissions municipal regions. There is a level of local authorities which carries out the formation programs. There are also processes of development and integration of European countries, participation in the structures of interregional cooperation, and implementation of the objectives of cross-border regions and interregional cooperation⁵. Charter was not ratified by Poland, therefore, does not refer directly to the Polish local government units. These documents have created the foundation of cross-border cooperation in the European regions, the regulations contained in them have intensified activities in this field.

A significant fact is that most activities of cooperation is located in the European Union structures. In nomenclature of the EU cross-border cooperation is one of several specified forms of cooperation and interaction between regions of different countries. The most general term is 'territorial cooperation' which is understood as different types of operational programs. These programs support the promotion and implementation of joint projects with international character throughout the European Union⁶.

Within the framework of territorial cooperation can be distinguished:

- Cross-border cooperation - is a collaboration of local level regional and directly neighboring states;
- Interregional cooperation - conducted at local and regional larger areas;
- Transnational cooperation - which includes areas not directly neighbouring to each other through the state border, implemented by local authorities and other parties at local and regional level.

Operational programs have strengthen the integration process and promote sustainable development of the European Union. The implemen-

⁵ The text of the document is available on the website of the Parliamentary Library at <http://libr.sejm.gov.pl/tek01/txt/re/1997a.html> [Date of access: 05.01.2012]

⁶ The concept of 'territorial cooperation', specifying the 'European Territorial Cooperation' (ETC) has been introduced for determining the cohesion of the European Union - Objective "European Territorial Cooperation". ETC programs to replace projects implemented under the Community Initiative INTERREG III 2004-2006, programmatic assumptions ETC started in the year 2007, the completion of programs are planned for 2013.

tation of planned activities is carried out by number of projects performed under individual programs⁷.

The knowledge of this terminology is essential. It is important both common use in European Union legislation in practice of EU programs and Polish regional policy.

A specific form of cross-border cooperation is Euroregional cooperation. Its characteristic feature is the institutionalization of cross-border cooperation structures. In the structures may occur: associations, councils, secretariats, committees, working groups etc. Euroregional Cooperation is implemented in the framework of the Euroregion. Although the name 'Euroregion' is a term commonly used in cross-border cooperation as well as literature, there is no official application in international legislation, and ipso facto there is no legally accepted definition.

In definition of Euroregion literature indicates various approaches. The euro-region is considered a limited geographic area which consists of parts of the territory of the border where local authorities co-ordinate and carry out the action. The authorities also coordinate projects in many ways without undermining domestic law. The condition for cooperation is the implementation of projects which are beneficial for both (or if there are more participants, then for all) parties involved in cross-border cooperation⁸.

Institutionalization is an important aspect in defining. According to the definition it is a working community of towns and villages, institutionalized form of cooperation in the border region. It has own legal personality, is an association registered under the laws of the country, does not have a separate supranational structure. The members of the region are territorial units that form the working community, conducted by the Assembly of the Euroregion. Euro-regional cooperation for development will also contribute unions, associations and individual citizens⁹.

The Euroregion represents another approach to terminology as a formal structure of cooperation, taken on the basis of agreements between local authorities and regional authorities between economic and social

⁷ For more information, the European Community Programs Territorial websites: <http://www.ewt.gov.pl/WstepDoFunduszyEuropejskich> and <http://www.interreg.gov.pl/20072013/20072013.htm> [Date of access:05.01.2012 r.]

⁸ W. Malendowski, M. Ratajczak- *Euroregions. Polish integration step*, , Wroclaw 2000, pp. 9-10.

⁹ *ibidem*, p.77.

players¹⁰.

The first cross-border region - called Euregion was created in 1958 by German-Dutch border. It was the beginning of uprising on the French-German and the German-Swiss border. Euroregion structure closely harmonized with the processes of integration of border regions uniting Europe.

Nowadays Euroregions border regions include most European Union countries. At this point it should be noted that the legislation concerning cross-border cooperation does not preclude cooperation Euroregional States which are not part of the European Union, for regions located at the external borders of the Union. There is a possibility of cooperation with countries from outside the Community is important especially for regions at the external borders of the Union. There are extremely helpful financial aid programs from the European Union, which supports cross-border cooperation in these areas. Creating new Euroregions are based on models of collaboration developed in Western Europe, which are considered the most effective and have become a model for many new Euroregions. The cooperation was an important element of plans for cross-border cooperation in border areas, which includes all aspects of social life¹¹.

2. NATIONAL SECURITY – A THEORETICAL APPROACH

Security as an area of research is highly interdisciplinary. It is of an interest in many fields such as political science, sociology, international relations, history, law. The interpretation of this concept is variable depending on the nature of science which determines the research perspectives.

Dictionary definitions of 'security' show two aspects¹²: the lack of risk and certainty. However, the lexical definitions in this term are too generic and ambiguous that they can be used to assess specific conditions and processes. For the purpose of many scientific disciplines are formed by adding the detail term of adjectives (show safety of subject or object), as a result create a new category of security.

The typology of security is divided into four basic criteria¹³:

10 Malendowski W., M. Szczepaniak, *The role of Euroregions in the process of European integration*, [in:] *Euroregions. Bridges to Europe without frontiers*, edited by W. Malendowski, M. Szczepaniak, Warsaw, 2000, p.12.

11 Malendowski W., M. Ratajczak, *Euroregions*, , Op. cit p. 58

12 *Polish Language*, Vol. 1, edited by M. Szymczak, Warsaw 1978, p 47.

13 Edited by R. Zięba *International Security after the Cold War*, Warsaw 2008, p.16 - 22

1. Criterion of subjective (for whose safety?)

- international security
- national security

2. Criterion of subject- the list is opened

- political security
- military security
- economic security ((divided into: energy resources, energy, food, social, financial, technological, etc.)
- cultural security
- ecological security
- social security
- ideological security
- other

3. Zone criterion

- local security
- sub-regional security
- regional security
- supra-regional security (zonal)
- global security (global, universal)

4. Functional criterion (processual) allows observation of time-varying subjective and objective aspects of security:

- security status
- security process

In relation to State or nation there is no explicitly adopted the interpretation of 'security'. In this area it can be seen in three dimensions:

- subjective - there is a national and international security;
- objective - defines conditions to preserve their own identity and autonomy among the international environment;
- future-oriented - refers to the development of states, and especially

the ability to co-decide about the processes occurring in the environment¹⁴.

The concept of national security should be considered in the context of values, process and status. Safety is a very important aspect. We have to take into account changes in domestic and international environment. Security as a process involves a number of different projects against the threats. The safety is understood as a state, measures the ratio of defense to the scale of potential threats¹⁵.

In terms of the theoretical concept of 'state security' is often identified with 'national security'. It can create confusion in terminology, but most experts on the subject is consistent as to the possibility of using these two terms interchangeably, which also applies in this study¹⁶.

It also applies in this study. This is confirmed by the definitions:

- **national security** - a process or state to ensure the functioning of the basic state fields. It allows survival, development and implementation of the freedom of national interests in a particular position of safety. Efforts are challenges, chances are used. It also occurs reducing risks and preventing all kinds of threats to its interests¹⁷.

- **state security** - the ability of the authorities and the nation to protect its internal values. There are: survival of the State as an institution, the nation as an ethnic group, the biological survival of the population, the State's territorial integrity, political independence and freedom of international peace, protection of property, quality of life¹⁸.

In addition to the findings of terminological analysis of national security requires the designation criteria of safety, which is closely linked with the catalog of threats. The basic method for determining the criteria are: negative - in the absence of threats and positive - if there is ability to

14 J. Kukułka, *International Security in Central Europe after the Cold War*, University of Warsaw, Warsaw 1994, p.41

15 K. Wojtaszczyk *Security State - the conceptualization of ideas* [in] *Security of the State*, edited by K. Wojtaszczyk, and. Materska-Sosnowska, Warsaw 2009, p. 12

16 See. S. Koziej, *Between hell and paradise. Safety of gray on the twenty-first century* Torun, 2006, Pokruszyński W., *Theoretical aspects of security*, Józefów 2010, J. Zajac, *State Security* [in] *Security of the State*, edited by K. Wojtaszczyk, and Materska-Sosnowska, Warsaw 2009 and W. Sokala, *The security paradigm - base, history, evolution* [in:] *Trans-sectoral areas of national security*, edited by K. Liedel, Warsaw 2011.

17 *Glossary of terms in the field of national security*, Warsaw 2009.

18 J. Zajac, *State Security* [in] *Security of the State*, edited by K. Wojtaszczyk, and Materska-Sosnowska, Warsaw, 2009, p.18

eliminate hazards. The most important criteria for national security are: strength, size of space, reliability, access to the latest technologies, participate in cooperative security¹⁹.

Modern understanding of national security alongside the military sphere of security sets another plan, which equally affects its status. In addition, a comprehensive approach of the security needs to take account both its internal and external aspect, as well as the criteria in question containing security of the state. Security state is a subject to the guarantees of security in all its dimensions. They are defined as national security considerations²⁰. The types of security: political, economic, military, social, cultural, ideological, ecological, and other information, as well as it is necessary to take into account these aspects: internal and external.

- **external security** - is to ensure political and military guarantees for state to prevent an armed attack or political pressure, economic, ideological, cultural, etc. Good and clear foreign policy of the state is important internationally, strongly and reliably occurs in international alliances.²¹
- **internal security** - is a condition obtained as a result of compliance by the state of internal functions implemented in the framework of a strategic national security policy. It can be viewed in two dimensions: narrow and wide. In the narrow dimension there is protection the constitutional order, public security and public safety. The wide dimension is characterized by the protection of constitutional order, life and health of citizens, national property from illegal actions, as well as natural disasters and technological catastrophes²².

Development of single national security structure requires concerted action in the field of internal and external security.

- **political security** - it is a whole of means and methods to detect, prevent and liquidation of the phenomena that threaten the national interests, and especially integrity of the state, stability of constitutional order, stability of operation of the state power.
- **economic security** - concerns the country's economic system to ensure safe development. It should provide: defense of social and eco-

19 W. Pokruszyński, *Theoretical aspects of security*, Józefów, 2010, p. 55-70

20 Cf. W. Pokruszyński, *Op. cit.*

21 W. Pokruszyński, *Op. cit.*, p. 13-14.

22 B. Wisniewski, *Internal Security Threats*, Warsaw 2003, p.14

conomic society, an efficient market, as well as the state's participation in shaping the international economic.

- **environment. - social security** - applies to public by the State to guarantee minimum living conditions, emergency assistance and prevention of lower standards of living. There is an efficient labor market protection of social benefits and social infrastructure as well as establishment of appropriate legal regulations in this regard.
- **cultural security** - is manifested by behavior of their own identity through preservation of ideals and values are most important to the nation.
- **military security** - the state's ability to provide protection in event of armed conflict or war.
- **energy security** - is characterized by economic resources that will allow for uninterrupted coverage of energy and fuel needs of the state²³.

3. THE EUROREGIONS ON THE POLISH BORDERS

Constitutional changes introduced in Poland after 1989 and return to local government allowed development of cross-border cooperation. A significant development began in mid-nineties last century, concerns treaties concluded by Poland, agreements and contracts with all neighboring countries, including cross-border cooperation agreements.

The documents are bilateral in nature, they have friendly relations between states and shall include basic objectives and principles of conduct various forms of cooperation, as provided for in multilateral international agreements. The regulations contained in agreements created a general framework for making cross-border cooperation at regional and local levels. The agreements are indicated areas that will be the subject of cooperation, in accordance with the competence of local and regional authorities²⁴.

Polish practice of cross-border cooperation has developed two models of legal and institutional establishment of Euroregions:

- self-management model is based on the Act of April on 7th, 1989, the Law on Associations²⁵. Involves the creation of intentional communities

23 K. Wojtaszczyk, *Security State - The Conceptualization of Ideas* [in] *Security of the State*, edited by K. Wojtaszczyk, and Materska-Sosnowska, Warsaw 2009, p. 14

24 See: Agreement between the Republic of Poland and neighboring countries to cooperation. The texts of agreements are available from the Web Data base of the Ministry of Foreign Affairs of the treaty: <http://www.traktaty.msz.gov.pl/> [date of access: 05.12.2011r.]

25 The Act on 07th of April 1989 Law on Associations text one.: Coll. Laws. 2001. No. 79,

therefore, which shall enter an agreement with the analogous compound of territorial units across the border. Cooperation dominates the west border, and in most parts of the southern border.

- administration and local government model involves creation of regional, local government authorities and local cross-border inter-connection or cross connection. It is characteristic of the south-eastern and east borders²⁶.

There is the principle of voluntary communities and districts included in its structure. There is a small tax for residents living in areas that are part of the Euroregion of small amounts are taxed²⁷.

The oldest Euroregion, with participation Polish communities and districts is the Euroregion Neisse. It was created on 21th of December 1991 on the Polish-German-Czech borderland. By 2003, co-founded 16 Euroregions. Moreover, the activity is carried out continuously. They include most areas of territorially Polish Border (Fig. 1) and are located:

- 4 on the western border of the Polish-Czech-German Euroregion Neisse, Polish-German Euroregions Sprewa-Neisse-Bobr, Pro Europa Viadrina, Pomerania.

- 7 on the southern border of the Polish-Slovak Euroregion Tatry Polish-Czech Euroregions Glacensis, Pradziad, Cieszyn Silesia, Silesia, the Polish-Czech-Slovak Beskydy Euroregion and the Polish-Slovak-Ukrainian-Romanian-Hungarian Carpathian Euroregion.

- 3 on the eastern border: Polish-Ukrainian-Belarusian Euroregion Bug, the Polish-Belarusian-Lithuanian and Polish Euroregion Niemen Euroregion-Belarusian Bialowieza Forest.

- 2 on the northern border: Baltic Euroregion comprising: Poland, Denmark, Lithuania, Russia and Sweden and Polish-Russian Euroregion Lyna-Lawa.

In 2001, the Polish-Czech border of Euroregion was created Dobrawa. Formally it was closed in 2004 because it did not take action.

On 24th of April 2003, the Lithuanian and Russian communes 'Eurore-

idem.855with later amend.

26 S. Ciok, *Social problems of the western Polish Border and Foreign Policy*, [in:] *Polish Border and Foreign Policy at the beginning of XXI century*, edited by R. Stemplowski, A. Żelazo, Polish Institute of International Affairs, Warsaw 2002, p. 107

27 W. Misiak, *Foreign policy towards social change from the perspective of cross-border areas* [in:] *Polish Border and Foreign Policy at the beginning of the twenty-first century*, edited by R. Stemplowski, A. Żelazo, Polish Institute of International Affairs, Warsaw 2002, p. 40

gion Szeszupa' signed an agreement which involved cross-border cooperation. Two Polish communes - Warmia and Masuria, and a Swedish community declared their willingness to accede to the agreement. Formal and legal procedures from the Polish side had not yet been completed. In some sources Szeszupa Euroregion is officially recognized as The Euroregion with Polish municipalities²⁸.

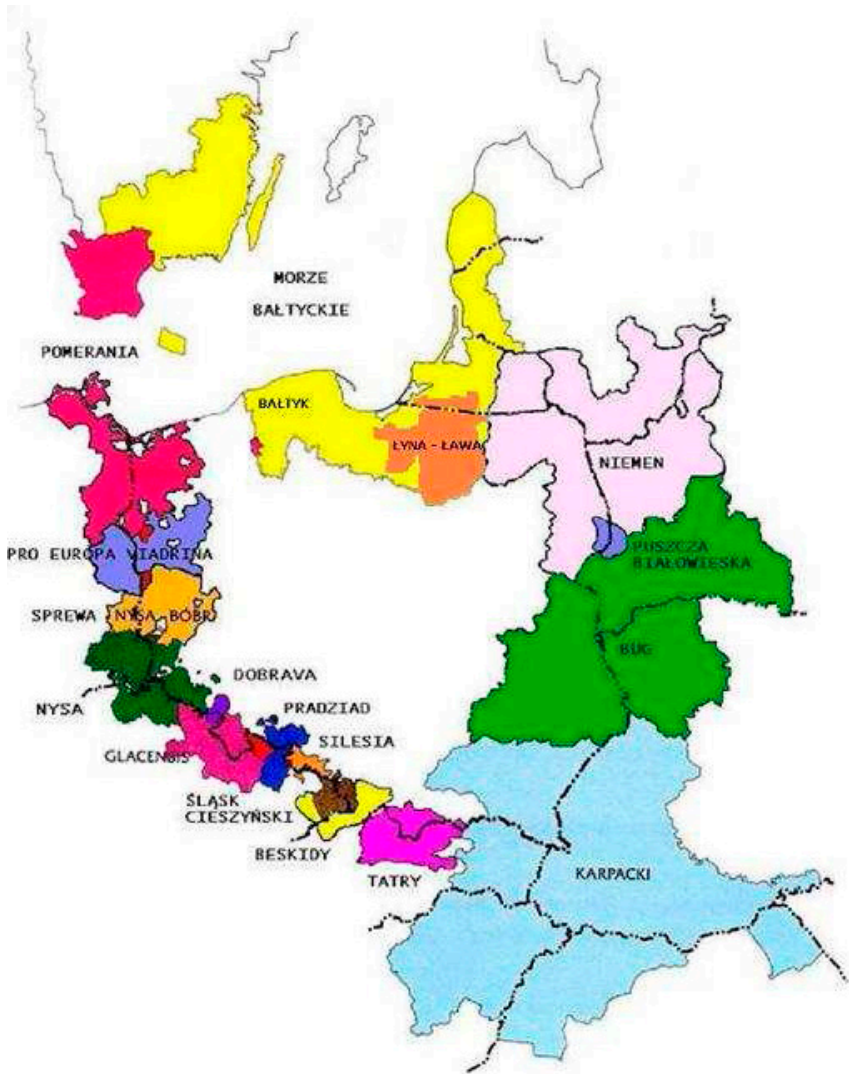
There is no commonly accepted in Poland, a single model for the establishment of Euroregions. The separateness and individuality of each Euroregion domestic and international considerations indicate separateness and individuality of each region²⁹. Also in other European countries and in Central and Eastern European countries there is no uniform way of establishment of cross-border structures. Despite the trend which concerns forms of action in many areas in the European Union has no desire to streamline structures or creating a pattern of Euroregion. Diversification of Euroregion structures are not an obstacle to the beneficial effects resulting the Euro-regional cooperation.

28 In Lithuania, the site of the Euroregion is a map showing Szeszupa. Euroregion area included in the composition the Polish community: Gołdap and Kowale Oleckie.

More: <http://tic.sesupe.lt/index.php> [date of access: 05/01/2012].

29 H. Dumała, Is there a model of the "Polish" Euroregion?, [In:] ed. W. Malendowski, M. Szczepaniak -Euroregions. Bridges to Europe without borders, Ellipse, Warsaw 2000, p. 67

Figure 1 Euroregions in Poland



Source: Euroregions on the Polish borders CSO Wrocław, 2007.

TABLE 1
Chronology of creating Euroregions with Polish communities

No	The name of the Euroregion	Member States	Date of establishment
1.	NEISSE-NISA-NYSA	Poland, Germany, The Czech Republic	21 December 1991
2.	CARPATHIAN	Poland, Slovakia, Ukraine, Hungary, Romania	14 February 1993
3.	SPREWA-NYSA-BÓBR	Poland, Germany	21 September 1993
4.	PRO EUROPA VIADRINA	Poland, Germany	21 December 1993
5.	TATRA MOUNTAINS	Poland, Slovakia	26 August 1994
6.	BUG	Poland, Ukraine, Belarus	29 September 1995
7.	POMERANIA	Poland, Germany, Sweden	15 December 1995
8.	GLACENSIS	Poland, The Czech Republic	5 December 1996
9.	NIEMEN	Poland, Lithuania, Belarus	6 June 1997
10.	PRADZIAD	Poland, The Czech Republic	2 July 1997
11.	BALTIC	Poland, Russia, Lithuania, Sweden, Denmark	22 February 1998
12.	CIESZYN SILESIA	Poland, The Czech Republic	22 April 1998
13.	SILESIA	Poland, The Czech Republic	20 September 1998
14.	BESKIDY	Poland, The Czech Republic, Slovakia	9 June 2000
15.	PUSZCZA BIAŁOWIESKA	Poland, Belarus	25 May 2002
16.	LYNA-LAWA	Poland, Lithuania, Russia, Sweden	4 September 2003
17.	SZESZUPA	Poland, Russia	2003

Source: Elaboration based on own: legal aspects of cross-border cooperation and economic, edited by M. Perkowski, Białystok 2010

Polish borderland shows a large variation. It is not possible to make generalized characteristics of the Polish border as a single structure. A multitude of criteria generates many possible divisions Polish border regions. The scientific studies are following divisions:

- the border with countries of the European Union and bordering on the Union's external border,
- border of the old and the new composition of population,
- bordering on limits of natural (including marine) and artificial borders,
- border consisting of a single geographic area and geographically diverse areas,
- combining border economically active and passive areas of emigration trends,
- border with only one neighbor and border with a few neighbors,
- border, there are some historical experiences of cooperation and border free from the past,
- border overall foreign policy subordinate to the state authorities and border requiring individual treatment³⁰.

The specificity of the Polish border regions causes that Euroregions with the Polish local governments represent different types of cooperation. In case of co-operation with EU member states the territorial units shall be conducted in cooperation with the Western pattern. If the partners are former socialist countries then Euroregional cooperation takes new forms only worked out.

4. EUROREGIONAL ACTIVITY FOR NATIONAL SECURITY

In preamble extremely important document is the European Charter of Border and Cross-Border Regions³¹ which was justified by indispensability of such cooperation. It promotes 'peace, freedom, **security** and human rights and protection of ethnic and national minorities.' The analysis

30 J. Mikułowski-Pomorski. Borderland and foreign policy. Comment. [in:] Polish Borderland Foreign Policy at the beginning of the twenty-first century, edited by R.Stemplowski, A. Żelazo, Polish Institute of International Affairs, Warsaw 2002, p. 357th

31 The European Charter of Border and Cross-Border Regions adopted on 20th of November, 1981 The text of the document is available on the website of the Association of Carpathian Euroregion - <http://www.karpacki.pl/pliki/EKRG200805032703.pdf> [Date of access: 07.12.2011r.]

of content of the document let's see that lack of cross-border cooperation in modern integrated Europe is almost impossible. Generated many aspects, including:

- Political - boundaries were created over time. In the past boundaries separate state, now they are common platforms for integration.
- Economic - cross-border regions are peripheral, causing an imbalance in concentration of economy in relation to central regions.

The modern countries form a national community which, despite existing differences is a whole system functioning as a variety of links global, regional and sub-regional. It is interdependence between states and internationalization of fundamental aspects of social life. In Europe more than in other regions of the world is more visible correlation between level of global and regional levels.

The interdependence includes a wide range of security. Essential is the cooperation between states. The most effective action in this area are recorded in the region. A small area of the region allows the easiest way to find common priorities of social, political and economic cross-border cooperation, which allows to reduce differences in many areas will be needed for a long time. In this way produces less conflicts and barriers. Another important aspect is the cross-border cooperation in the European Union, which must be implemented locally and regionally in partnership with state institutions in the region. Cross-border cooperation in the form of euro-region can also be defined as a form of international cooperation, which is the result of foreign policy.

In Europe, more clearly than in other regions of the world are visible links in global interdependence of regional level. It is widely understood security. The creation of efficient mechanisms of cooperation between the states is very important. The most effective activities in this area are recorded in the region. The relatively small area of the region allows most easily find common priorities of social, political and economic.

Cross-border cooperation, which allows to reduce disparities in many areas will remain a necessity for a long time, also in order to avoid conflicts and to build up barriers in mutual contacts. In a number of legal acts is stressed that cross-border cooperation is the political objective of the European Union, which must be implemented locally and regionally in partnership with state institutions in the region. Cross-border cooperation in the form of euro-region can also be defined as a form of international

cooperation, which is the result of foreign policy.

Euroregional structures in Poland were the foundation of foreign policy. Nowadays in a case of European Union membership Euroregions are an important element of Polish participation in the development and deepening of European integration. The importance of this element of foreign policy evidenced by the extensive network of Euroregions in the borderlands³².

For countries that formed euro-region, have created the common objectives for contracts and agreements concluded by cross-border cooperation, the Polish government with neighboring countries. It is also a reference to the contracts and cooperation agreements concluded by the Polish government with neighboring countries. There is also a reference to the European Charter of Border and Cross-Border Regions and the European Convention on Cooperation between Territorial Communities or Authorities. Priorities for cooperation shall also consider the specific conditions occurring on border, regional and local needs and opportunities for realization of tasks set.

Primary objectives of cooperation in the Euroregion are: socio-economic development, environmental protection, constant improvement of living conditions of people, facilitate mutual contacts between communities, development of communication among neighboring countries. The specific objectives and ways of their implementation are defined in agreements on establishment of Euroregions statutes. Such kind of activity has a significant impact on creation of security in areas included in structures. Through positive action in many areas of life Euroregional structure formed primarily safety:

- Political - cooperation within the Euroregion stimulates the development of contacts and good neighborly relations both between local communities and also at institutional level.
- Economic - concerns the development of communities and regions through elimination of barriers to the development of entrepreneurship. There is a strengthening of the existing economy, cooperation within framework of spatial economy-
- Social - is characterized by a desire to raise the level of society through: reducing unemployment in connection with the development of cross-

32 K. Jóskowiak, *Local Government in the Process of European Integration. Polish experiences and conclusions for future*, Katowice, 2008, p. 59

border economic cooperation, promotion of activities contributing to creation of direct jobs, and direct assistance to people taking up economic initiatives.

- Ecological - applies to solving common environmental problems, protection and improvement of environment, spatial planning, cooperation in preventing and combating disasters and natural disasters.
- Cultural - applies to cooperation in the promotion of the region through the use of tourist and leisure. The main field activities in this regard is use and protection of common cultural heritage, cultural exchanges, cooperation in education and development education. Single case of euro-region on the eastern border of its assumptions has taken steps to understanding between peoples. In areas inhabited by local communities with mixed ethnic structure occurs integration of communities, while respecting the traditions and identity.
- In course of development Euro-regional structures there have been concerns about denial of national identity in these regions by emerging Euroregional identity³³. The concept of national identity, ethnic or regional referenced to social group. The identity of the unit consists of various identifications, especially national, religious, ethnic or professional. Both the identity of the group, and the identification of individuals change over time. Specific dynamic nature of visible human communities in border situation, including the socio-cultural border. Education in framework of Euroregions new identity, differs in historical and hereditary identity, based on its importance to community of past events, as well as socio-cultural heritage, natural and socio-economically.

Euroregional identity is not a threat for national identity. The following arguments:

- the emergence of regional identities are not accompanied by political movements, aiming to establish a distinct national or replacing it;
- a sense of relationship with region and individual identification. They play a secondary role in relation to national identity, or do not occur at all;
- the increasing sense of identity gives a sense of rootedness Euroregional and belonging to a private country which gives a real dimension

³³ Suchocka R., *The role of Euroregions in the process of forming national identity and transnational*, [in:] ed. W. Malendowski, M. Szczepaniak *Euroregions. Bridges to Europe without borders*, Warsaw 2000, p. 49

- of citizenship, not acting in opposition to national identity;
- the reduction of gap between members of different nations, which takes place in the Euro-regions, as well as emerging national identity beyond boundaries, co-determine national identity, making them more open. National identification, reinforced its perceiving differences of ethnic, religious, linguistic, moral, etc., more focused on the perception of community traditions and history than the prominence of the differences³⁴.

CONCLUSION

Euroregions undoubtedly contribute to intergroup integration. Cooperation between neighboring border areas allows effectively overcome pre-existing mutual prejudices and replace them with mutual trust and good neighboring relations, promoting tolerance of different value systems, leading to the acceptance of multiculturalism. This is accompanied by high social mobility, getting stronger mutual knowledge and understanding of diversity, permeable boundaries between groups, a large number of diverse institutions.

Euroregions cover a large area of government. So we can say that Euroregions have a significant impact on national security. This thesis confirms the practice of operation of a teenage Polish Euroregions community associations. Aims and manages to successfully implement, which is confirmed by scientific research devoted to the activities of individual Euroregions. They indicate clearly positive impact resulting from collaboration Euro-regional.

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³⁴ ibidem, p. 54-55

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**National security - definition, character and determinants.
Studies on the quality of security**

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SECURITY ASPECTS OF THE SITUATION IN AFGHANISTAN

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ABSTRACT

This work is an attempt to find answers to question - in which direction Afghanistan will follow as well as how the situation will develop and what factors will decide about the future of this country?

The article indicated as rich and complex is the past of Afghanistan. Look at Afghanistan through its historical considerations is to give a deeper reflection on other aspects of work: social, cultural, religious, geographical, political and military, that will decided the outcome of the normalization of the situation in Afghanistan.

This work, mainly due to the limited volume, does not exhaust the full issues related to the future of Afghanistan, however, it can be an enrichment and broadening knowledge of the scope of the topic.

KEY WORDS:

Al-Qaida, terrorism, the Taliban, Afgan National Army, international security

INTRODUCTION

Ended 10-year war of the coalition against terrorism in Afghanistan. Symbolism of that number calls for deep reflection on the possible directions of evolution of the situation in Afghanistan.

The terrorist attack on September 11th 2001 which targeted towers of World Trade Center was planned, organized and accurately carried

out by the Al-Qaida and had a tragic impact on further developments in Afghanistan. United States declares war on terrorism around all the world. Afghanistan, which has provided shelter to Usama bin Laden, and from which an impact on the UNITED STATES was conducted, became the first and most important objective of the attack. Announcement made by President George Bush who declared that it is not a war against Islam, has made that the intervention in Afghanistan was supported by the majority of countries, including Saudi Arabia and Pakistan. Military operation code-named “Enduring Freedom” began on October 7, 2001.¹ After the major cities has been conquered, including Kabul, the Taliban were driven out of the country. The war, however, has not ceased but enter into the nature of asymmetric.² Hostilities, which for many decades had stamped their influence in the Afghanistan led to the end to the political and economic collapse. Since September 11th 2001 we facing the conflict has grown on a wider scale, which included NATO troops. Despite 10 years of presence of Alliance forces, Afghanistan is a country politically unpredictable with a large variation of social and ethnic origin.

THE HISTORICAL CIRCUMSTANCES OF THE SITUATION OF THE SITUATION IN AFGHANISTAN

Paradoxically, it can be concluded that Afghanistan is a country where peace is as a brief period delimited numerous battles. From ancient times Afghanistan was just the battlefield, or place the fight for influence.

Around 2000 BC in what is now Afghanistan began settlement to peoples Indo-Iranian, descendants of the present-day Pashtuns and Tajiks. In the mid-6th century BC, land of Afghanistan had been conquered by the Persians. In the 4th century BC the area was next conquered by Alexander The Great. The reign of Alexander The Great has contributed to the influx of Greek culture and the development of cities like Herat and Kandahar.

1 J. Modjeska-Leśniewska, Afghanistan, 2010 Warszawa, s. 438.

2 The asymmetric warfare is action in which the respondent is not defined or definition is not sufficient to apply the regular forms of combat. Occurs when the other party significantly different levels of technological, cultural (a value), and the forces involved and the measures are disproportionate to the breadth of activities. Rules of procedure of the activities of the Army, Warsaw 2008, s. 407.

The Taliban is (pers. Talib-e-ilm-that is the one who searches for knowledge), the Islamic religious schools or madrasahs students, appointing a member of the school of philosophy in Deobanda. Representatives of the modern branch of Islam, imposing the strict interpretations of the Qur'an was adopted. Now proponents of politico-military, who after losing power in Afghanistan hide in the mountains, on the border region between Afghanistan, Pakistan.

After the death of Alexander The Great, the country was under the influence of Greek heirs of succession and Indian rulers.

Significant development of Afghanistan started around the 1st century BC. In that time the country began to have benefit from its geographical position, lying on the silk route and maritime routes from China to Rome. In the 3rd century AD, the territory of the country are beginning to be dominate by the Persian influence. Then in the 7th century Afghanistan is conquered by the Arabs, who gradually led to the unity of Afghanistan. Then in the 13th century the Mongols attacks and completely devastate Afghanistan. From the 15th to the 17th century the country was under the control of one Uzbeks and then the Persians.³ In that period, an increase of the importance of Afghan tribes has begun. In the 18th century the authority passes into the Pashtuns hands. This is the period where influences in the region belongs to the Russia and the United Kingdom. In year 1838 the first Anglo-Afghan war has begun. However, despite military successes the British withdraw from Afghanistan. They recognize that obtaining benefits do not outweigh the losses incurred. The second Anglo-Afghan war broke out in the year 1878 and lasted until the year 1880. The result of the war was, among others established by the British line of the international border between Afghanistan and Pakistan along the Durand Line, which led to the separation of Pashtun tribes between the two countries and since that moment will cause of many conflicts on the border of Afghanistan and Pakistan. Should be noted that the beginning of Anglo-Afghan wars follows slow isolate Afghanistan from the rest of the world.⁴

During the first World War, Afghanistan is initially neutral, but in the year 1919 3rd Anglo-Afghan war broke out. In the year 1921 the treaty is signed by the Soviet Russia and the United Kingdom, which gives Afghanistan its independence.

During World War II, Afghanistan also declared neutrality. In 1947r. Afghanistan is a member of the League of Nations. Next years the role of the Soviet Union in the development of economic and military of the country increase. During this period, there are a number of clashes on the border between Afghanistan and Pakistan, mostly on the dispute territories in occupied by Pashtuns. Taken attempts to democratize the country failed due to the resistance of the political elites and members of the Royal family.

3 K. Korzeniewski, *Vademecum soldier. Islamic State of Afghanistan*, Warsaw 2006, p. 39-41.

4 K. Korzeniewski, *Afghanistan where the rule is the lack of rules*, Warsaw 2006, p. 20.

In a year 1978 Afghanistan and the Soviet Union signs agreement on mutual military assistance. The Soviet Union was committing to the gradual acquisition of political and the military control over the strategically important area. Using as an excuse the deteriorating situation in Afghanistan the Soviet Union has entered its Armed Forces to Afghanistan in the 24th December 1979. The intervention of the military continued to 15th February 1986. The war has led the country at the end to a political and economic collapse. In the occupation of Afghanistan participated at total about one million Soviet soldiers. As a result of the war, 14 453 soldiers were killed in action and 469 685 of them were injured. "Of course, the Afghan side, losses were much higher. Approximately 1.5 million Afghans were killed, of which 80% were civilians. That was extended by a large number of wounded, victims of the explosion, which left behind the Soviet occupants. Approximately 5 million people emigrated of the country mainly to Pakistan and Iran, however internal exodus underwent another 2 million people."⁵

SOCIAL, ETHNIC AND RELIGIOUS CONSIDERATIONS OF THE DEVELOPMENT OF THE SITUATION IN AFGHANISTAN

In Afghanistan followers of Islam constitute 99% of the population (Sunni by 84% and Shia by 15% of the population).⁶ The non Islamic minority consist of Sikh and Hindu. Islam became the dominant religion in the region between Afghanistan wars is British. The population of Afghanistan is estimated at 28 to 30 million. Precisely the population is difficult to determine because of the ongoing conflict and not carrying out the census in the recent past (the last census was conducted in 1979).⁷ Average life expectancy is 43 years, and the average age of the citizen is around 18 years. Despite of ongoing wars, disease and poor health system there is a very high growth of population around of 5% in Afghanistan. Ethnic in Afghanistan should be considered as multi-ethnic. The number of ethnic groups is around 60 there. Mostly Pashtuns 40%, Tajiks - 25%, Hazars - 15% and Uzbeks - 9% of the population.⁸ In ethnic groups there is tribal or caste system.

Such a great diversity of ethnic causes a very likely the scenario of the eruption of civil war along the ethnic divisions in Afghanistan, which

⁵ K. Korzeniewski, *Vademecum soldier. Islamic State of Afghanistan*, Warsaw 2006, p. 51.

⁶ *Ibidem*, p. 27.

⁷ J. Modjeska-Leśniewska, *op. cit.*, p. 20.

⁸ J. Modjeska-Leśniewska, *op. cit.*, p. 21.

would have a disastrous impact on the situation in Pakistan and US interests in the region.

Afghan national army has not yet overcome ethnic divisions (still missing of the appropriate representation of the Pashtun). It is questionable whether the army is the only over ethnic institution in the country, a truly national, reaching all Afghans (Pashtuns, Uzbeks, Tajiks, Hazars and the others)?

If we look at Afghanistan, its rising up democracy and the future development, it is clear that over the past seven years many excellent opportunities for the development of the country were lost. An international community missed an opportunities but Afghan leaders too, since they lacked a coherent idea to solve the problems of Afghanistan. Not resolved the problem of poverty, the low level of health services (approx. length of life is about 43 years) and education -72% of the population are still illiterates. Another problem is the corruption, it becomes fully aware, that the young generation of Afghans are side observes watching as the authority shall take all decisions for them.

The international community calls now for promise from President Karzai that he will carry out democratic reforms and fight corruption and drug trafficking. However, given the track record in practice it is difficult to be optimistic here. Authority does not deal with the current needs of the citizens, what further deepens the divide between the Government and the general population. Such inappropriate relationships even more diamonds fuel mistrust in the authorities, which had previously declared that they meet with their promises. Without integrity, no authority can exercise leadership. Such developments may lead to citizens will also draw on extremism, and crime. And then there may be an effect of "a snow ball" and the situation may be irresistible. Appropriate solutions to the needs of Afghans would become the primary impulse and accelerate the circumstances in which the people would be a part of this process. If the citizens of Afghanistan will not feel that their fate rests in their hands, it fails to build the nation.

Another important issue is the presidential election in 2014 when must be a peaceful transfer of power from the hands of the current President in the hands of a further elect. This event would give people the feeling of free and democratic making of decisions of its disposition. This will be invaluable importance for the promotion of democracy and nation-building. The situation that occurred in the past, when the Government of Afghanistan

has rid the elections in full view of the international community could not be repeated. The subsequent disappointment forged elections could lead to a further increase in crime, extremism and the creation of the nation, which will not be able to trust any authority no more.

FINANCIAL AND ECONOMIC ASPECTS OF THE SITUATION EVOLUTION IN AFGHANISTAN

Afghanistan is one of the poorest countries in the world. The current basis for the country's economy is agriculture. Mountain-upland nature of Afghanistan affects on the nature of essential crops. Approximately 90% of the country lies above 600 m (10% above 3000m, 30% from 3000m to 1800m and 50% from 1800 to 600 m) above sea level.⁹ Mainly cereals are wheat, rice and maize. Sandy land and lack of rain causes weak crops. Meadows and pastures make up about half of the territory of the country. The animals are reared sheep, goats, mules, and cattle. Negative phenomenon is that Afghanistan is the world's top country in the cultivation of marijuana and opium production.¹⁰ Main natural resources are the deposits of coal, copper, natural gas.

Because of the poor economy Afghanistan is not able by own resources to finance the costs of the war. It is 10 years from the start of operation "enduring freedom" in Afghanistan. For the United States is the fourth conflict in terms of cost. So far, the war cost the American taxpayer 443 billion dollars (for a comparison the World War II - 4114 billion., war in Iraq 802 billion, the Vietnam war 686 billion dollars).¹¹ Current total assistance from the European Union for Afghanistan is around one billion euros per year. The USA announced to release 650 million dollars for assistance projects in Afghanistan. According to President Karzai, Afghanistan will need financial support for 10 years after the departure of troops from Afghanistan this is till the 2024. During the Polish presidency of the European Union, on 05.12.2011, Polish minister of Foreign Affairs Radosław Sikorski announced the launch of a process of the mandate reconciliation for the comprehensive agreement about the cooperation of the EU-Afghanistan.

West and US seek a solution for a troops withdrawal from Afghanistan, but the Government in Kabul calls for additional money in return. Afghans

⁹ K. Korzeniewski, *Vademecum soldier. Islamic State of Afghanistan*, Warsaw 2006, p. 111.

¹⁰ J. Modjeska-Leśniewska, *op. cit.*, p. 20.

¹¹ The end of the second highest of the war the UNITED STATES , *Dziennik Gazeta Prawna* 2011, no. 243, s. 2.

want above all money, because actually they are not capable to burden of reconstruction and security forces. According to various estimates, the maintenance of such a force could cost up to 7.5 billion USD per year, those are money which a troubled Afghanistan does not have.¹²

There are some analysis carried out, whether it would suffice to Afghans the army smaller and cheaper, but there is concern that the weaker the army could not effort the Taliban. Observers do not believe in a democratic future for Afghanistan. Some suggests that the West aim is to withdraw from Afghanistan with possible low-cost.

It was widely expected that the Conference in Bonn will precisely specify a mechanism for the support of the international community to Afghanistan after the end of the ISAF mission, particularly in the area of financial assistance for the Afghan security forces. But the Conference did not set up a specific financial assistance. In this case the decisions suppose to be given in 2012 at a Conference in Tokyo. Maintenance of the formation of the police and the armed forces of Afghanistan in their current form is very costly and fluctuates annually within approximately 10-12 billion dollars a year. Is it the equivalent of more than half of the annual GDP of that country. In Bonn Conference there were promises that Afghanistan will receive the material help for ten years after the withdrawal of international forces. No specific decisions in this case (or even easy-to-read announcements of the main participants in the meeting) causes the authorities in Kabul still have no certainty as to the dimensions and forms of international support at 2014.

The most promising way of compensate for the decline of external support at 2014 may be a development of the Afghan mining. Forestall Afghanistan could become a source of considerable revenue to the State budget, but only in the further period. Afghanistan does not have sufficient logistic and transport infrastructure and a stable legal system, which may create good conditions for investment. A major obstacle remains the fragile internal situation. It should be noted that many States still plans to participate in project business in Afghanistan. For example the increased interest of Germany in Afghan industries is visible. The memorandum of cooperation signed In June 2011, and German institutions provide consultancy in this area. This may indicate a Germany desire for a long-term engagement to the North of Afghanistan, despite fear of deterioration of

¹² S. Schulte, j. Hardy, Bonn discusses Afghan regional stability, „future,” Janes defence weekly „2011, no 50, s. 8.

the security situation after the withdrawal of troops of the ISAF Coalition in 2014.

Thanks to the huge money and effort of foreign troops and the Afghan authorities, the living conditions of the population is slowly improving. Access to health care or education is more and more common. A transport and energy infrastructure is created and the increasing areas of Afghan land is cleared from mines and explosives from the invasion of the Soviet Union in the 1980s of last century. Unfortunately these positive signals may not be enough to change the situation in Afghanistan.

MILITARY ASPECTS OF THE SETTLEMENT OF THE SITUATION IN AFGHANISTAN

It seems to be that the military defeat of the Taliban and rebels will have not been possible. It has stressed in an adopted by the members of the Conference in Bonn final declaration that the future of Afghanistan could depend on a political solution, not on the military. Whereas, peace talks with the Taliban should be continue by the Afghans themselves. Most Afghans also support an effective conclusion of agreement with the Taliban and rebels.

President Barack Obama, wishing to increase a chance of his re-election, would like to announce in the spring a further reduction of the U.S. troops in Afghanistan. The Americans hoped that they could boast about in Bonn not only discussions with the Taliban, but also an agreement on the establishment of some military bases and success reached during their conducted armed operation. However, H. Karzai was still negotiating an agreement on the bases, and the opinion about success of the war was not optimistic. Since increasing the U.S. quota about 30 000 soldiers in the last months of 2009, a progress in ensuring the security and stability was visible only in the short term, and it was difficult to recognise it as a stable status of situation. Additional forces were directed to the South and southeast Afghanistan. Additional forces were directed to the South and Southeast Afghanistan. The situation was improved significantly there, and a sense of security was increased. At that time, the situation within the sphere of security was extremely complicated. Since December 2009, strengthening the U.S. Forces, allowed depriving of the Taliban action initiative and positive developments in such centres in the South of the country as Kandahar and Laszkar Gar. However, the Taliban permanently controlled a signifi-

cant territory outside urban centres. At the same time, the Taliban attacks and other rebel groups were intensified in the Eastern parts of the country. Unfortunately, the United States Forces and its allies could not be all around. The International Security Assistance Force ISAF in Afghanistan consists of over 130 000 soldiers and civil personnel from 48 States. The withdrawal of the Coalition Troops from January 2015 will be determined in conducting by them a hasty training and equipping of the Afghan Army. It is planned that number of the Afghan Army and the Police, will be together approximately half a million people in 2014.

The Americans have already begun a gradual withdrawal of its troops from the territory of Afghanistan. By mid of next year, from Afghanistan over 30 000 U.S. soldiers will be withdrawn as a part of total number of 100 000. However, the United States will decide probably to leave the American contingent in Afghanistan in number of approximately 20 000 soldiers, which task will be to assist the Afghan Army in a variety of ways, from an organisation of systems of command, through logistics, to aircraft force support. Approximately 2,500 soldiers of the Polish Army are as a part of ISAF, now. According to information reported in the media, the decrease of Polish involvement in the operation has been analysed from the current ceiling quantity to about 1800 soldiers. The capacity of Polish engagement in Afghan mission is intended to change. The 12th rotation of Polish Contingent in Afghanistan will start redirecting its task in the direction of the Afghan Army and the Police training and a reconstruction of the province. In the following years, further troop's reduction has been planned, up to a complete withdrawal in 2014 ¹³.

The German Government also has decided to pull back the Bundeswehr from Afghanistan territory. Until 2014, Germany will reduce slowly and gradually its quota located in the Northern part of Afghanistan, where they are responsible for command management of the Northern Zone. In 2012 the limit of the German contingent will be reduced from 5350 to 4900 soldiers, and in 2013 – up to 4400 soldiers. Reductions are progressive because the tasks performed by the German quota are crucial for other Nations contingents functioning in the North of Afghanistan. Bundeswehr is responsible, among other things, for the logistics (functioning of the airport in the Uzbek and Afghan Mazar-e-Sharif). In addition, northern Afghanistan is a significant region because of the increased usage

13 M. Górka, The United States has announced a offensive to relieve the Poles in the Ghazni province „Gazeta Wyborcza”, 2 I 2012, s.1.

of the northern route for supply of ISAF throughout the whole country. After 2014, Bundeswehr will still be present in the North of Afghanistan conducting training and consultancy mission for the Afghan Army and partially for the Police. The German Chancellor Angela Merkel declared that some Taliban might make a useful contribution to the peace process in Afghanistan, if they break any links with Al-Qaeda and stop violence. She believed that not everyone, who once fought for the Taliban in the past, will always be against progress towards peace. Many of them can and should contribute to a peaceful future for Afghanistan.

Limited involvement in ISAF operation has also been planned in Norway, which wants to maintain only a small quota in Mazar-e-Sharif for training of the Afghan Army after 2013 ¹⁴

The scale of the conflict, from the point view of the inability of taking over responsibility for security in that area by 300 000 soldiers from the Afghan Army and not well-trained police force, after the withdrawal of most of the Coalition troops, might be a reason of chaos in Afghanistan. The most pessimistic for the Coalition troops' scenario is also based on other considerations. Even if after 2014, some form of agreement will be achieved, in the light of the withdrawal of most Coalition forces, its durability would be in doubt. Will success be possible in Afghanistan? If we define it as a continuation of relative stability following the withdrawal of the Western Army, the positive reply will depend on the strength of the Afghan Army, well equipped and trained.

In the past, the security forces of Afghanistan were also dependent on external assistance to the British, and Russian ¹⁵. Disintegration of those forces took place in 1992 due to stopping the Soviet Union support. Although statistical data about the expansion of the security forces of Afghanistan are impressive, the future economic conditions will determine them. A major problem remains the status of the Afghan Police. Some positive developments can be noted within this formation. However, it is prevailed its negative reception by Afghans (in connection with corruption and lack of capacity to the fight against ordinary crime). Not very efficient and reliable are also different types of local militias supported the army and police of Afghanistan.

The ability of the army and police to ensure peace will be a test of in-

14 J. Berg, Norwegians to guilt Afghanistan by mid – 2013, „Jane's defence weekly” 2011, nr 50, s. 12.

15 J. Walczak, The Poles In Afghanistan, „Raport wojsko technika obronność” 2010, nr 3, s.4 -28.

dependence of Kabul. The majority of Afghan politicians believe that there are opportunities to alleviate internal disputes and reach a political agreement.

The possibility of a political solution, involving the Taliban, can be considered as unlikely, because of some attempts, which have been taken by the administration of Bill Clinton. Due to the lack of interest from part of the Taliban in a political solution of the conflict and the uncertain future of the international support for Kabul for three years before the planned withdrawal of NATO forces, there is unclear prospect of over the conflict in Afghanistan.

The spokesman of the Ministry of Foreign Affairs of Poland, Marcin Bosacki believes that Poland will want to allocate for Afghanistan several dozen of millions of dollars a year after the year 2014. In accordance with Polish opinion, international support for Afghanistan must be greater than so far. According to the interest of the United States and the European Union, Afghanistan cannot be left to its own devices after the year 2014. It is needed to take the matter by the Afghans into their hands, more than so far. It is also necessary that not only NATO but also the United Nations and regional power authorities will exercise care for this country¹⁶. If the international community suspends its support for Afghanistan, the Taliban will win the Afghan inhabitants' approval. Above all, it is necessary to better understand the strategic directions of its foreign policy in the near term by the authorities of Afghanistan. It is necessary to focus on winning the conflict, and not on a withdrawal from Afghanistan.

Many achievements are fragile, and efforts should be directed towards building a secure and democratic Afghanistan that would share strategic partnership together with the West, especially with the United States of America. To achieve this state of affairs, it is necessary to involve four States' essential entities for creating the Afghan safety, i.e. by USA, Pakistan, the Government of Afghanistan and the Taliban organization. There are multiple factors in Afghanistan which hinder the implementation of an effective administration, among other things: the ruling elites' efforts to maximize their influence, through their management power, wealth and "business-drug", on political and economic country situation. The destruction of poppy cultivations would only reinforce the underground resistance movement in the country.

To look at 2014 in perspective, it could be expected accumulations of

¹⁶ www.bbn.gov.pl Tygodnik BBN nr 62, 2 -8 December 2011, strategy and security policy.

three negative factors in Afghanistan. Firstly, the expected withdrawal of the main USA forces may lead to the deterioration of the security situation. Secondly, the expected reduction of American economic support may have a major impact on the budget of Afghanistan. Thirdly, the deadline of the next presidential election in Afghanistan will also anticipated in 2014. This presidential election may lead to severe fight of a sphere of power influence, but it could be excluded that The President Hamid Karzai could be doing his best to stay on the top of leading authorizes. However, it would require changes in the Constitution of Afghanistan. Security Sector in Afghanistan should not be concentrated on the Afghan security forces quantity and quality of, but it should include wider spectrum of reforms, such as: civilian and democratic control of armed forces, quality of administration and other relevant issues. It is also important to focus on the meaning of cooperation between Afghanistan and the other States ready to further support for Afghanistan, in particular the involvement of the regional world power in serve support for Afghanistan due to, among others: financial problems in the USA and in Europe and a growing unwillingness of the Western States to financial contributions in the process of reconstruction of Afghanistan.

The ending military presence of the coalition troops (scheduled in 2014) and the gradually scale reduce of international assistance for development (related to this plan) will have a crucial meaning. According to data in 2010, the value of this support, as well as financial transfers to Afghan economy, resulting from the fact the stationing in this country of more than 100 000 ISAF troops soldiers, generates more than 95% of GDP growth rate of Afghanistan. Lack of funding could lead to the total country's economic collapse in Afghanistan in 2014, which could also result in collapse of structures responsible for maintaining internal security and the integrity of the Afghan State. A failure in establishment of a permanent basis for operating of the Afghan economy could intensify other, visible now, restrictions for its development, e.g.: lack of access to the seashore and the resulting dependence on cooperation with Iran and Pakistan. The problem is also increasing the capacity of the Afghan internal market. Its present proportions are distorted by a demand created by the ISAF Coalition troops and an abundance of "business-drug". The United States are one of the leading key organizers of support for Afghanistan, however, limit the availability of resources will be connected with their allocation to ventures providing relatively quick and visible results, which in turn can impact on

their durability. The United States will also gradually, as for as the Afghan authorities completion development, provide a major part of measures for the Afghan immediate disposal, coming away from the practice of management of relief funds including their own administrative structures.

POLITICAL ASPECTS OF THE SETTLEMENT OF THE SITUATION IN AFGHANISTAN

During the Bonn Conference on Afghanistan in the future, Afghans received an assurance that they could count on the continued support of the international community after 2014. The Conference was attended by representatives from 85 countries and 15 international organizations, including nearly 60 foreign ministers. In total, approximately 1 000 delegates from more than one hundred countries and international organizations participated in it. Poland was represented by the minister Radosław Sikorski. The significant message of the Conference was to understand that a peaceful and stable Afghanistan is the aim of all involved in the Afghan conflict. The meeting was a signal that international involvement in Afghanistan will not over upon withdrawal of ISAF. The Bonn Ministerial Conference was organized in the 10th anniversary of another conference in the former capital of West Germany. A similar meeting in Bonn took place 10 years ago. The Conference in Bonn become symbolic buckle closed the discussion about the NATO mission in Afghanistan ¹⁷.

Soon after the overthrow of the Taliban, it was decided in Bonn in December 2001 that Hamid Karzai would take over the authority in Afghanistan. It took place a few days after the overthrow of the Taliban Government as a result of international intervention. This Conference in 2001 was winners' meeting after the over blitzkrieg. During it, it was decided about political order within Afghanistan liberated from regime of the Taliban. No one invited them to Bonn at that time. The second Conference in Bonn held 10 years after the first, was focused on finding solutions to ensure lasting stability after ending ISAF operation in 2014. Ten years after the American intervention, as a result of it was the Taliban regime overthrow, Afghanistan was still torn by war, even in the capital - Kabul is not safe.

To look at 2014 in perspective of almost complete withdrawal of foreign troops, the future of Afghanistan can draw so rather in gloomy co-

¹⁷ S. Schulte, J. Hardy, Bonn discusses Afghan regional stability, future, „Jane's defence weekly”, nr 50, s. 8.

lours. The Afghan authorities have declared that it would endeavour to improve the functioning of their State, creating the autonomous administration of Justice System and the fighting against corruption.

When a meeting was planned, it was also expected that the Conference in Bonn would initiate a consultation mechanism at least with a part of the armed opposition, which could be a prelude to formal negotiations on a political settlement of the conflict. Now, after the end of the Decade and with thousands of killed soldiers of the international coalition, more and more it appears that only negotiations with the Taliban are the most appropriate action and a way out of the impasse. Washington authorities in particular considered this kind of solution as a convenient way to reduce the rebellion intensity in a key period of extinction of NATO operations in Afghanistan. However, these plans become out-of-date when it appeared that the Taliban were actually not interested in participation in the Conference. During preparations to the conference a Council of West assumed that that time to Germany the Taliban envoys would arrive to talk about peace and settlement. Instead of it, the Taliban declared not to support the Western occupiers and there for no one was sent to take part in the conference. Therefore Afghanistan might stray away from the international community again, if the Taliban wanted take power once again after the dismissal of Allied, risking the fight against local leaders and tribes authorities. Then, the country might suffer from a civil war again. Above all, the Conference in Bonn was the first confirmation of the fact that the current strategy of the West in relation to Afghanistan was directed to a vain hope than a real assessment of the situation.

Today, Afghanistan is forced to continue political and economic reforms, to intensify the fight against corruption, to continue its negotiations with the Taliban, to strengthen its defence capacity. In an attempt to outline the possible evolution of the situation in Afghanistan, it is necessary focus on that time when the Soviet troops withdraw from Afghanistan. Governing communists began the fight against mujahedin people for power, because they did not accept a provisional government, formed after the departure of the Russians. Political and military groups, established during the war between Afghanistan and Russia, gradually began to perform a more and more vital role in Afghanistan (most of them benefited from the assistance and support of Pakistan). The Communist Government remained on the top power leaders, but only because of the further military assistance from the Soviet Union. There was gradually a

split in the Afghan army. At the same time, the opposition undertook some attempts of coups towards overthrow Communist Governments. Finally, there was erosion of the current system and gradual takeover of power by Anti-Communist force.

Could the return of such a situation occur in a new edition? At a Conference in Bonn, the Afghanistan's neighbour - Pakistan was absent and Pakistan boycotted the Conference as its protest against bombing of two Pakistan army posts by NATO aviation by mistake. 26 Pakistani soldiers were killed during this airstrike on 26.11.2011. According to anonymous sources, before the attack, NATO forces in Afghanistan and the Afghan soldiers were fired at from Pakistan border direction (it could seem as a purposeful provocation, then, somebody could die). In response, they called on support from the air. Islamabad maintained that nobody and nothing provoked the attack. Therefore, Pakistan decided not to take part in the Conference after this incident. The lack of Pakistan in the Conference is for it a convenient situation, and even beneficial. On behalf of the Islamabad Authorities, there was the Ambassador in Germany during the Conference, but it was only a symbolic contribution ¹⁸.

Support from Pakistan for fight against the Taliban has a crucial meaning. ¹⁹ It could not be possible to do anything, neither military nor political solution to the problem of the Afghan war, without the assistance of this country. There are guerrillas' insurgents to hide along the border region between Afghanistan and Pakistan used by Afghan-Taliban leaders, who were frightened away from the country. Pakistan a key NATO ally in the fight against Islamist extremism in Afghanistan up to now, was considered one of the most important participants in the meeting. One supposition is appeared after the withdrawal of Americans - Islamabad intends to immediately set up friendly Government in Kabul. Therefore, it not to fight against Taliban, sabotages all attempts to start talks them without Pakistani knowledge or consent. The fact of the absence of Pakistan weakened at the very beginning the political influences of the Bonn Conference, its activities were of fundamental importance for the future in Afghanistan. Moreover during the Conference in Bonn, the decision of Islamabad also contributed to the downfall of attempts in process of consensus between the neighbours of Afghanistan that are involvement in the Afghan issues.

18 S. Schulte, J. Hardy, F. Bokhari ISAF airstrike strains US-Pakistan relations, „Jane's defence weekly”, nr 49, s. 15.

19 www.gazeta.wyborcza.pl. About the future of Afghanistan without the participation of Pakistan/Wojciech Jagielski/16.12.2011,.

Pakistani people, who created of the Taliban in the 1990' s and they granted their Governmental policy regard, are not interested in their influence on Afghanistan. From Pakistani point of view, the most advantageous situation would be to force countries of the West to leave and at the end to forget about Afghanistan. Then, Pakistan, using at least the Hakka Group protected by the Inter Services Intelligence-ISI, would lead to the creation of regime's security in Kabul as The Pakistani guarantee of interests. It is feared that an environment surrounding Pakistan by Governments hostile to him, especially new one in Kabul with its friendly attitude towards India, could be dangerous for Pakistan. So it looks that Pakistan expects Anti-Indian and unconnected with others Afghanistan. Paradoxically, Pakistan more and more showing its tiredness attitude to the American intervention and focusing on own narrow understood interests, can help to make decision about the end of the Mission in Afghanistan. It is almost certain that there is not any lasting agreement between the Afghan Government which is supported by the Americans, ISAF forces and Taliban and rebels.

It should be believed that Pakistan will block a political solution of the Afghan issue. Islamabad can afford the luxury of playing for time in contrast to the Western coalition. Finally, the new Afghan authorities will be at the mercy of Pakistan, the most powerful neighbour that its interest is focused on match of power in Kabul. Therefore, the Conference was organized in Bonn on 5 December and Pakistan did not take part in it. It is estimated that a road to achieved a real stabilise situation in Afghanistan leads through Pakistan to Afghanistan as an unsafe harbour for Islamic radicals and as the full stabilised and foreseeable State in all international relations. One question is not answered, how Pakistan should be encouraged to adopt more, according to the western coalition point of view, constructive attitude towards the Afghan policy. The murder of former President of Afghanistan Burhanudd Rabbani, who was the main negotiator to the Taliban, could create the opinion that peace and reconciliation could not be in interests of the Taliban and their supporters. Meanwhile in Bonn as well as the previous month in Istanbul, all attempts were failed to persuade the countries, bordered on the same region, to a factual cooperation for real stability in Afghanistan. It is clear seems in this context that the conflict of interests and aims among all involving countries are too large to find a lasting compromise.

The best example of conflicting interests is the traditional India-Pakistan rivalry in Afghanistan and Iran activity, which wished to expand its

influence in Southern and Western parts of Afghanistan. There are three beneficiaries of the fragility of Afghanistan. Among of them are:

firstly, Pakistan and its affords concentrated on further diminishing the meaning of Afghanistan all over the world because Afghanistan could be an attractive potential market outlets for Pakistani goods and could ensure the strategic zone area for Pakistan,

secondly, Iran is displeased with presence of NATO troops within the Afghan region. Afghanistan is a potential market for Iraqi goods, too,

thirdly the Arab States from the Middle East, which activities concentrate on stopping the Iran's ambitions in the Afghan region.

The rivalry in Afghanistan mentioned above, is conducted at three levels: national, regional and international levels. The second one is constantly ignored by Western countries, They are not prepared to offer and perform a long-term engagement in Afghanistan stabilisation process in order to counteract the harmful effects of Afghanistan's neighbours, other parties, groups and also the Afghan organisations sponsored by them. The Western communities should try to guard the political independence of the Afghan State and also should protect the independent circles of authorities in Kabul. All neighbours of Afghanistan should depend on the successful economic and political transformation. As a consequence of it, they could consequently become beneficiaries. It is interesting that in the past Afghanistan used its valuable geo-strategic location with success to position and it was able to manipulate in smart way between the Western States and the Soviet Union. Everything was changed in 1979 during the Soviet Union intervention in Afghanistan. After more than 30 years of conflict, Afghanistan has return to its business roots and once again has become part of the so-called "the silk route", i.e. the transit and trade centre of South Asia. It does not mean that a success of economic project will lead to the end of the civil war in Afghanistan. Only the Afghan borders' neighbours have got the key to reach a solution for political disputes and to provide a creation a real part of "New silk route" from Afghanistan. They use a lot of parties, groups and the Afghan organisations to meet their own targets. Only the establishment of an international mechanism of inspections to Afghanistan may prevent further attempts entering the course of events in the Afghan country by its neighbours. Tajikistan, Turkmenistan and Uzbekistan - these three States as the only one in South-Central Asia region are not to blend in the internal affairs of Afghanistan. What is more, they are more and more major important trade partners of Afghanistan.

Their experience, after the USSR disintegration, may be also useful as an excellent point of reference to many considerations for the Afghan politicians. They are looking for some models to follow up them in the process of reorganisation the country, now. Afghanistan and its neighbouring Central Asia States have much in common with each other. That is why, further instability in this region may entail some problems throughout the whole region. At the same time, if the Western countries and the United States wish to resolve the conflict in Afghanistan, it will be necessary to analyze background of the problems in the context of these three Central Asia States.

The development of the situation may allow that there are different spectrum of interests and goals in Afghanistan the Western countries and its most important ally, which is Pakistan, but also Iran, China and Russia.

The head of the Polish diplomacy, Radosław Sikorski pointed out that Poland is ready to share Polish experience of its successful transformation with the Afghan people. In his short briefing during the Conference, Radosław Sikorski warned that the Western countries could not lose their attention on the issue of Afghanistan once again, as for example: in the early 1990s, when the Afghanistan had plunged into internal civil war. According to the Minister point of view, the situation in Afghanistan was better than at least 30 years before. We should be proud of success that was reach by not only the Afghans but also the international community.

The minister of External Affairs of India, S. M. Krishna declared during his conference speech in Bonn that in the same time the international community had to provide its increased involvement in the economic stability, country rebuilding and also reducing the Coalition military forces stay in Afghanistan. Afghanistan still faces a potential threat of terrorism and insurrection, which would be propelled by the outside border forces of that State. Indian politician warned against the risk of recession in the transitional period after the foreign military support withdrawal.

Afghanistan is facing problems of deficit in four areas: security, management, development of country and ideas of investment. It needs international support to meet these challenges. Necessary guarantees have to given to Kabul authorities. It means: especially money, considering the huge risk that the Taliban may again draw the Afghan population into another bloody war afer departure of ISAF from Afghanistan. It had already taken place after the Soviet withdrawal from Afghanistan in 1989. In public opinion, a ten years' Coalition intervention in Afghanistan has given

little. with the exception of: Osama bin Laden death. Nobody set hopes on the future of this country. There is a serious risk that with the help of the Taliban some regions of Afghanistan, where opium is grown, may convert into small “dug-countries” as in Colombia. A ten years’ ISAF intervention has given little in progress of closure of “business-drug”.

A major challenge will be to reconcile a necessity to constantly pull the Afghan authorities and the international community together to continue necessary reforms with a requirement for demonstration of progress that Afghanistan has made in the past decade. Afghanistan side by side with Somalia is the most corrupted country in the world (according to the Transparency International reports, only in 2009 the total level of value of the bribes to was 25% of the GDP growth rate of the country). Most expensive investments in the Afghan Security Forces bring limited effects, and the political system including electoral law on the top, is not very efficient and requires substantial rebuilding.

CONCLUSION

Today you can confidently say that only chaos is predictable in Afghanistan. The situation is very difficult in Afghanistan now. Given the circumstances, it must be assumed that in the current socio-political perspective, the situation will deteriorate further.

The actual international situation is very complicated too. Countries involved in ISAF’S operation went into a deep economic crisis, which generates further problems in raising funds for the operations and on the funding of Afghan.

The politico-military analysis carried out in this article indicates that probably the process of building security in Afghanistan is still obstructed. A decisive influence on the negative scenario development may have the following factors:

- the global economic crisis, which will restrict the flow of financial assistance to Afghanistan;
- gradually reducing the number of coalition troops;
- with the deterioration of the economic situation society antagonisms will be further aggravated: corruption, crime and downgrading of a education system and health services;
- the army may lose the ability to conduct operations (desertions will

increase),

- these factors will influence on the increase in the importance of opposition movements against the Afghan Government and ISAF coalition forces.

The number of positive factors which outweigh the negative circumstances is not sufficient to indicate that the situation in Afghanistan will be improved in the coming years.

Despite of positive announcement made by the representatives of the coalition against terrorism national authorities and the military commanders it should be assumed that the coalition forces will face the growing resistance from the Taliban and their increasingly strong impact on the local population in 2012 and subsequent years.

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CHAPTER II

LEGAL FRAMEWORK OF INTERNAL SECURITY OF THE REPUBLIC OF POLAND AND INTERNATIONAL SECURITY



National security - definition, character and determinants. Studies on the quality of security

MONIKA GIŻYŃSKA

THE POWERS OF THE PRESIDENT OF THE REPUBLIC OF POLAND IN A SCOPE OF NATIONAL SECURITY

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ABSTRACT

This article deals with the powers of the President of the Republic of Poland of national security. The author briefly characterized the political position and the powers of the President in the early period of the State, that is in the Interbellum, with a particular emphasis on the scope of powers on national security. The article focuses primarily on the existing powers of the President on national security. Attention was drawn to the fact that the President in accordance with the Constitution of the Republic of Poland from 1997, shall ensure observance of the Constitution, safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory. It was emphasised that in time of peace, in a normal political situation the specific powers of the President come down to personal decision making. The role of the President increases in a case of national security threat; when the powers of the President related to the states of emergency should be considered especially. Among the Presidential powers in case of external threat to the country a state of war must be mentioned. Based on Article 230 of the Constitution of the Republic of Poland the President has the power, at the request of the Council of Ministers, to introduce, in the case of threats to the constitutional government of the State, public security or public order, for a specified period, no longer than 90 days, in the state of emergency on a part or the whole territory of the State.

KEY WORDS:

martial law, state of emergency, state of natural disaster, the Commander-in-Chief of the Armed Forces, the National Security Council.

INTRODUCTION

This article deals with the powers of the President of the Republic of Poland of national security. The author briefly characterized the political position and the powers of the President in the early period of the State, that is in the Interbellum, with a particular emphasis on the scope of powers on national security. The article focuses primarily on the existing powers of the President on national security. Attention was drawn to the fact that the President in accordance with the Constitution of the Republic of Poland from 1997, shall ensure observance of the Constitution, safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory. It was emphasised that in time of peace, in a normal political situation the specific powers of the President come down to personal decision making. The role of the President increases in a case of national security threat; when the powers of the President related to the states of emergency should be considered especially. Among the Presidential powers in case of external threat to the country a state of war must be mentioned. Based on Article 230 of the Constitution of the Republic of Poland the President has the power, at the request of the Council of Ministers, to introduce, in the case of threats to the constitutional government of the State, public security or public order, for a specified period, no longer than 90 days, in the state of emergency on a part or the whole territory of the State.

1. INSTITUTION OF THE PRESIDENT IN THE POLISH POLITICAL SYSTEM IN THE INTERWAR PERIOD (INTERBELLUM) AND THE POWERS OF THE PRESIDENT IN A SCOPE OF NATIONAL SECURITY

Institution of the President in the Polish political system appeared for the first time in the interwar period (Interbellum) after Poland regained its independence in 1918, after 123 years of partitions. With adoption of the March Constitution in 1921¹ for an existing place of Chief of State, the President was appointed. The Constitution introduced a parliamentary-cabinet system of government. The powers of the President in this system were modest. The main task assigned to him was to represent the country internationally. As a Head of State the President had diplomatic and representative powers. Article 48 of the March Constitution said that

¹ Act of 17 March 1921 of the Constitution of Republic of Poland (Dz. U. z 1921 r. Nr 44, poz. 267). Later named the March Constitution. Regulations related to the President were contained in Chapter III titled: executive power.

the President of the Republic represents the State outside, hosts visits of the diplomatic representatives from other countries, and sends diplomatic representatives of Poland to other countries. The President was also responsible for signing agreements with other countries and passing them to the Sejm. When the subjects of contracts were trade and customs agreements, which burdened country financially, or included legal provisions in force of citizens, or introduced a change of country borders, as well as alliance, all that required the approval of the Sejm². In relation to the competence of national defence the President had the right to declare a war and make peace, but it required the prior acceptance of the Sejm³. President had also the Commander-in-Chief role of the Armed Forces⁴. But he could not perform this duty during the war. Presidential supremacy over the Armed Forces had a nature of an honour, because the President had appointed the Commander-in-Chief of the Armed Forces in case of war, but only at the request of the Council of Ministers, presented by the Ministry of Military Affairs⁵. Commander-in-Chief for all his acts related to the command during the war, and for a matter of military leadership was responsible to the Sejm.

The April Constitution from 1935⁶ introduced a Polish version of the presidential system. A lawmaker rejected the system of powers separation. The April Constitution gave to one of the bodies, and it was the President, the higher level over the other state bodies, which were subject to its sovereignty. The April Constitution expanded the powers of the President. The Head of State was the President, who, as said in Article 2 of the April Constitution, had single and undivided power. The President had personal powers called prerogatives powers, which did not require countersigning, and ordinary powers requiring a countersignature from prime minister and minister. Powers requiring countersignature were included in Article 12 of the April Constitution, which said that the President of the Republic appoints the Prime Minister of his choice, and at his request appoints the Ministers; convenes and dissolves the Sejm and the Senate; manages the opening, postponing and closing of the Sejm and the Senate sessions, is the Supreme Commander of the Armed Forces; represents country out-

2 Article 49 of the March Constitution.

3 See Article 50 of the March Constitution.

4 For more, see: Witkowski, 1987, s. 80-83.

5 See Article 46 of the March Constitution. For more, see: Komarnicki, 2008, s. 268-272.

6 Constitutional Act of 23 April 1935 (Dz. U. z 1935 r. Nr 30, poz. 227). Later named the April Constitution.

side, hosts representatives of foreign countries and sends representatives of Poland; states about war and peace; signs and ratifies the agreements with other countries; appoints the State offices assigned to him.

The scope of powers of the Head of State, which was a subject to countersignature was small compared with the powers which were not subject to a countersignature. The second group of the President powers is the presidential prerogatives. As pointed out by E. Zwierchowski, creators of the April Constitution according to the assumption about the superior position of the President, referenced to the tradition of parliamentary monarchy, which used the institution of royal prerogatives, which is the king's personal acts exempted from countersignature by parliamentary responsible Ministers⁷. In the article 13 of the April Constitution all of presidential prerogatives were named. These powers are: identifying one of the candidates for President of the Republic and the management of the popular voting; appointing a successor for the President of the Republic during the war⁸; appointing and dismissal of the Prime Minister, First President of the Supreme Court and President of the Supreme Chamber of Control; appointing and dismissal of the Supreme Commander and General Inspector of the Armed Forces; appointing of judges of the State Tribunal; appointing senators who hold a mandate from the President; appointing and dismissal of the Head and officials of the Civil Office; resolution of the Sejm and the Senate before end of the term, giving members of the Government to the court of the State Tribunal; granting the right of pardon.

2. INSTITUTION OF THE PRESIDENT OF THE III REPUBLIC OF POLAND IN THE POLITICAL SYSTEM

An institution of President was abolished under the Constitution of 1952⁹, which introduced uniformity of power and a full commitment to the Sejm. Some of the existing powers of the President were moved to the Council of State¹⁰, some the Sejm and government took over, and some have been abolished at all. The Council of State was entitled to manage the

⁷ Zwierchowski, 2005, s. 50-51.

⁸ Based on the Constitution of 1935, the Government of the Republic of Poland in Exile was created (1939-1990).

⁹ The Constitution of the People's Republic of Poland enacted by the Legislative Sejm on 22 July 1952 (Dz. U. z 1952 r., Nr 33 poz. 232).

¹⁰ The Council of State of the Republic of Poland was replaced by the President. The Council consisted of the Chairman, four Deputy Chairmen, the Secretary and eleven Members.

elections to the Sejm and the convening of the sessions, issuing decrees, ratification and renunciation of international agreements. It could also, at times when the Sejm was not held, make decisions about initiation of martial law.

The President as the institution was restored in the transition period, in the 90s of the twentieth century as a result of the Round Table Agreement. Negotiations took place between a party-government and opposition-solidarity parties. The April Novelization, which is an article about a change of the Constitution of the People's Republic of Poland of 7 April 1989¹¹, was a first Act that change that Constitution. The second chamber of parliament, the Senate, was restored as well as institution of the President which was replaced by the existing the Council of State. The President meant to be elected by the National Assembly. The April Novelization introduced the beginning of powers separation and a parliamentary-cabinet system. However, the Sejm had formally still a superior and the supreme position in relation to other authorities. It was the supreme authority of the State power. The President watched over the adherence of the Constitution, he had to uphold the sovereignty and security of the State as well as the inviolability and integrity of its territory and in respect of the international political and military alliances. President, in accordance with Article 32 of the April Novelization, was the supreme representative of Poland in domestic and international relations. The President was also a chairman of the National Defence Committee¹². He was entitled to the introduction of martial law¹³ and state of emergency¹⁴.

Novelization of the Constitution of 27 September 1990¹⁵ significantly strengthened the position of the President. Voting for the President by the Nation was introduced. For the first time in the history of the Polish political system the presidential elections were based on the principle of universality, equality, directness and secrecy of voting, with an absolute majority of votes¹⁶.

11 Act of 7 April 1989 on the amendment to the Constitution of the People's Republic of Poland (Dz. U. z 1989 r., Nr 19, poz. 101), named later the April Novelization.

12 National Defence Committee was the highest level of administrative authority in Poland responsible directly for all actions related to national defence and security. The chairman was the President. Zob. Słomka, 2005, s. 160-161.

13 Article 32i Paragraph 1 of the April Novelization.

14 Article 32i Paragraph 2 of the April Novelization.

15 Act of 27 September 1990 on the amendment to the Constitution of the People's Republic of Poland (Dz. U. z 1990 r., Nr 67, poz. 397).

16 Article 1 Paragraph 5 of Novelization of the Constitution of 1990. To Article 94 of the Constitution of 1952 Paragraph 3 was added defining the rules of the election for the President.

Constitutional Act of 23 April 1992¹⁷ about the mode of preparation and adoption of the Constitution of the Republic of Poland granted the President the right to propose its own draft of the Constitution, to propose amendments to the draft between the second and third reading, delegate a representative to participate in the deliberations of the Constitutional Committee of the National Assembly. Also it imposed on the President a duty to manage a referendum on the adopted constitutional text, and the duty to sign the Constitution adopted by referendum.

Constitutional Act of 17 October 1992 (Small Constitution of 1992)¹⁸ was a temporary act - passed in order to improve the activities of the State government until the adoption of a new Constitution. Whereby, the President competence was a general leadership in the field of international relations and the internal and external national security; authority over the Armed Forces of the Republic of Poland. In consultation with the Minister of National Defence the President appointed and dismissed the Chief of General Staff, and at the request of the minister appointed the highest positions in the army. The President appointed and dismissed for a period of war, the Commander-in-Chief¹⁹. Position of the President, through the normalization of the Constitutional Act of 1992, was strengthened, which also reflected, on what L. Garlicki²⁰ draws attention, in shaping the concept of presidential ministries (Ministry of Internal Affairs, Ministry of National Defence, Ministry of Foreign Affairs) which are subordinated, in terms of staff and activities by Head of State.

Current Constitution²¹ in Article 10 Paragraph 2 defines the President as one of two members of the executive power (next to the Council of Ministers). Organization of the executive power is based on the principle of duality, which is separate from the President and the government operation. However, in light of Article 146 Paragraph 2 of the Constitution, the presumption of competence in matters of the State policy is related to the Council of Ministers, not to the President. The President, in relation to the adoption of rationalized parliamentary system of power, acts as an arbitrator, which is watching over the regularity of the relation between

17 Constitutional Act of 23 April 1992 on the Procedure for Preparing and Enacting a Constitution for the Republic of Poland (Dz. U. z 1992 r., Nr 67, poz. 336).

18 Constitutional Act of 17 October 1992 on the Mutual Relations between the Legislative and Executive Institutions of the Republic of Poland and on Local Self-government (Dz. U. z 1992 r., Nr 84, poz. 426).

19 See Article 34, Article 35, Article 36, Article 37 of Constitutional Act of 1992.

20 Garlicki, 2010, s. 259.

21 The Constitution of the Republic of Poland of 2 April 1997 (Dz. U. z 1997 r., Nr 78, poz. 483).

the authorities and intervening mainly in a situation of a disruption in relations between the Sejm and the government.

3. THE POWERS OF THE PRESIDENT IN A SCOPE OF NATIONAL SECURITY

The powers of the President related to security and defence of country come directly from the provisions of the Constitution. The provision of Article 126 Paragraph 2 of the Constitution of the Republic of Poland says that the President of the Republic of Poland shall ensure observance of the Constitution, safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory. Moreover, under Article 133 of the Constitution of the Republic of Poland, the Head of State is a representative of country in external relations.

In accordance with Article 126 Paragraph 1 of the Constitution of the Republic of Poland the President is the supreme representative of the State in the internal and external relations. The President performing a representative role is only a representative of the State and not the Nation²². In accordance with Article 126 Paragraph 2 of the Constitution of the Republic of Poland the President is to uphold the sovereignty and security of the State as well as the inviolability and integrity of its territory. Under Article 4a of the Act on universal obligation to defend²³, the President, stands on safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory: 1) approves, at the request of the Prime Minister, the national security strategy; 2) gives, at the request of the Prime Minister, by order, Political and Strategic Defence Directive of the Republic of Poland, and other documents for the implementation of the national security strategy; 3) approves, at the request of the Council of Ministers, national plans of exercises for the defence system and directs its progress; 4) decides, at the request of the Prime Minister, to introduce or change a particular alert mode of defence readiness; 5) may ask all public authorities, the State and local government, entrepreneurs, managers of other organizational units and social organization for information relevant to security and national defence, 6) initiates and patronizes ventures aimed at shaping the attitudes of patriotism and defence of society.

As already pointed out, in accordance with Article 126 Paragraph 2 of

²² Article 104 Paragraph 1 of the Constitution of the Republic of Poland and Article 108 of the Constitution of the Republic of Poland, says that Members of Parliament and Members of the Senate, only represent the Nation.

²³ Act of 21 November 1967 on universal obligation to defend the Republic of Poland (Dz. U. z 2004 r., Nr 241, poz. 2416).

the Constitution of the Republic of Poland, the President is to uphold the sovereignty and security of the State as well as the inviolability and integrity of its territory. This implies the necessity of entrusting to the Head of State a supreme supervision over the Armed Forces, as evidenced by the Article 134 Paragraph 1 of the Constitution of the Republic of Poland²⁴. The President as the Commander-in-Chief of the Armed Forces do not receive any military rank. He becomes the Commander-in-Chief from the beginning, which serves to emphasize the continuity of the Armed Forces.

Article 134 Paragraph 1 of the Constitution of the Republic of Poland, which was already indicated, gives the President a position of the Commander-in-Chief of the Armed Forces, however, it reserves that in time of peace, the supervision is run through the Minister of National Defence²⁵. The Minister of National Defence is responsible for managing the army. He is also responsible for commanding the army with the help of its internal structures. Therefore, the President can not be considered as the direct commander of the army because it would be oppose to the principle of civil and democratic control over the Armed Forces²⁶. The supervision is only a principled dimension because the President is not the Commander of the Armed Forces in time of peace or in war. This function has the ceremonial dimension, which results from a number of reasons. First, the President is not equipped with instruments that initiate army action. Second, the Armed Forces watch over national security in a completely different character than the President does. The Constitution of the Republic of Poland defines the President role rather in laconic way on this issue. However, it is clarified by the Act of 21 November 1967 on universal obligation to defend the Republic of Poland. In light of the provisions of the President of the Republic of Poland, having an authority over the Armed Forces, in particular; it determines, at the request of the Minister of National Defence, the main directions of development of the Armed Forces and their preparation to defend the State²⁷.

Function of the Commander-in-Chief is rather symbolic, but it reserves the President the right to information and consultation in all important matters. For this purpose, the President appoints the National Security Council, as an advisory body for internal and external security of the State²⁸. The Na-

24 Article 134 of the Constitution of the Republic of Poland says that the President is a superior to Armed Forces of the Republic of Poland.

25 Article 134 Paragraph 2 of the Constitution of the Republic of Poland.

26 Article 26 Paragraph 2 of the Constitution of the Republic of Poland.

27 Article 5 of Act on the universal duty to defend the Republic of Poland.

28 Article 135 of the Constitution of the Republic of Poland.

tional Security Council got a constitutional position in the current Constitution of the Republic of Poland. Constitutionalisation of the advisory authorities, the National Security Council is one of them, it is in constitutional acts very rarely, which is highlighted by P. Sarnecki²⁹. The consequence of such adopted regulation is the obligation to create a new authority. It must be a multi person body. Legislator did not specify the qualification requirements of the National Security Council members, which should be made by the legislature, and in case of its lack, the choice is left to the President. It is also known that the chairman of the National Security Council shall be President.

In time of peace, in a normal political situation, the specific powers of the President come down to personal decision making. The President appoints the Chief of the General Staff and commanders of the Armed Forces³⁰, however, it should be noted that these President's actions require a countersignature³¹. The President also has a right, in accordance with Article 134 Paragraph 5 of the the Constitution of the Republic of Poland, at the request of the Minister of National Defence to award with ranks. This can include award with ranks such as: first non-commissioned officers, as well as admirals and generals, and the Marshal of Poland. The President has also the right to deprive a rank from general officer or admiral.

The role of the President increases in case of national security danger. The powers of the President regarding to the states of emergency needs to be in mind. The lawmaker predicted introduction of three states of emergency in the State³². These include martial law, a state of emergency and state of natural disaster.

Among the Presidential powers in case of external threat to the country a state of war must be mentioned³³. This happens only in the event of armed attack on a territory of the Republic of Poland, or when from the international agreements result a commitment to common defence against aggression³⁴. If the Sejm cannot assemble for a sitting, about a state of war

29 Sarnecki, 1999, s. 1 i n.

30 Article 134 Paragraph 3 of the Constitution of the Republic of Poland.

31 There are not among 30 prerogatives in Article 144 of the Constitution of the Republic of Poland.

32 Article 228 Paragraph 1 of the Constitution of Republic of Poland.

33 It is an alternative power of the President, because according to Article 116 Paragraph 1 of the Constitution of the Republic of Poland, the Sejm adopt a resolution on the state of war.

34 As it is highlighted by K. Prokop, external threat is a not defined and each time it must be designated by the Council of Ministers and the President during the consideration of

decide the President³⁵. Regulation of the President to impose martial law requires the countersignature of the Prime Minister, who takes over, along with the entire Council of Ministers, the full political responsibility in front of the Sejm for the introduction of martial law. Regulation on the introduction of martial law, the President of the Republic of Poland presents to the Sejm within 48 hours of its signing. The regulation must identify the reasons for introduction and the area of martial law, as well as types of restrictions of freedom and human and civil rights³⁶. The introduction of martial law is possible only at the request of the Council of Ministers³⁷. In this case the element of the interaction between two centres of executive power is retained. This is regulated by the provisions of the Act about the martial law. Article 10 of the Martial Law Act provides that if at the time of martial law, there is a need to defend the State, the President leads the defence in collaboration with the Council of Ministers. Special powers of the President during the martial law are: 1) decision, at the request of the Council of Ministers, to shift public authorities for certain managing positions; 2) decision, at the request of the Council of Ministers, about the alert states of the Armed Forces of the Republic of Poland, 3) determination, at the request of the Council of Ministers, the tasks of the Armed Forces during the martial law, 4) possibility to appoint, at the request of the Prime Minister, the Commander-in-Chief of the Armed Forces, 5) approval, at the request of the Commander-in-Chief of the Armed Forces, of military operation plans to use the Armed Forces, 6) recognition, at the request of the Commander-in-Chief of the Armed Forces, specific areas of the Republic of Poland as a direct war zone³⁸. Martial law is valid from the date of publication of the regulation in the Journal of Law of the Republic of Poland. The Regulation by the President of the Republic of Poland to impose martial law and other legal acts on this state shall be given to the public, by giving a notice to the competent voivode, by placing posters in public places, and by doing it as it is customary in particular area³⁹. When the causes stop, for which the martial law was imposed and the normal func-

possibilities of introduction of martial law in a particular situation. See for more: Prokop, 2005, s. 46 i n.

35 Article 116 Paragraph 2 of the Constitution of Republic of Poland.

36 Article 3 of Act of 29 September 2002 on martial law and on powers of the Commander-in-Chief of the Armed Forces and its subordination to the principles of constitutional authorities of the Republic of Poland (Dz. U. z 2002 r., Nr 156, poz. 1301 ze zm). Later named the Act on martial law.

37 Article 229 of the Constitution of Republic of Poland.

38 Article 10 Paragraph 2 of the Act on martial law.

39 Article 4 of the Act on martial law.

tioning of the state is restored, the President, at the request of the Council of Ministers, and by regulation, abolishes martial law⁴⁰.

Based on Article 230 of the Constitution of the Republic of Poland the President has the power, at the request of the Council of Ministers, to introduce, in the case of threats to the constitutional government of the State, public security or public order, for a specified period, no longer than 90 days, in the state of emergency on a part or the whole territory of the State.

Proposal of the Council of Ministers must specify the reasons of introduction and necessary duration of the state of emergency and the area in which the state of emergency should be introduced, as well as an appropriate to the level and nature of the threat, to the extent permitted by law for the state of emergency, the types of restrictions on freedom and human and civil rights. Proposal is addressed to the President, who shall examine it and introduce a regulation about the state of emergency or may refuse such regulation. The state of emergency is valid from the date of publication in the Journal of Laws of the Republic of Poland⁴¹. The President introduces the regulation on the introduction of a state of emergency to the Sejm within 48 hours of signing such regulation. The Sejm shall immediately consider the regulation of the President. The Sejm may abrogate it by the absolute majority of votes in the presence of at least half of the statutory number of Members of Parliament⁴². In the case of abrogation of the regulation by the Sejm, the Sejm's resolution on this matter is immediately published in the Journal of Laws of the Republic of Poland. The President's regulation on the introduction of the state of emergency and other legal acts on this state shall be given to the public, by giving a notice to the competent voivode, by placing posters in public places, and by doing it as it is customary in particular area⁴³.

If, despite of the lapse of time coming up, on which the state of emergency was introduced, the reasons for this state have not stopped and the normal functioning of the State has not been restored, the President may, by regulation, extend the duration of the state of emergency. Extension of the state of emergency may be made only once, with the approval of the

40 Article 8 of the Act on martial law.

41 Act of 21 June 2002 on the state of emergency (Dz. U. z 2002 r., Nr 153, poz. 1271 ze zm). Later named the Act on state of emergency. See Article 3 and Article 4 of Act on the state of emergency.

42 Article 231 of the Constitution of Republic of Poland.

43 Article 3 Paragraph 3 of the Act on the state of emergency.

Sejm and for a period no longer than 60 days⁴⁴.

The President, at the request of the Council of Ministers, by regulation abolishes the state of emergency before the time for which it was introduced, if reasons for this state stop and the normal functioning of the state is restored. During the state of emergency, the President under Article 11 of Act on the state of emergency may decide to use divisions and subdivisions of the Polish Armed Forces to restore the normal functioning of the State, if already applied forces and resources have been spent. The President shall issue a decision on the request of the Prime Minister.

The third state of emergency established by the legislator is the state of natural disaster. Article 232 of the Constitution of Republic of Poland says that in order to prevent from natural disasters or technological accident with a nature of a natural disaster and in a case to remove them, the Council of Ministers may introduce for a specified period no longer than 30 days, the state of natural disaster on a part or the whole territory of the State. The extension of this state may result with the approval of the Sejm. The only authority authorized to introduce this state is the Council of Ministers. The President has only a right to access the information about this state⁴⁵.

SUMMARY

For the conclusion, it should be emphasized that the highlight of the competence category in the field of the national security in the directory of the Presidential powers, shows, which is indicated by W. Wing, the role of the political system of the President as head of State. It includes powers that vary in terms of the subject of regulation, but are joint because of the constitutional tasks of the President in terms of security of the national defence (protection of sovereignty, inviolability of borders and territorial integrity of the State) and national security in time of peace and war⁴⁶.

44 Article 5 Paragraph 1 of the Act on the state of emergency.

45 See Article 16 of Act of 18 April 2002 on the state of national disaster, (Dz. U. z 2002 r. Nr 62, poz. 558 z późn. zm.)

46 Skrzydło, 1997, s. 329.

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National security - definition, character and determinants. Studies on the quality of security

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FORMALIZATION OF OBJECTIVES AND STRUCTURES IN THE CONTEXT OF QUALITY OF FUNCTIONING OF PUBLIC ADMINISTRATION¹

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ABSTRACT

The performance of the state's tasks in the area of internal security depends on legal, structural, organizational, and social factors. This is confirmed, among others, in the provisions of the National Security Strategy of the Republic of Poland which state that ensuring a proper level of internal security requires both passing coherent laws and shaping social attitudes, and improving the functioning of all state and public bodies whose activity is related to the state's internal security. The National Security Strategy also indicates that internal security can only be achieved by improving the efficiency of public administration and systematically upgrading the professionalism of the public servants and employees of state institutions who are charged with duties pertaining to this area of state activity, and by propagating knowledge on the threats to the state's internal security. The list of factors affecting internal security and the forms and methods of its protection are linked with the standards and criteria of achieving quality of organizations, to include the quality of public administration, elaborated both by the science and through practical experiences.

KEY WORDS:

security, quality, administration, efficiency

In recent years, public administration in Poland has undergone numerous modifications. The changes in the administration system, which consisted in changing or defining new objectives and structures of existing

¹ The present article has been written largely on the basis of the Author's unpublished doctoral dissertation: S. Bentkowski, *Normatywne wyznaczniki jakości administracji publicznej* [Normative determinants of the quality of public administration], Lublin 2006, p. 52-59

government institutions, were required, among others, by Poland's obligations related to its membership in the European Union (establishment of the General Directorate for Environmental Protection), by political factors (establishment of the Central Anticorruption Bureau), and by praxeological factors (division of the Ministry of Interior and Administration into the Ministry of Administration and Digitalization and the Ministry of Interior).

The above-mentioned factors and types of changes in public administration are in line with the view, present in the literature on this subject matter, that the diversification of the area of activity of public administration determines its form. This is due to the fact that certain factors result in modification of, among others, the objectives and tasks of public administration, its political goals, the forms and methods of its activities, and its organizational structures².

According to the idea of a law-abiding state, any changes in the structure and functioning of public administration must be implemented in a strictly defined form which is regulated in statute-level legal norms. This is why, according to the administrative science, it is legal factors that have the greatest impact on the form of public administration³.

According to M. Jełowicki, the impact of legal norms on public administration takes the form of defining the structure and organization of the public administration apparatus and the basic objectives of the entities established to perform public administration tasks, as well as the forms and methods of those entities' actions. M. Jełowicki also states that legal factors affect the shape of public administration both on the macro scale – as the system of state bodies, and on the micro scale – as the individual organizational units or the internal relations within those units.⁴

Thus, legal norms are of basic importance to the achievement of efficiency – quality of public administration. Proper legal formalization is a factor that solidifies the organization of public administration and reduces the uncertainty in which public administration functions. Because efficiency (as defined by the science praxeology) depends on the structure of the organization and on its staff, legal formalization in public admin-

2 A. Błaś, J. Boć, J. Jeżewski, "Administracja publiczna" [Public administration], J. Boć, ed. *Prawo administracyjne* [Administrative law], Kolonia Limited 2003, p. 18.

3 Z. Leński, *Nauka administracji* [Administrative science], Warsaw 1999, p. 27.

4 M. Jełowicki, *Podstawy organizacji administracji publicznej-zagadnienia teoretyczne* [The tenets of organization of public administration – theoretical matters], Warsaw 1998, p. 26.

istration should cover its objectives and structures. Acquiring efficiency through legal formalization may also be analyzed from the point of view of both the system and the individuals.⁵

The form of public administration indicates that it is a system of institutions, established in the process of formalization, which solidifies elements of the organization based on written standard procedures. The systemic approach to public administration, which J. Starościak refers to as a “specific institution,” constitutes the basic method in both the administrative science and praxeology.⁶ The unique nature of public administration as a system of institutions makes it stand out due to the role it plays in the state apparatus. Its nature consists, among others, in limited ability to define its own objectives, which are defined by external entities, and in subordination of its structures to the system of government and of the forms of its activity to the applicable laws.⁷

The term *system* is defined as a set of components and their mutual relations and as a set of mutually linked and determining elements formed for the purpose of achieving certain objectives.⁸ So defined systems are characterized by complex internal structures. A comparison of a system to a structure of institutions (a system of institutions) leads to the conclusion that a system is a set of institutions or a set of elements of institutions that are linked in a way that makes it possible for them to contribute to the achievement of certain pre-defined sets. Thus, the objectives and the structure are important elements of every institution or system.

In connection with the thesis by F. Longchamps that without references to the term *norm* it is not possible to describe any real organization, solidification of the organization of an institution, with the resulting improvement in its effectiveness, is impossible without formalization.⁹ The requirement of a legal basis of actions performed by public administration is the reason for the key importance of appropriate legal formalization of

⁵ Ibid., p. 25.

⁶ J. Starościak, *Zarys nauki administracji* [Outline of the administrative science], Warsaw 1971, p. 19. Also, see: S. Kowalewski, *Nauka o administrowaniu* [The science of administration], Warsaw 1982, p. 28.

⁷ J. Starościak, *Zarys...* [Outline...], p. 28 – 33.

⁸ M. Jełowicki, op. cit., p. 72.

⁹ F. Longchamps, “Współczesne problemy pojęć prawa administracyjnego” [Contemporary problems of administrative law terms], *Państwo i Prawo*, no. 6/1966, p. 893; quotation from J. Supernat: “Odesłania do zasad prakseologicznych w prawie administracyjnym” [References to praxeological principles in administrative law], *Acta Universitatis Wratislaviensis*, No. 763, *Prawo*, vol. CXXVII, Wrocław 1984, p. 13.

the objectives and the structure of the public administration apparatus to the process of improving the effectiveness of its actions.¹⁰ The scope of such formalization is important both to improvement of public administration's efficiency and to its meeting of the expectations of the public. Consequently, what needs to be described in detail is the components of the public administration system which determine the improvement of quality, defined as efficiency in the general sense.

Quality assurance can be described as any actions related to achievement of quality, performed in a planned and comprehensive manner. In accordance with the principle of comprehensive quality management, no real organization can achieve quality without cooperation between its various parts, as each activity and person influences and is influenced by others.¹¹ Thus, quality must be designed in the entire structure of the organization and must be instilled in all its employees through an appropriate value system which can be defined as an organizational structure, division of responsibilities, procedures, processes, and resources intended for implementing quality management. Assuming that state administration is a specific organization – a system of institutions, its quality should be achieved by designing and implementing a quality system. A quality system constitutes a structure that facilitates achieving and monitoring quality. Quality is never achieved by coincidence. A quality system must be designed in a methodical fashion. However, due to the planned nature of quality, it can only be designed in the process of formalization. Of note is the fact that formalization is the basic factor that determines the type quality that defines the elements that are necessary to achieve real quality of the system.

Representatives of the administrative science generally share the view that the objects of formalization in public administration are objectives and structures.¹² This belief is shared by M. Jełowicki who states that legal norms that govern the actions of organizations and the functioning of administration are the principal instrument for the achievement of their goals.¹³ The author provides a praxeological definition of the term *objec-*

10 J. Łukasiewicz, *Prawne uwarunkowania skuteczności administracji publicznej* [Legal constraints of efficiency of public administration], Lublin 1990, p. 5.

11 D. Lock, *Podręcznik zarządzania jakością* [Handbook of quality management], Warsaw 2002, p.35.

12 A. Błaś, "Wewnętrzne działania organizacyjne administracji państwowej – problemy regulacji prawnej" [Internal organizational activities of state administration – the problem of legal regulation], *Acta Universitatis Wratislaviensis, Prawo*, No. 646, Wrocław 1985, p. 43ff.

13 M. Jełowicki, op. cit., p. 24

tive, i.e. “the state of an object of an action, taking the form of an item or a process, that must be achieved or produced, or formed with respect to certain qualities, and in accordance with the idea of the need it is to fulfill.”¹⁴ A similar definition is given by J. Kurnal, in whose opinion objectives are the intended state that is to be achieved through a certain organization of activities.¹⁵ The objectives of institutions, with respect to the achievement of quality, can be classified, based on the criteria of time, standardization, repeatability, and measurability, as well as their hierarchic structure, into, for example, primary and secondary objectives, higher order and lower order objectives, direct and indirect objectives, gradable and non-gradable objectives, as well as strategic, tactical, and operational objectives.¹⁶

The objectives of public administration are often considered to be the same as its tasks and functions. The differences between these synonyms are explained by T. Kaluta, who states that the principal objectives of public administration are defined by state authorities and are formulated in the programs of political parties as a part of the state’s policies. On the other hand, partial objectives, i.e. indirect and operational ones (regarded as tasks), are formulated in the current activities of public administration.¹⁷ Thus, one can conclude that principal objectives pertain to public administration as a system and are defined by entities external to it. Tasks, on the other hand, are related to the functioning of the individual administrative bodies and are also formulated by external entities; however, their precise definition is prepared on the unit level. Hence, the problem of objectives can be analyzed on two levels: as the essence of the objectives of public administration, defined as a part of the administration-related policies, and, in more detail, as the tasks of public administration that are subject to formalization.

One must emphasize that achieving efficiency of public administration requires a precise definition of its objectives. Achieving quality – efficiency of public administration requires defining objectives that are characterized, among others, by an adequate degree of generality, clarity, comprehensibility, as well as feasibility and accessibility.¹⁸ Their formaliza-

¹⁴ Ibidem, p. 65.

¹⁵ J. Kurnal, *Zarys teorii organizacji i zarządzania* [Outline of the theory of organization and management], Warsaw 1970, p. 324.

¹⁶ M. Jełowicki, op. cit., p. 65 – 66.

¹⁷ J. Boć, *Pojęcie administracji* [The term administration], in J. Boć, ed., *Prawo administracyjne* [Administrative law], op. cit., p. 24. The author presents the definitions of objectives and tasks formulated by T. Kuta.

¹⁸ J. Łukasiewicz, op.cit, p. 87.

tion in the process of achievement of quality must be effected by defining a proper hierarchy of requirements that are adequate to the expectations and needs.¹⁹ Thus, objectives of public administration must be formulated based on the public needs that public administration must satisfy due to its role in the state. Knowledge of such needs is an important factor affecting the design of the quality of public administration.

The basic objective and duty of public administration, as a servant of the state and the society, is to promote public interest. According to J. Lang, the notion of interest pertains not only to protection of individual rights but is also used to define the objectives of public administration, to identify the boundary between the entirety of authorities and individuals, to define public law (as opposed to private law), and to define the scope of administrative discretion. The servant role of public administration in relation to the society makes public interest very important, as public administration must, in its actions, observe public interest and determine its presence in all its endeavors.²⁰ E. Modliński suggested that “when using the term *public interest*, the legislator tries, as much as possible, to define precisely what objectives (or groups of objectives) it wants to take into account in each specific case and, consequently, to define the freedom of the administrative authorities to exercise their right to discretion so that it does not turn into arbitrary acts.” He also considers public interest to be the guarantee that public administration will be bound by laws.²¹

In the opinion of J. Boć, public interest, compared to the interest of individual members of a group, is a new value or a value that demonstrates the potential sum of present or future interests and the process of its formulation and application is expressed in the form of regulation of such interests to an extent that corresponds to their public acceptance²². A similar opinion is expressed by J. Lang who defines the term *public interest* as the relations between the objective state and the evaluation of this state from the point of view of the benefits it brings or may bring in the future to the society. Such benefits are the result of the objectives set or accepted by the society, which are achieved among others by the bodies of the executive

19 D. Lock, op. cit., p.107.

20 J. Lang, “Z rozważań nad pojęciem interesu w prawie administracyjnym” [Discussion on the term of public interest in administrative law], *Acta Universitatis Wratislaviensis*, No. 2018, *Przegląd Prawa i Administracji*, vol. XXXVIII, Wrocław 1997, p.130 – 131.

21 Ibid., p. 131-132.

22 J. Boć, “Pojęcie administracji” [The term administration], in J. Boć, *Prawo administracyjne* [Administrative law], op. cit., p. 23.

branch of government.²³

Because public administration influences certain values of individual members of the society, one must consider as reasonable the proposition that public interest is a tool to shape the situation of individuals and, as such, it is to contribute to the promotion of individual interests. The way that individual interests influence the needs related to public interest is formed in the process of implementation of individual interests for the purpose of functioning of public administration. The quality of such functioning depends on the extent to which administrative bodies will play the role of citizens' servants.²⁴ The above proposition is confirmed in the general principle defined in art. 7 of the *Code of Administrative Procedure*, which pertains to the balance between the public interest and the equitable interest of an individual, as well as in judicial decisions of administrative courts.²⁵

Public interest or the corresponding particular interest are present in the Polish administrative law in the following contexts:

- as a premise of general acts of law passed by administrative bodies;
- as a prerequisite for issuing a decision and a value that determines the content of the decision, in particular a discretionary one;
- as a premise for undertaking (on the basis of a specific concept or objective) a number of comprehensive activities, aimed to shape the organizational, material, or legal conditions that, in accordance with substantive law, are necessary for the implementation, in the legal framework, of specific rights or duties of citizens.²⁶

Of note is the fact that formalization of the objectives of public administration that are in line with public interest enables reducing the uncertainty related to achieving public acceptance of the actions undertaken by public administration, which is the necessary condition for achieving quality. However, the scope of formalization must enable standardizing the actions of public administration based on objectives that are in line with public interest; at the same time, it must be flexible enough to respond to a possible change of the objectives set or accepted by the society. The requirement to determine the general objectives of public administration

23 J. Lang, op. cit., p. 135 – 137.

24 J. Boć, *Pojęcie...* [The term...], op.cit., p. 24.

25 Consolidated text: Journal of Laws of 2000, no. 98, item 1071, as amended. Also, see the verdict of the Supreme Administrative Court of 11 June 1981, SA 820/81, ONSA 1981 No. 1, item 57.

26 J. Boć, *Pojęcie...* [The term...], op. cit., p. 23.

that are in line with the public needs also demonstrates the need to adapt the structures of public administration to enable effective fulfillment of such needs, and not vice versa. Thus, one can conclude that proper definition of the objectives depends on the degree of decentralization, as only decentralized public administration can properly identify the real needs of different social groups.

Another way to achieve efficiency, which is equivalent to quality, of public administration, besides defining proper objectives, is to formalize the structures of public administration organizations. The problem of structures pertains to the hierarchy and the organization of public administration, with the two areas closely linked.²⁷

The system of public administration comprises the hierarchy of the system (the number of levels), the subordination model on which the system is based, and the entirety of the issues related to the powers to manage and supervise exercised by the bodies within the system.²⁸ Thus, organizational structure is an element of the hierarchy of public administration and forms a system defined as a group of institutions or elements within one institution that are linked in a way that enables success of the whole group or institution. An example of such a specifically linked institution is the administrative apparatus, while elements of an institution are organizational units of an administrative body.

The theory of organizations broadly discusses the issue of achieving effectiveness of structures. These issues pertain to models of structures, types of organizational links, the scope and styles of management, as well as decentralization and centralization, which can be analyzed in two ways: based on a structural approach – as specifically linked elements of the system, or based on the functional approach – as achievement of specific pre-defined goals. Based on one of the propositions of H. Fayol, namely that “there is nothing rigid or absolute in the matters of administration and everything pertaining to it is a question of moderation,” one can conclude that there is not a single preferable organizational solution for the public administration system.²⁹ As J. Homplewicz was right in observing, finding an effective organizational solution consists in selecting intermediate

²⁷ Ibid., p. 98.

²⁸ W. Dawidowicz, *Zarys ustroju organów administracji terytorialnej w Polsce* [The outline of the structure of territorial administration bodies in Poland], Warsaw 1976, p. 18.

²⁹ H. Fayol, *Administracja przemysłowa i ogólna* [Industrial and general administration], Poznań 1947, p. 55.

solutions based on opposing assumptions, such as combination vs. specialization, concentration vs. deconcentration, and flat structure vs. slender structure.³⁰

The unique nature of the activities of public administration and the dynamic nature of its environment require its structure to be properly solidified. Solidification of structures is a factor for achieving efficiency which, in the case of public administration, is effected through legal norms. Formalization of the structures of public administration, in legal and organizational terms, enables achieving efficiency, if it is performed in accordance with praxeological principles, taking into account the unique nature of public administration. The use of praxeological principles in building the structures of public administration is discussed, among others by J. Supernat who defines the “praxeological principles of the administrative science,” according to which the structures of state administration must be defined with the view to achieving efficiency.³¹ This is the general principle and a source of other derivative principles, such as the principles of flexibility of organization, harmonization of objectives, information mobility, speed of action, competency, ease of service to citizens, versatility of actions, and motivation of the staff.³² J. Łukasiewicz, on the other hand, defines the principle of efficiency of public administration as implementation within the legal frameworks of the state’s tasks, in an effective manner and in a way that meets the expectations. The author (similarly to W. Dawidowicz) considers this principle to be the general rule to be followed in formalization of structures which, through relevant provisions in laws, constitutes simultaneously a legal principle and a legal postulate.³³

J. Supernat identified three ways in which such principles can be used to determine the efficiency of public administration. The first way consists in direct incorporation of the praxeological directives of the administrative science into the legal norms in the form of injunction or prohibition to use them. The second way consists in formulating laws that indirectly ensure the implementation of those principles. The third way consists in adopting such laws that comprise links to the principles in the form of direct references or general clauses.³⁴ One must emphasize that the third

30 J. Homplewicz, *Teoria organizacji i kierownictwa - zagadnienia podstawowe* [The theory of organization and management – basic problems], Katowice 1979, p. 23-24.

31 J. Supernat, “Odesłania...” [References...], op. cit., p. 21.

32 J. Łukasiewicz, op. cit., p. 107ff.

33 Ibid., p. 103.

34 J. Supernat, “Praxeologiczne zasady nauki administracji a normy prawne” [Praxe-

way of using the praxeological principles is particularly important because of the quality of administration that should be achieved through norms whose generality enables using them in various types of organizations. The problem of implementation of the rules of formalization of structures in public administration is also connected with the principle of flexibility, which makes increasing optimization of performance of tasks dependent on the formation of the structure by the entity or team performing the tasks.

The objectives of public administration, in addition to relevant characteristics, such as the degree of generality, transparency, and accessibility, should lead to achieving the intended results that are in line with relevant laws and expectations of the citizens. The use of praxeological solutions for formulation of objectives must also take into account the unique nature of the actions of public administration, which is due to its role in the state. The set objectives must also contribute to the achievement of public interest and the interests of individual citizens who require that public administration take steps to ensure performance and exercise, within the legal framework, of the duties and rights of citizens.

Also, objectives cannot be achieved without properly adopting the structure of public administration. Of all the solutions, proposed in the literature on this topic, concerning the construction of an effective organizational structure, the use of praxeological principles, in particular the efficiency requirement to be used as the overriding principle in defining the structure, must be considered as appropriate from the point of view of quality of public administration.

In conclusion, achievement of efficiency or quality of public administration by defining its objectives and building its structures that are adequate to meet the legal requirements and to satisfy the needs of citizens requires appropriate formalization. Formalization reduces the uncertainty regarding the achievement of the expected results and ensures durability of the adopted solutions. One must emphasize, however, that establishing legal frameworks for excessively detailed objectives or failing to observe the principle of flexibility in formalizing the structures of public administration may lead to significant difficulties in the performance of its duties due to the dynamically changing environment in which public administration operates. In order to avoid this, it is necessary to plan the stages of formu-

ological principles of the administrative science and the legal norms], *Acta Universitatis Wratislaviensis*, No 857, *Prawo*, vol. CXLIII, Wrocław 1985, p. 318 – 320.

lation of the objectives and adjustment of the structures and to conduct an ongoing analysis and evaluation of the functioning of the system.

Thus, proper planning and evaluation of the entire system and its individual components with regards to observance of the legal requirements and fulfillment of the expectations of the public requires implementing a proper quality system. The quality system standards and the methods of achieving quality, formulated in the theory and practice of management, in connection with the knowledge of the administrative science pertaining to the factors that shape public administration make it possible to identify quality indicators inside and outside of public administration.

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**National security - definition, character and determinants.
Studies on the quality of security**

STANISŁAW BUŁAJEWSKI

CONTROL POWERS OF SELECTED EXTERNAL AUDIT BODIES IN RELATION TO UNITS OF TERRITORIAL SELF-GOVERNMENTS IN POLAND¹

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ABSTRACT

The literature indicates that audit consists mostly in observing, determining the factual state, comparing the facts with the intents, opposing negative occurrences, and reporting the findings to proper entities. A characteristic feature of audits within the administrative apparatus is the presence of very extensive specialized audits. – author's aim was to make an analysis of selected external audit bodies in relation to units of territorial self-governments in Poland - Supreme Audit Office (NIK), Public Prosecutor's Office, Human Rights Defender, Constitutional Tribunal, Administrative courts and Common courts of law. An analysis of the issues discussed in this article clearly demonstrates that the activities of the territorial self-government are covered by two mutually independent control systems. Internal audits in commune-, district-, and province-level self-government bodies are performed by their own special organizational units.

KEY WORDS:

audit, Supreme Audit Office, Public Prosecutor's Office, Human Rights Defender, Constitutional Tribunal, Administrative Courts

INITIAL REMARKS

Before commencing this brief analysis of the audit powers of selected bodies, it appears to be necessary to explain the basic term associated with this problem, namely the word *audit*.

¹ The present article was prepared on the basis of the author's publication titled *Rada powiatu, pozycja ustrojowa, stanowienie prawa i kontrola* [District council, position in the system of government, law-making, and auditing], Olsztyn 2009.

The literature indicates that *audit* consists mostly in observing, determining the factual state, comparing the facts with the intents, opposing negative occurrences, and reporting the findings to proper entities. However, an *audit* limited to those activities does not force the audited entity to change its actions².

Thus, an *audit* consists in:

- determination of the facts;
- determination of the requirements;
- comparison of the facts with the requirements based on previously defined standards;
- explanation of the causes for the discrepancies between the facts and the requirements; and
- formulation of recommendations aimed to eliminate the negative occurrences³.

Synonyms of the word *audit* are: *examination*, *review*, and *inspection*. A term with a broader meaning is *supervision*, which, unlike *audit*, is not limited to observation and determination of the facts and the requirements, but involves the right to implement supervisory measures.

A characteristic feature of audits within the administrative apparatus is the presence of very extensive specialized audits. However, audits performed by authorized entities are audits only by name, as they usually consist in checks, evaluations, and follow up in the form of recommendations or reports to the controlled entity. Specialized audits also enable making a binding impact on the audited entity which makes the auditing entities very similar to supervisory ones. Importantly, the entities undergoing specialized audits are not only components of the administrative apparatus but also entities located outside of the public administration system⁴. Unfortunately, the scope of this article does not allow for an in-depth analysis of specialized audits performed by all the control and regulatory bodies and services. Therefore, in this article I deliberately do not discuss such bodies as treasury control inspection agencies, the state sanitary inspec-

² Eugeniusz Ochendowski, *Prawo administracyjne część ogólna* [Administrative law, the general part], Toruń 2005, p. 405-406.

³ See: Bronisław Kumorek, *Komisje rewizyjne w samorządzie terytorialnym – Kompetencje i zasady działania* [Audit committees in territorial self-government – Competences and principles of functioning], Zielona Góra 1999, p. 51; E. Ochendowski, op. cit., p. 406.

⁴ More information can be found in: Jacek Jagielski, *Kontrola administracji publicznej* [Audits of public administration], Warsaw 2006, p. 184-196.

tion agency, and the state labor inspection agency.

An important problem is to define the objectives of audits that are assigned to auditing bodies, to include the audit committee. According to S. Sylwestrzak⁵, the objectives (functions) of audits are the following:

- 1) information;
- 2) correction of decisions;
- 3) reinforcement of proper behavior standards;
- 4) deepening the rule of law guarantee; and
- 5) general improvement of work culture.

The **information function** consists in collection by the entity performing the audit of materials documenting its work that should also be used by external entities, such as state bodies, local government bodies, and political and social institutions. “Information that is correct and verified by the auditing bodies should be used by the whole society in the sense that at least in an abridged, but as synthetic as possible, form it should be publicly announced. By acting in this manner, the auditing bodies can significantly enrich the methods and directions of direct impact of voters on their representatives, mostly with regards to representative bodies⁶.”

The **function of correction of decisions** consists mostly in comparing the facts occurring at the audited entity with the requirements. As a result, the auditing body can detect irregularities in the audited entity and then require the manager of the audited entity to eliminate the discrepancies or at least to address the findings of the auditing body.

The **function of reinforcement of proper behavior standards** can be ensured only by impartial, professional, and effective audits. Only such audits can effectively influence the audited bodies. Therefore, the auditor should be an expert in the area he or she is to evaluate. Lack of the auditor’s professional preparation undermines the authority of the body he or she represents and, consequently, causes the audited entity to ignore it. Moreover, audits involve not only indicating the shortcomings but also emphasizing the positive aspects of the audited entity’s work, which leads

⁵ Andrzej Sylwestrzak, *Kontrola administracji publicznej w III Rzeczypospolitej Polskiej* [Audits of public administration in the Third Polish Republic], Gdańsk 2004, p. 17-20.

⁶ Ibid., p. 17. Also, see: Andrzej Sylwestrzak, “Kontrola w demokratycznym państwie prawnym” [Control in a democratic law-abiding state], *Studia Prawnoustrojowe*, 2005, no. 5, p. 26-27.

to reinforcement of proper behavior standards⁷.

The **function of deepening of the rule of law guarantee**, as has been rightly observed⁸, is of particular importance in democratic states. The criterion of legality of the actions of the audited entity is the basic, although not the only, evaluated aspect. All the powers of the auditing body must also result from a statutory authorization, as opposed to the auditing body's free interpretation. Thus, the actions of both the audited entity and the auditing body must be legal, i.e. performed in observance of the law.

The **function of improvement of work culture** pertains equally to the audited entity and the auditing body. This function is in place only when the audit is performed in a professional manner. The auditor must select a method that will enable him or her to achieve the best results with the smallest amount of work required. During the audit, the auditor must show initiative, invention, tactfulness, efficiency, and ability to organize his or her work. We must keep in mind that audits always make an impact on the audited entity and, therefore, the questions of who and how performs the control and what instruments he or she uses⁹ is very important.

Having completed this brief analysis and explanation of the basic terms pertaining to audits, we can move to a brief analysis of the control powers of external audit bodies in relation to units of the territorial self-government.

External audits are audits performed by bodies external to the audited entity. In my opinion, the bodies that can, to a greater or smaller extent, audit the operations of units of territorial self-government and their organizational entities include: the Supreme Audit Office, the Public Prosecutor's Office, the Human Rights Defender, the Constitutional Tribunal, administrative courts, and common courts of law. Of course this list is not a closed one and, depending on the approach to the problem, the number of bodies authorized to audit units of territorial self-government may change¹⁰. The bodies listed above cannot be considered as supervisory

⁷ More information can be found in: Eugeniusz Ochendowski, op. cit., p. 412-413.

⁸ More information can be found in: Andrzej Sylwestrzak, *Kontrola administracji publicznej...* [Audits of public administration...], p. 18-19.

⁹ Similarly, see: Eugeniusz Ochendowski, op. cit., p. 413.

¹⁰ As an example, some representatives of the doctrine also identify control exercised by: citizens, the General Inspector for Personal Data Protection, entities within the administration, the Supreme court, an anti-monopoly court, the Parliament, the Ombudsman for Children, and the State Environmental Protection Inspection Agency.

See: Eugeniusz Ochendowski, op. cit., p. 445-470.

bodies (even though some, such as administrative courts, do perform supervisory functions), because they cannot force the audited units of territorial self-government to replace the solutions they questioned with ones they recommended¹¹.

What I analyze in this article is solely the matter of the audit powers of the above-mentioned bodies in relation to the territorial self-government bodies. Thus, the matters pertaining to the organization and procedures of the bodies discussed herein are deliberately overlooked.

2. SUPREME AUDIT OFFICE (NIK)

The NIK has significant audit powers in relation to territorial self-government bodies, to include self-government legal persons and other self-government organizational units. The legal basis for the actions of this leading state control body can be found in the Constitution of the Republic of Poland and in the Act of 23 December 1994 on the Supreme Audit Office¹². Art. 203 (2) of the Constitution¹³ provides that: “The NIK can audit the activities of territorial self-government bodies, municipal legal persons, and other municipal organizational units to evaluate their legality, prudence, and reliability.”

The NIK can also audit the activities of other organizational units and economic entities to the extent that they use state-owned or municipal property or means and meet the financial obligations toward the state. However, the audits of those units and entities can be performed to assess the legality and prudence of their activities¹⁴. Nearly identical provisions pertaining to the above-mentioned matters can be found in the Act on the NIK, specifically in art. 2 (2) and (3) and art. 5 (2) and (3).

Of note is the fact that the Act, in art. 2 (3) which concerns organizational units and commercial entities, assumes a broad definition of the entities that may be audited. These certainly include both natural and legal persons (both public and non-public, acting as joint stock companies, limited liability companies, etc.), cooperatives, as well as partnerships. The NIK also audits the activity of such organizations as associations, foun-

11 Cf.: Krzysztof Byjoch, Jerzy Sulimierski, Jan Paweł Tarno, *Samorząd terytorialny po reformie ustrojowej państwa* [The territorial self-government after the reform of the reforms of the system of government], Warsaw 2000, p. 156.

12 Consolidated text: Journal of Laws of 2007, no. 231, item 1701, as amended.

13 Constitution of the Republic of Poland of 2 April 1997, Journal of Laws no. 78, item 483, as amended.

14 Art. 203 (3) of the Constitution of the Republic of Poland.

dations, and associations of economic and professional self-government, irrespective of whether they are covered by the provisions of the Act on economic activity¹⁵.

On the other hand, art. 2 (2) of the Act on the NIK clearly provides that the Office has the power to audit all self-government entities. Thus, not only the aforementioned organizational units and commercial entities providing municipal services are concerned. The NIK can also control the activities of decision-making and auditing bodies on the commune, district, and province level, as well as the activities of associations and groups formed by units of territorial self-government¹⁶.

One must also agree with the statement that “the NIK has constitutionally guaranteed powers to check the legality as well as the prudence and reliability of the decisions made in the form of local law. Art. 203 of the Constitution does not contain a direct provision to this effect. However, since the NIK is authorized to audit activities, without a precise definition of the forms of the audited activities, there is no doubt that no forms of activities [...] of territorial self-government bodies are excluded from the audits to be performed by the Supreme Audit Office¹⁷.”

As far as the audit procedure is concerned, the NIK always performs audits of the above-mentioned entities facultatively and mostly of its own initiative¹⁸. This does not mean that the territorial self-government bodies or groups of councilors cannot request the NIK to perform an audit; however, such requests are never mandatory to the NIK. The only entities

15 Andrzej Sylwestrzak, *Kontrola administracji publicznej...* [Audits of public administration...], p. 231.

16 Czesława Rudzka-Lorentz, *Kontrolowanie samorządu terytorialnego przez Najwyższą Izbę Kontroli* [Audits of the territorial self-government by the Supreme Audit Office], in: Wiesława Miemieć, Bogdan Cybulski, eds., *Samorządowy poradnik budżetowy na 1997 r. Zagadnienia ustrojowe i prawno-finansowe* [Budgetary advice manual for the local self-government for 1997. Systemic and legal-financial matters], Warsaw 1997, p. 101-102; Andrzej Sylwestrzak, *Najwyższa Izba Kontroli – Studium Prawnoustrojowe* [Supreme Audit Office – A legal and systemic study], Warsaw 2006, p. 201.

17 Marek Szewczyk, “Prawo miejscowe w świetle przepisów nowej Konstytucji RP” [Local law in the light of the provisions of the new Constitution of the Republic of Poland], *Przegląd Legislacyjny*, 1997, no. 4, p. 27. Similarly, see: Edward Czesław Malisz, *Samorządowe prawo miejscowe. Praktyczny poradnik* [Local law adopted by territorial self-government], Zielona Góra 2001, p. 104; Henryk Rot, Kazimierz Siarkiewicz, *Zasady tworzenia prawa miejscowego* [The principles of local law making], Warsaw 1994, p. 235-236.

18 More information can be found in: Andrzej Sylwestrzak, “Samorząd terytorialny a kontrola” [Territorial self-government and its control], in: Bronisław Jastrzębski, ed., *Edukacja samorządowa* [Territorial self-government education], Olsztyn 1997, p. 230-238.

whose requests for audits are binding to the NIK (also audits of the activities of a specific unit of territorial self-government) are the Sejm and its bodies, the President of the Republic of Poland, and the Prime Minister¹⁹.

According to art. 28 of the Act on the NIK, the audit procedure is intended to determine the facts regarding the activities of the audited entities, their reliable documentation, and evaluation of the audited activities in accordance with the criteria defined in art. 5²⁰.

The brief analysis of the above-mentioned laws leads to the conclusion that the powers of the NIK pertaining to the activities of the territorial self-government on the commune, district, and province level and to the activities of their related entities is very broad.

3. PUBLIC PROSECUTOR'S OFFICE

In the years 1950-1990 public prosecutor's audits were considered as independent of the state administration²¹. Until 1989 the Public Prosecutor's Office reported to the Council of State and then to the President of Poland. In that period, one of its basic tasks was to guard the rule of law in the actions of state bodies and self-government organizations. On 31 March 1990 the situation changed significantly due to the entry into force of the Act of 22 March 1990 on the amendment of the Act on the Public Prosecutor's Office of the People's Republic of Poland (...) ²². After that date, the function of the Prosecutor General was exercised by the Minister of Justice and the Public Prosecutor's Office became a part of the Ministry of Justice²³. Currently, the position and powers of the Public Prosecutor's Office are defined in the consolidated text of the Act of 20 June 1985 on the Public Prosecutor's Office²⁴ and its main task is to guard the rule of law and to ensure prosecution of crimes²⁵. The tasks that the Public Prosecutor's

19 Art. 6 (1) of the Act on the Supreme Audit Office.

20 These are the criteria of legality, prudence, purposefulness, and reliability. Of course audits of territorial self-government units are conducted without taking into account the criterion of purposefulness, unless the audit covers actions of a specific unit concerning performance of tasks ordered or entrusted by the government administration.

21 More information can be found in: Stanisław Jędrzejewski, "Instytucje kontroli wewnątrzadministracyjnej" [Audit institutions within the administration], in: Stanisław Jędrzejewski, Henryk Nowicki, *Kontrola administracji publicznej* [Audits of public administration], Toruń 1995, p. 51-53.

22 Journal of Laws of 1990, no. 20, item 21, as amended.

23 Eugeniusz Ochendowski, op. cit., p. 458.

24 Consolidated text: Journal of Laws of 2011, no. 270, item 1599, as amended.

25 Art. 2 of the Act on the Public Prosecutor's Office.

Office undertakes, or may undertake, in relation to public administration – hence also in relation to the territorial self-government – include:

1. Public prosecutor's control of legality of the normative acts adopted by the territorial self-government bodies on the commune, district, and province level. The current Act on the Public Prosecutor's Office grants to it specific control powers regarding normative acts adopted by the territorial self-government bodies on the commune, district, and province level. Art. 5 of the Act expressly provides that "if a resolution of a territorial self-government body or a regulation of a province governor are illegal, a public prosecutor shall ask the body that issued it to amend or repeal it or files a request to repeal it to the relevant supervisory body; in the case of resolutions of territorial self-government bodies, a public prosecutor may also ask an administrative court to declare them to be invalid."

2. Public prosecutor's right to request the relevant public administration body to initiate a procedure aimed to eliminate a violation of law and his or her right to participate in the procedure at any stage in order to ensure that the procedure and the resolution of the issue in question are compliant with the law²⁶. Public prosecutors also have the right to protest final decisions if a code or detailed regulations provide for resuming a procedure, finding a decision to be invalid, or repealing or changing a decision²⁷.

3. The right to file an appeal, a cassation appeal, a complaint, and an a motion to resume a procedure with an administrative court, if the Public Prosecutor's Office deems that the protection of the rule of law or the human and civil rights requires it. In such cases, the Public Prosecutor's Office enjoys the rights of a party to the procedure²⁸.

As far as prosecutor's control is concerned, it is also necessary to mention the basic function performed by the Public Prosecutor's Office, which has an indirect impact on the activities of territorial self-government entities. The function is prevention and suppression of crime. Quite frequently, the prosecutor in charge of a case must check and evaluate the activities of the territorial self-government administration entities²⁹. Also, the Penal

26 See: art. 182 and 183 (1) of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text: Journal of Laws of 2000, no. 90, item 1071, as amended).

27 See: art. 184 (1) of the Code of Administrative Procedure..

28 Art. 8 of the Act of 30 August 2002 on the proceedings before administrative courts (consolidated text: Journal of Laws of 2002, no.153, item 1270, as amended).

29 Jacek Jagielski, op. cit., p. 200.

Code contains a chapter referring to crimes against the activity of state and territorial self-government institutions, which penalizes both prohibited acts that can be committed to the detriment of a territorial self-government unit or its bodies and acts that can be committed by public officials working in such bodies³⁰.

4. HUMAN RIGHTS DEFENDER

Art 208 (1) of the Constitution expressly states that “the Human Rights Defender shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts.” The scope of responsibilities of the Defender include determination whether actions of omissions of bodies, organizations, and institutions required to observe and support such freedoms and rights do not violate law and the principles of community life and social justice³¹ and to this extent the Defender can examine the legality of acts of local law³².

The Human Rights Defender can, among others, examine any case in the place of its occurrence, demand explanations or presentation of the files of any case conducted by territorial self-government units and bodies on the commune, district, and province level. Of course, the Defender is unable to change or repeal a defective act of local law which regulates civil rights and freedoms and may only ask the bodies that issued the act to change it or to pass a new one. The Human Rights Defender also has the following powers³³:

- a) to file (like the public prosecutor) a cassation appeal, a complaint, and a motion to resume a procedure with an administrative court, if the Defender deems that the protection of the rule of law or the human and civil rights requires it; in such cases, the Defender enjoys the rights of a party to the procedure;
- b) to submit statements to bodies, organizations, or institutions in whose activities the Defender has found violations of human and civil freedoms and rights;
- c) to ask the body supervising the above-mentioned bodies, organiza-

30 See: chapter XXIX (art. 222-231a k.k.) of the Act of 6 August 1997, Penal Code (Journal of Laws of 1997, no. 88, item 553, as amended).

31 Art. 1 (3) of the Act of 15 July 1987 on the Human Rights Defender, consolidated text: Journal of Laws of 2001, no. 14, item 147.

32 Similarly, see: Henryk Rot, Kazimierz Siarkiewicz, op. cit., p. 237; Marek Szewczyk, *Prawo miejscowe...* [Local law...], p. 27.

33 Of course what I analyze in this article is only the powers that even partly affect the activities of units of the territorial self-government.

tions, and institutions to implement measures provided for in the relevant laws;

- d) to file a request to initiate an administrative procedure, to file a complaint with an administrative court, and to participate in the relevant procedures – with the same rights as those of a public prosecutor.

Of note is the fact that bodies of territorial self-government on the commune, district, or province level which have received a statement of the Human Rights Defender are required to inform the Defender, without undue delay but not later than within 30 days, of the actions taken or of their position regarding the statement. If the Defender disagrees with the position, he or she can request the relevant supervisory body to take appropriate action³⁴.

On the other hand, art. 17 (1) of the Act on the Human Rights Defender requires those territorial self-government units and their bodies that were approached by the Defender to cooperate with him or her and to provide assistance, in particular to ensure access to files and documents, to provide the required information and explanations, to provide explanations pertaining to the factual and legal grounds for their decisions, and to express their opinions concerning the Defender's general comments and opinions.

5. CONSTITUTIONAL TRIBUNAL

As an independent body acting as the constitutional court, the Constitutional Tribunal was established by the Act of 29 April 1985³⁵. Currently, provisions concerning the Constitutional Tribunal can be found in art. 188-197 of the Constitution and in the Act of 1 August 1997 on the Constitutional Tribunal³⁶. A very important power of the Constitutional Tribunal is deciding on the compliance of normative acts adopted by central state bodies with the Constitution, ratified international treaties, and statutes³⁷. Thus, neither the Constitution nor the Act on the Constitutional Tribunal provides for deciding on the compliance of acts of local law with the above-mentioned sources of law. It is administrative courts that exercise control of the legality of acts of local law. Therefore, it appears to

34 Art. 15 (2) of the Act on the Human Rights Defender.

35 Journal of Laws of 1985, no. 22, item 28.

36 Consolidated text: Journal of Laws of 1997, no. 102, item 643, as amended.

37 Art. 188 (3) of the Constitution of the Republic of Poland; art. 2 (1) (3) of the Act on the Constitutional Tribunal.

be reasonable to introduce in the near future certain changes to the Polish law that will broaden the jurisdiction of the Constitutional Tribunal to include acts of local law which, in accordance with art. 87 (2) of the Constitution, constitute sources of universally binding law of the Republic of Poland in the territory of the bodies that pass them³⁸. At present, in accordance with the predominant views in the doctrine (which I agree with), the only constitutionally authorized body that can determine whether a universally binding normative act is compliant with the Constitution is the Constitutional Tribunal. Thus, administrative courts and, especially, common courts of law do not have the power of autonomous control of constitutionality of acts of local law³⁹. This statement is confirmed in art. 184 of the Constitution which provides that “the Supreme Administrative Court and other administrative courts exercise, to the extent defined in a statute, control over the activities of public administration. Such control also includes deciding on the compliance with statutes or resolutions of territorial self-government bodies and normative acts of local state administration bodies.” The Constitutional Tribunal, in its verdict of 19 June 1992, also found that “in a democratic law-abiding state, which is a state based on the principle of division of powers, it is not permissible to establish legal norms that are not subject to evaluation from the point of view of their compliance with the Constitution in a procedure that would enable elimination of the conflicts⁴⁰.”

I would also like to briefly discuss the issue of constitutional complaints pertaining to acts of local law. The doctrine is not unanimous on this issue. Those who are against allowing constitutional complaints pertaining to acts of local law emphasize that in accordance with art. 188 (1)-

38 A similar opinion is expressed in: Dorota Dąbek, *Prawo miejscowe samorządu terytorialnego* [Local laws passed by the territorial self-government], Bydgoszcz-Kraków 2004, p. 379-380; Dorota Dąbek, “Kontrola konstytucyjności aktów prawa miejscowego jako instrument kontroli praw jednostki wobec działań administracji publicznej” [Control of constitutionality of acts of local law as an instrument of control of the rights of individuals in relation to acts of public administration], in: Elżbieta Ura, ed., *Prawne gwarancje ochrony praw jednostki wobec działań administracji publicznej* [Legal guarantees of the protection of the rights of individuals in relation to acts of public administration], Rzeszów 2002, p. 48-50.

39 See: Leszek Garlicki, *Polskie prawo konstytucyjne zarys wykładu* [Polish constitutional law, an outline of a lecture], Warsaw 2001, p. 377; Dorota Dąbek, *Kontrola konstytucyjności...* [Control of constitutionality...], in: Elżbieta Ura, ed., op. cit., p. 49; Wojciech Kręcis, Wojciech Zakrzewski, “Skarga konstytucyjna a kontrola konstytucyjności prawa miejscowego” [Constitutional complaint and control of constitutionality of local law], *Przegląd Sejmowy* 1998, no. 5, p. 62.

40 U 6/92, OTK 1992, no. 1, item 13.

(3) and (5) of the Constitution, the Constitutional Tribunal may not decide on compliance with higher-order laws of all normative acts, but only of those acts that are stipulated in the relevant regulation. On the other hand, art. 79 (1) of the Constitution, which makes references to “another normative act,” provides solely substantive-law grounds for the complaint and not a definition the Tribunal’s competences, which is given in art. 188 (5) of the Constitution. According to this opinion, a broad definition of “another normative act” is not acceptable⁴¹. I, however, support those views in the doctrine that allow for control of constitutionality of acts of local law using the instrument of constitutional complaint. In my opinion, the proposition that constitutional control also covers acts of local law can be directly implied from the term “another normative act” used in art. 79 (1) of the Constitution. I believe that this term also covers acts of local law. As has been rightly observed, this interpretation is supported by the *ratio legis* of constitutional complaint. Acts of local law can also significantly limit and violate the rights of individuals. Situations where citizens are granted weaker protections against unconstitutional local laws than against unconstitutional laws passed by legislative and executive bodies are unacceptable⁴².

6. ADMINISTRATIVE COURTS

Administrative courts were established in Poland as early as in the inter-war period. Art. 73 of the Constitution of 17 March 1921 provided that “[t]o decide on the legality of administrative acts issued by both government and self-government administration, a separate statute shall establish administrative courts whose organization shall be based on cooperation of citizens and judges, with the Supreme Administrative Tribunal as the highest court.”⁴³ As a consequence of adoption of the above-mentioned provision, the Act of 3 August 1922 on the Supreme Administrative Tribunal⁴⁴ and the regulation-law of 27 October 1932 on the Supreme Administrative Tribunal⁴⁵ were adopted. Thus, the administrative courts system in Poland

41 Zdzisław Czeszejko-Sochacki, “Skarga konstytucyjna w prawie polskim” [Constitutional complaint in the Polish law], *Przegląd Sejmowy* 1998, no. 1, p. 47-48.

42 Ferdynad Rymarz, “Problem prawa miejscowego jako przedmiot skargi konstytucyjnej” [The problem of local law as the object of constitutional complaints], *Przegląd Sądowy* 1999, no. 5, p. 4.

43 Journal of Laws of 1921, no. 44, item 267.

44 Journal of Laws of 1926, no. 68, item 400.

45 Journal of Laws of 1932, no. 94, item 806, as amendeded

during the inter-war period was (with a few exceptions⁴⁶) a one-instance system. After the Second World War, administrative courts were not reestablished. Only on 31 January 1980, the Act on the Supreme Administrative Court was adopted⁴⁷; the Act was amended many times and it was in force until 22 July 2002 when the new Law on the structure of administrative courts⁴⁸ was passed.

Going back to the control exercised by administrative courts over units of territorial self-government, one must conclude that judicial control of public administration, which includes self-government administration, is an element of the constitutional guarantee of the democratic law-abiding state. This is why art. 184 of the Constitution provides that “the Supreme Administrative Court and other administrative courts exercise, to the extent defined in a statute, control over the activities of public administration. Such control also includes deciding on the compliance with statutes of resolutions of territorial self-government bodies and normative acts of local state administration bodies.” This provision is strictly linked to the judicial protection of autonomous units of the territorial self-government, i.e. the principle expressed in art. 165 (2) of the Constitution⁴⁹.

The legal institution enabling judicial protection of the autonomy of communes, districts, and provinces against supervisory interference is the possibility to file a complaint regarding a supervisory decision (containing both corrective and personal means of supervision) with an administrative court, claiming non-compliance with the law, within 30 days of the service of the decision. Supervisory decisions become valid as of the date of expiry of the deadline for filing the complaint or of the date of rejection of the complaint by the court⁵⁰.

46 Among others, in the parts of Poland formerly annexed by Prussia there were provincial administrative courts which acted as courts of second or third instance.

47 Journal of Laws of 1980, no. 4, item 8, as amended

48 Journal of Laws of 2002, no. 153, item 1269, as amended. Adoption of this act and the Act of 30 August 2002, Law on proceedings before administrative courts (Journal of Laws of 2002, no. 153, 1270, as amended) constituted an implementation of the provisions of the Constitution of Poland, which in art. 236 (2), in connection with art. 176, guarantees at least a two-instance judicial process.

49 More information can be found in: Jan Paweł Tarno, “Zakres działania sądów administracyjnych” [Scope of activities of administrative courts], in Jan Paweł Tarno, Ewa Frankiewicz, Magdalena Sieniuc, Marek Szewczyk, Joanna Wyporska, *Sądowa kontrola Administracji* [Court control of administration], Warsaw 2006, p. 87-88.

50 More information can be found in: Barbara Adamiak, Janusz Borkowski, “Instytucje prawne sądowej ochrony samodzielności gminy” [Legal institutions of court protection of autonomy of communes], *Samorząd Terytorialny* 1991, no.

Protection of autonomy of territorial self-government units is not limited to complaints concerning acts of supervision over the activities of communes, districts, and provinces filed in administrative courts. It also covers the legal possibility of elimination of the so-called competence disputes between various bodies of territorial self-government⁵¹. Disputes concerning the competences of commune, district, and province bodies and government administration bodies are adjudged by administrative courts⁵². This enables communes, districts, and provinces to protect their autonomy and independence with regards to the tasks they are charged with before administrative courts⁵³.

Of note is the fact that the statutes defining the structure of self-government entities guarantee the protection of legal interest of the relevant entities against illegal actions of commune, district, and province self-government bodies. As an example, art. 87 of the Act of 5 June 1998⁵⁴ on district-level self-government established the statutory right of natural and legal persons to start judicial control of legality of acts of local law and other acts adopted by district bodies⁵⁵. According to art. 87 (1) of the act on district-level self-government, complaints can be filed in administrative courts regarding all resolutions (adopted both by the resolution-making body and by the executive body⁵⁶) containing provisions that are universally binding in the territory of the district and all other resolutions that govern the performance by the district's bodies of the district's administrative tasks⁵⁷. Complaints can also be filed in the event of inaction of a commune, district, or province body, if the body has failed to perform legally

1-2, p. 38-45; Teresa Rabska, "Sądowa ochrona samodzielności gminy" [Court protection of autonomy of communes], *Samorząd Terytorialny* 1991, no. 1-2, p. 46-50; Waldemar Chrościelewski, "Sądowa kontrola rozstrzygnięć nadzorczych dotyczących samorządu terytorialnego" [Court control of supervisory decisions pertaining to territorial self-government], *Samorząd Terytorialny* 1994, no. 10, p. 49-58.

51 Aleksandra Wiktorowska, *Prawne determinanty samodzielności gminy zagadnienia administracyjno-prawne* [Legal determinants of autonomy of communes, administrative-legal matters], Warsaw 2002, p. 238.

52 See: art. 22 (1) (1) and art. 22 (2) of the Code of Administrative Procedure.

53 Zbigniew Bukowski, Tomasz Jędrzejewski, Piotr Rączka, *Ustrój samorządu terytorialnego* [The structure of the territorial self-government], Toruń 2005, p. 317.

54 Consolidated text: Journal of Laws of 2001, no. 142, item 1592, as amended

55 Jolanta Blicharz, "Sądowa kontrola legalności aktów prawa miejscowego" [Judicial control of legality of acts of local law], *Współnota* 2000, no. 24, p. 20.

56 The Supreme Administration Court – Branch in Kraków, in its verdict of 8 June 2001, II SA/Kr 1779/99, ONSA 2002, no. 3, item 121, supported permissibility of filing complaints concerning also the decisions of the district head in matters pertaining to general public administration.

57 Cf.: Verdict of the Supreme Administrative Court – Branch in Wrocław of 27 September 1990, SA/Wr 952/90, ONSA 1990, no. 4, item 4.

obligatory actions, or in the event that the legal or factual actions violate the rights of third parties⁵⁸.

The entitled entities filing their complaints must make a reference to the legal provision that, in their opinion, has been breached and that protects their interests. The terms *legal interest* and *entitled* have not been expressly defined in the judicial decisions or in the doctrine. One must certainly agree with the statement made in the verdict of the Supreme Court of 9 December 1993 that a resolution must be considered as violating the legal interest if the resolution has been adopted in violation of the law or without clear legal grounds⁵⁹. The adoption of this definition does not mean that compliance of a resolution with law prevents situations where a citizen's legal interest is violated. However, a lack of legal interest on the part of the complaining party always results in rejection of the complaint.

One must also keep in mind that the prerequisite for filing a complaint with an administrative court is to demand that the relevant breach be eliminated. Only when such a demand is futile, a complaint may be filed⁶⁰. The futility means that the deadline assigned to the commune, district, or province body to eliminate the breach of law has expired or the body has refused to eliminate the breach of law⁶¹.

Last but not least, one must mention that the provisions of the statutes defining the structure of the territorial self-government introduce, in addition to individual complaints, the possibility that a representative of a group of residents file a collective complaint.

As I have mentioned, in accordance with art. 185 of the Constitution, the Supreme Administrative Court exercises, among others, control of resolutions of territorial self-government bodies, both the decision-making

58 Art. 88 (1) of the Act on district-level self-government.

59 Verdict of the Supreme Court – the Administration, Labor, and Social Insurance Chamber, of 9 December 1993, III ARN 51/93, not published.

60 Zbigniew Leoński, *Samorząd terytorialny w RP* [Territorial self-government in Poland], 4th ed., Warsaw 2002, p. 195.

61 The Supreme Administrative Court – Branch in Gdańsk, in its verdict of 17 May 1991, stated: “Ineffectiveness of a demand to eliminate a violation of a legal interest or a right, as mentioned in art. 1010 (1) and (3) of the Act of 8 March 1990 on the territorial self-government (Journal of Laws of 1990, no. 16, item 95, as amended, which enables appealing against the resolution of a commune body to the Supreme Administrative Court, occurs both when the commune body that issued the disputed resolution refuses to change it to the extent stipulated in the complaining party's demand and when the commune body fails to respond to the demand by the deadlines for resolving matters in administrative procedures (art. 35 of the Code of Administrative Procedure.” Verdict of the Supreme Administrative Court – Branch in Gdańsk of 17 May 1991, SA/Gd 375/91, *Prawo i Życie* 1992, no. 5, item 15.

bodies and the executive bodies. Subject to such control are, first of all, normative resolutions containing universally binding local laws⁶². Most often the Supreme Administrative Court exercises control in the course of examination of administrative acts, i.e. decisions issued by commune, district, and province bodies in individual cases. In such situations, the court checks if the administrative decision has been issued in a proper manner and examines the act of local law that constitutes the legal grounds in the case. If, in the course of examination of the complaints concerning an individual administrative decision, the court finds that the act of local law that constitutes the legal grounds for the decision violates law, then the court does not use the act in this specific case. In such a situation, the act of local law is not eliminated from the Polish legal system; instead, its binding nature is repealed in the specific case. The basis for the judge's right to question an act of local law can be found not only in the above-mentioned art. 184 of the Constitution but most of all in art. 178 (1) of the Constitution, which expressly provides that "Judges, within the exercise of their office, shall be independent and subject only to the Constitution and statutes"⁶³."

7. COMMON COURTS OF LAW

Administration of justice in Poland is ensured, among others, by common courts of law⁶⁴. An analysis of the impact of common courts of law on the activity of self-government administration demonstrates the following key manifestation of such impact:

1. In criminal cases, the court adjudging cases concerning white-collar crimes evaluates a defendant's behavior on the basis of substantive criminal law and evaluates the degree to which an employee of a territorial self-government body observes the normative acts adopted by the bodies of a commune, a district, or a province. An example is a situation where the court must answer the question whether a scholarship was awarded to person who was entitled to it in accordance with the criteria given in the regulation adopted by the resolution-passing body.

62 Piotr Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.* [Commentary to the Constitution of the Republic of Poland of 2 April 1997], Warsaw 2000, p. 240.

63 More information can be found in: Dorota Dąbek, *Prawo miejscowe...* [Local law...], p. 389-390.

64 See: art. 175 (1) of the Constitution of the Republic of Poland; art. 1 (2) of the Act of 27 July 2001, Law on the structure of common courts of law (Journal of Laws of 2001, no. 98, item 1070, as amended).

2. When adjudicating in civil cases, for example in cases concerning entries in mortgage registers, upon request of the executive body of a territorial self-government unit, the court examines the documents constituting the basis for the entry⁶⁵. Moreover, units of the territorial self-government, like any other legal persons, can dispose of their property. Protection in a civil court enjoyed by units of territorial self-government in accordance with the general principles will in this case be connected with the trade in the self-government's property. This is because the legal forms of activity of territorial self-government and its administrative bodies more and more often include civil-law contracts. Due to the fact that disputes often arise in connection with such contracts and must be resolved by civil courts, the judicial control of a part of the activities of communes, districts, and provinces, to include conclusion of contracts, is a fact. Moreover, common courts of law adjudicating in civil cases have the full right to question the legality of administrative acts and the compliance with the law of a specific action of a unit of territorial self-government or a self-government organizational unit. Although the opinions of the courts in such cases pertain solely to specific civil cases, they constitute an element of indirect control of specific commune, district, or province self-government bodies⁶⁶.

Of note is also another matter referred to in art. 77 (1) of the Constitution. This provision enables any person who has suffered damage due to an action of public authorities to claim compensation. This certainly includes the bodies passing local laws. Presently, under the Civil Code, one can demand the repair of a damage caused by illegal actions. Consequently, it is a civil court that decides on the grounds for and the value of the compensation. What is important is the fact that a party may suffer a damage in the case of a decision issued fully in compliance with the law. Such situations are possible when public authorities, acting in observance of the law, cause an injury to a person and the circumstances, in particular disability of the victim or his or her difficult material situation, indicate that equity requires that the damage be remedied and a redress be paid for the injury suffered⁶⁷.

65 Henryk Nowicki, "Instytucje kontroli niezawisłej" [Independent audit institutions], in: Stanisław Jędrzejewski, Henryk Nowicki, op. cit., p. 101.

66 Jacek Jagielski, op. cit., p. 137.

67 See: art. 417² of the Act of 23 April 1964, Civil Code, Journal of Laws no. 16, item 93, as amended.

In addition to the above-mentioned cases, common courts of law also examine a number of other cases connected with the activities of public administration. Some examples of such cases where civil courts are also competent are:

- adjudication of complaints and protests during local and regional elections⁶⁸ by common courts of law;
- decisions by regional courts considering protests based on the above-mentioned act on the validity of elections and on the validity of election of specific councilors;
- exemption from administrative enforcement, if the enforcement body has not accepted the demand for exemption from the enforcement of an object or a right;
- complaint to a court concerning a decision that does not accept a complaint or that results in a removal from a list of voters (art. 22 of the Electoral Code).

8. CONCLUSION

An analysis of the issues discussed in this article clearly demonstrates that the activities of the territorial self-government are covered by two mutually independent control systems. Internal audits in commune-, district-, and province-level self-government bodies are performed by their own special organizational units. Commune and district councils and provincial parliaments are not only decision-making bodies but also control bodies; however, they are most often not directly involved in audits of executive bodies or organizational units of territorial self-government. For the performance of this task they practically always use specialized entities, namely audit committees or, less often, other committees that function within the decision-making body of the territorial self-government unit.

However, in my opinion, internal audits are (most often) not fully objective. This is because the members of audit committees usually represent groups that are supportive of the executive bodies of territorial self-government. The executive bodies in communes or the heads of the executive bodies in districts and provinces, who are direct supervisors of self-government organizational units, are most often not interested in critical

⁶⁸ See: art. 392-394 of the Act of 5 January 2011, Electoral Code, Journal of Laws no. 21, item 112, as amended.

evaluations of their activities, as such evaluations would indirectly pertain to the executive bodies themselves.

This is why external audit bodies, which most often conduct audits of territorial self-government units in an objective and factual manner, are very important. It is such bodies that this article focuses on. It is true that such bodies do not constitute a part of the territorial self-government, but in the internal system they function, just as the territorial self-government does, in the public administration system⁶⁹.

Of course the auditing powers of the entities discussed in this article do not preclude audits performed by internal entities of district councils or provincial parliaments. External audits in units of territorial self-governments can only block internal control, but they may never eliminate it. Thus, external audits can sometimes effectively eliminate the need for audits performed by bodies from within the territorial self-government and make them possible but unnecessary. Vice versa: the importance of external audits will decrease once internal audits have been completed in units of territorial self-government⁷⁰.

Still, the greatest shortcoming of external audits conducted by such bodies as the Supreme Audit Office or the Human Rights Defender is the very limited capacity to enforce the conclusions enumerated in the audit reports. This is why legislative changes are required to address this issue, so that the work of numerous external audit bodies is not wasted.

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⁶⁹ Similarly, see: Aleksandra Wiktorowska, "Czy kontrola wewnętrzna w samorządzie terytorialnym jest potrzebna" [Are internal audits in territorial self-government necessary], *Samorząd Terytorialny* 1991, no. 1-2, p. 73.

⁷⁰ Ibid., p. 72; Bronisław Kumorek, op. cit., p. 127.

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National security - definition, character and determinants. Studies on the quality of security

ANNA ANTCHAK

INTERNATIONAL ROLES OF THE EUROPEAN UNION TOWARDS ASIAN COUNTRIES

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ABSTRACTS

The article aims at showing the international roles of the European Union towards Asian continent, mainly in the security area. It focuses on methods and tools used by the EU to build its power in the international arena. It also specifies the selected and imposed roles played by the European Union towards the given countries. The author also tries to show how the EU is using its potential to build stability in the world and promote its fundamental principles (democracy, human rights, good governance).

The analysis of actions taken by the most important actors in the international arena allows to draw a conclusion that nowadays, an intricately woven network of international political and economic ties becomes the guarantor of security. In the European tradition, especially in Western Europe, there exists a specific idea to build relationships, which can be called a variety of network connections. The idea of Europe to maintain security, at the beginning between several Western countries, and then widening the area, going out far beyond the framework of the European Union, being a gradual inclusion of more countries in the network of mutual dependences, starting from the economic ones. Economic dependence (or rather the benefits of trading profits) is the basis for this system. Gradually built economic common power was to become the main force inhibiting any attempt to destroy the existing order in Europe, favoring the EU's development.

KEY WORDS: *civilian power, normative power, global player, regional power, economic power, strategic partner*

INTRODUCTION

In the European tradition (especially in Western Europe) there is a specific idea of building relationships, which can be called a network of various connections. In this way, based on a complete voluntary, the EU has built up its own security perimeter, creating new areas of dependencies, not only in the economic sphere. The roles of the EU are formed basing on the strongest realm, which determines the internal and external policies. Therefore, to determine the position of the EU in the world or in a given region (continent), there is a need to examine its real internal and external potential. The most important roles that the EU wants to emphasize, are addressed to priority “recipients” of its foreign policy (individual countries, groups of countries or regions).

Europe uses its tradition of building mutual interdependencies for maintaining stability and security. It deals with establishing a specific net of relations based on the economic ones. Continuously developed common economic power is supposed to be the main force stemming all attempts to destroy the existing international order in Europe. Nowadays, Europe is building its stability and security establishing the net of interdependencies exceeding the economic sphere. Such bounds are so strong that no country would risk breaking them in order to destabilize European order by the use of force. In a similar way the EU tries to deal with other states, e.g. in the Balkans. It seems to be an effective solution as the perspective of being a member of the EU (the elite) is attractive to such extent that the candidate states are willing to make many compromises.

EU'S INTERNATIONAL ROLES

The roles of the EU largely depend on the mission and the objectives it sets itself to achieve this mission. Assuming that the EU has four key priorities in its international politics, which are: economy, promotion of development, environment protection and security, respectively are established its roles as well. It can therefore be concluded that the roles played by the EU create a whole network which covers virtually all areas of the world. This network is composed of many smaller or larger components, which refer to specific priority areas of the EU policies (U.S., Middle East, Eastern policy, the Mediterranean region, the Balkans, Africa, Asia, etc.). Within the synthetic role of global player, the EU plays the following partial and specific roles:

- non-military (civilian) power: global intervener, mediator, non-proliferation and disarmament promoter, stabilizer and aid provider;
- normative power: democracy, human rights and good governance promoter as well as enlightened guide and a model to imitate;
- economic power: joint supervisor of the world economy, free trade propagator, aid provider (bridge between the poor and the rich), development promoter and a model to imitate as well as a “good uncle”;
- strategic partner;

as well as a complementary role of a regional power: development promoter and regional integrator – roles largely directed inward, as well as regional stabilizer, aid provider and a model to imitate (figure 1 and 2). The roles overlap, are sometimes complementary and they can also partially or completely exclude each other (although such a situation is rare with respect to the EU).

International roles constitute a kind of set, which the EU uses to build its international position. Using the implementation of individual roles (often overlapping), the Union creates a network of international links, through which it tries to make dependencies of other countries (in matters of trade, aid, technology, or even political support). The set of roles is based on specific EU’s philosophy of soft power, which uses mainly diplomatic and economic instruments, and promotes the principles of democracy, rule of law, human rights and pacifism as well as free-market principles. This set consists of a synthetic role, which is global actor / global player and a complementary role – regional power, several partial roles (civilian power / civil, legislative power, economic power and strategic partner) and the specific roles, completed within the specified partial roles (fig. 1 and 2).

Specificity of the EU’s international roles is the fact that they are addressed to specific recipients, adapted to their needs and above all they constitute an expression of political and strategic ambitions of the Union. Therefore, roles are defined in relation to a particular country or region (“recipient”), rather than in general (“impersonal”). Thus, the set is flexible and dynamic, and its performance’s analysis allows to identify the source of the power of the EU, as well as define it as a soft power that builds the dependency network. It also enables the prognosis or projection of roles development by trying to determine the direction of their evolution, or even identifying the future roles.

Using a significant generalization, the roles are arranged in three basic

patterns by which certain objectives are achieved (fig. 3 (a), (b) and (c)). In the case of scheme (a) financial support by promoting development is an aid (mainly in the economic sphere) for the underdeveloped countries and supports the stabilization processes. At the same time, it broadens the zone of political influence through dependence on financial aid, which is intended to facilitate the stabilization of political and economic situation in individual countries, thus improving the level of European security (stability in the neighborhood and priority areas for the EU, which may have a direct or indirect impact on security in Europe).

According to the schema (b), the Union's objectives are similar to the scheme (a), but by promoting the principles of democracy and free market, there is a chance to increase the number of countries based on similar to the "Western" political and economic principles. Pattern (c) to the greatest extent constitutes the EU's dependence on a partner. The strategic partnership is established with the strongest, perceived by the EU as "equal partners" that are actually even stronger (U.S. and Russia to some extent, but in this case it is due to the inability to use available political tools and inadequate implementation of international roles). Schema (c) is the only non-asymmetric one and is a major challenge for the EU, which finds itself in strong positions more easily (aid provider, enlightened guide, promoter of specific rules) rather than being forced into concessions and awkward compromise (which is the case with respect to the role of a strategic partner).

SPECIFICITY OF THE EU'S ROLES IN THE ASIAN CONTINENT

Cooperation with Asia is an extremely important element of foreign policy for the EU for many reasons – economic, political and cultural, but also demographic resources, significant economic growth recorded in the recent years as well as because of its political and security environment and regional balance of power, which is both a challenge and a threat for the EU (Jokela, 2009). Asia is above all an economic challenge to Europe – on the one hand the threat of flooding the European market by cheap Chinese and Taiwanese products, on the other, it is a market demanding of European investment and technology. For these reasons, political, economic and cultural cooperation within the ASEM¹ is of great importance.

Apart from the *stricte* interregional cooperation, the EU has also con-

¹ ASEM – *Asia-Europe Meeting* – Asia-Europe cooperation forum.

cluded a strategic partnership with Japan, China and India to carry out the objectives of the European Security Strategy of 2003. China and the EU perceive each other as complementary elements in the international arena (both economically and politically – to have influence in certain regions of the world), so the EU and China pay much attention to maintaining stability in the world and building effective multilateral mechanisms. Europe has the opportunity to work closely with China in the field of science and technology development, and therefore, it is in Europe's interest to promote stability in China. Close cooperation with the arising economic powers is also actually the only opportunity for Europe to “stay in the game” and not being put outside the arena / center of major international competitions (“control” in knowing the competition). In a situation of gradual weakening of the U.S. (mainly by bad relations with the Islamic world), it will certainly benefit of the growing power of China. For these reasons, it is in Europe's interest to establish closer cooperation with the rapidly developing Asian countries, especially of the Eastern Asia.

With respect to the EU's role of the economic power, despite having considerable experience in the integration of markets and regional cooperation, the Union was not able to take advantage and work out any attractive offer for Asian countries. Perhaps this is due to an inability to adapt the instruments for dialogue with different partners – the EU is limited almost exclusively to soft measures employed through institutional channels.

The EU's role as a strategic partner is just evolving, and the Union itself learns how to play it towards different partners. It is hard to imagine a situation in which most relationships would suddenly be reduced to this category of roles. The EU seeks to forge strategic partnerships with the countries defined as emerging powers such as India (which was reflected in the New Asia Strategy), which aims at improving the quality of relations with Asian countries. However, the EU's tools are far inadequate for effective dialogue with Asian countries, which do not quite understand even the very institution of the High Representative for the Common Foreign and Security Policy. Therefore, strategic partnerships are symbolic in nature (the sphere of declaration exceeds considerably the sphere of real action), and the actual relationship is quite loose. Lack of understanding of Asian political-strategic cultures by the EU and its attempt to impose the role of an enlightened guide, which is discarded by most Asian countries, causes the Union losing a lot in relations with Asia, especially with the advantage of the United States on the one hand and Russia on the other.

In relation to the Asian continent, the EU plays a number of roles – slightly different with respect to China, India, Japan, and the so-called Asian Tigers and other countries. Generally, most of them are focused on the EU as an economic and regional power. The EU tries to be a promoter of free trade as well as development, democracy and the rule of law promoter and a role of a model to follow.

Japan, in terms of economics and technology, is treated like the U.S. – as a strategic partner. The EU's role of a bridge between the rich and the poor is of great importance in less developed countries of the continent. Very clearly stated the role of an enlightened guide for Asian countries is conducted in two ways – as a role of a model to follow and integrator – for most of the region, with an additional (but very important) element of a strong partnership in relation to China and India. This role is, however, largely incomprehensible and not fully accepted by the regional powers.

Strategy partnership declarations between the EU and China as well as the EU and India reflect strategic thinking the EU set out in the European Security Strategy in 2003. They relate to a wide range of issues associated with regional and global security, trade and investment, human rights, cultural dialogue and issues of development and environmental protection. While Asia is perceived as a region of economic and political development, India and China are treated separately – as an increasingly important regional and global actors. Therefore, it is important for the EU to support the development of the region as a whole and to include its participants into the global and regional structures and institutions.

In the case of a strategic partnership with China, it does not go beyond the framework of economic cooperation and is also not fully satisfactory. During the annual EU-China summits, there is always one dominant theme, namely a dialogue on human rights in China, but the Union has a poor success in this field. The EU tries to instill in relations with China an important element of its policy, which it is most proud of, explicitly, a network of political and economic dependence, which does not correspond with the Chinese philosophy.

The EU generally seeks to promote the ideas of inter-regional cooperation in Asia, but because of its specificity (clearly visible gap between countries such as India and China on the one hand, and Japan – on the other and the rest of the continent), has also decided to conduct bilateral cooperation, which generally did not change the basic type of roles that the EU wants to play in relation to the region. However, shifting the focus

from inter-regionalism towards building a strategic partnership is lined with belaying element at the EU's side (in case some states have developed considerably its economic and political power, the Union, having available only the role of an integrator, would become useless in a sense).

In case of Asian countries, it is clearly visible, a rule of the EU's actions, namely, it maintains friendly (generous) attitude to developing countries until the scale of production in these countries does not threaten its own production. Despite the verbal commitment of the EU in Central Asia, the real action remained largely reactive because of the inability to use the potential in the framework of normative power (improper alignment of tools to work with Asian countries). The EU wants to promote its own model of integration and cooperation in the world, which is based on the idea of pooled sovereignty. However, in the context of the regimes of Central Asia, for the autocratic leaders it constitutes a challenge to their authority, which reflects the value of sovereignty (i.e. non-interference in internal affairs of states).

For these reasons, the EU standards in this area are unattractive and rejected. Thus, all attempts to use similar tools as in Central and Eastern Europe or the Balkans is incorrect and ineffective. At the same time, the European model of democratic transformation through trade and economic integration is something which China perceives as a threat. It also fears that India could adapt these solutions in order to strengthen its international position and gain more influence while dealing with Beijing. EU's attempts to support civil society in China is often perceived as an ideological ruse designed to westernize and divide China. This means that Asia could become the scene of rivalry for influence between China, the United States, India and the EU, of which China's position is now the strongest.

CONCLUSION

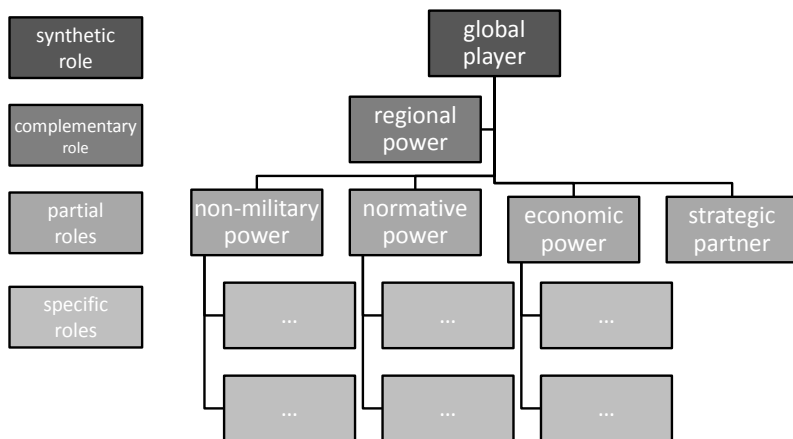
Summing up, the EU's international roles network is a complex system. It is significantly extended, and the partners have different status and position. The EU itself also plays the roles of different positions, depending on their destination – from the role of the aid provider and mentorship through economic partnership to a strategic partnership. The Union is trying to adjust its roles regarding its position and interests as well as the position and the needs of a given partner. In this way, it attempts to properly alter its "offer" and the roles according to individual countries or

regions of the world. They are, however, often formed basing on an improper analysis, ignorance or misunderstanding of local culture, both in political and socio-economic and strategic sphere (which is most apparent with respect to the Asian countries and Russia) or lagging the dynamically changing conditions shaping the world order (the case of China). Nevertheless, the heterogeneity of the EU's international roles network helps to build a diverse network of relationships, being the EU's pillar for security and foreign policy concepts.

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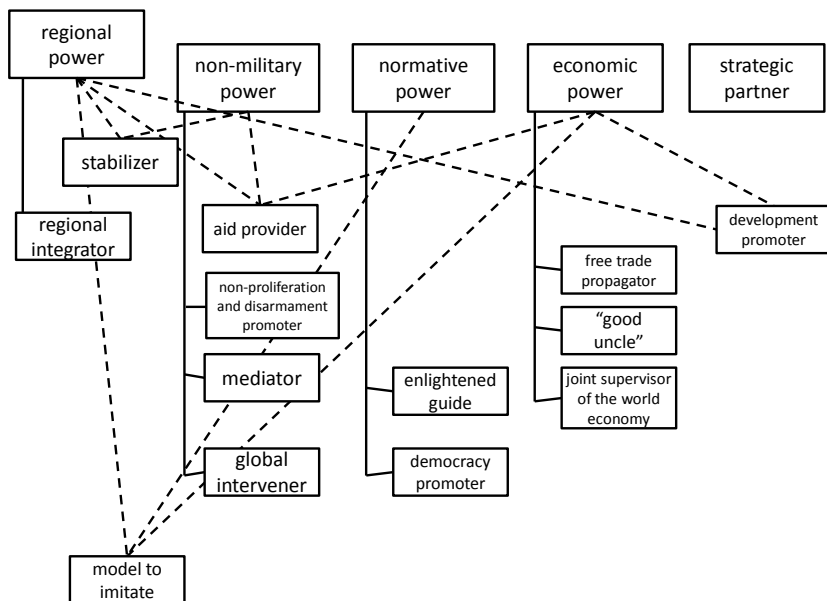
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Figure 1. Synthetic, complementary and partial roles of the European Union



Source: Antczak A. (2012). *Role międzynarodowe Unii Europejskiej. Aspekty teoretyczne*. Warszawa: Vizja Press, p. 270.

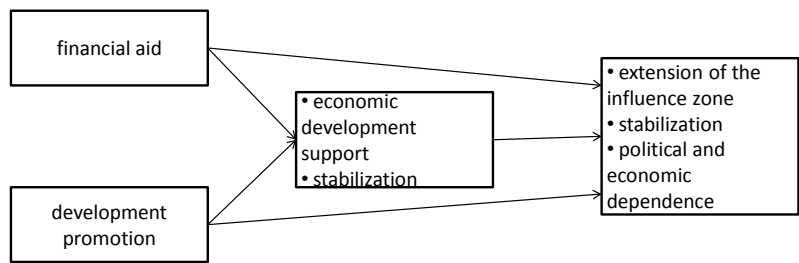
Figure 2. Specific roles of the European Union within partial roles



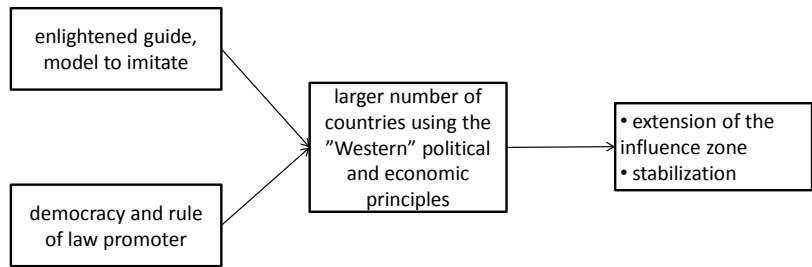
Source: Ibidem.

Figure 3. General patterns of the European Union international roles

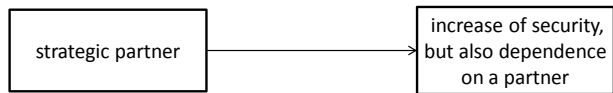
(a) in relation to the underdeveloped countries



(b) in relation to developing countries



(c) in relation to (strategic) partners



Source: Ibidem.



National security - definition, character and determinants. Studies on the quality of security

KATARZYNA BOMBA

THE METHOD OF INTERNATIONAL LAW IN PROVIDING LABOUR RIGHTS AS HUMAN RIGHTS IN THE PERSPECTIVE OF CULTURAL RELATIVISM

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ABSTRACT

The author examines the problem of the universal nature of human right in the perspective of cultural relativism existing in Asia and so-called Asian values. She expresses the idea that however human rights have universal nature their protection regards the cultural, historical and religious background what is visible in the division on two levels of human rights' legislation – universal and regional level. Then author consider the appropriate method of providing human rights on example the ILO mechanism.

KEY WORDS:

Human rights, labour rights, international law, asian values, cultural relativism, universalism

HUMAN RIGHTS' UNIVERSALISM AND CULTURAL RELATIVISM

Cultural and value differences between Asia and the West in the perspective of human rights have given rise to heated debate. In human rights law scholarship, some endorse the universal character of human rights while others view it with scepticism warned that “universal recognition of the idea of human rights can be harmful if universalism is used to deny to reality of diversity”¹. For defence of authoritarianism in Asia they call for historical scrutiny of special Asian values as less supportive of freedom and more concerned with discipline. Therefore the claims for human rights in the areas of political and civil liberties are less appropriate in Asia

¹ The foreign minister of Singapore during the World Conference of Human Rights in Vienna in 1993, forward: A. Sen, *Human Rights and Asian Values*, The New Republic, July 14-21, 1997.

then in the West². If they are right?

The temptation to see Asia as an unit, separated from rest of the world by its values is related with taking Eurocentric perspective. The recognition of heterogeneity in the traditions of Asia does not allow to confirm the presence or absence the commitment in Asian culture nor to individual freedom or political liberties nor socio-economic rights. As A. Sen confirms the traditions extant in Asia are different, however they share some common characteristics. The analysis of Buddhism and Confucianism traditions, as well as the philosophy of historical leaders in Asia as Ashoka and Akabar not only emphasized the importance of freedom and tolerance, but they had also clear justification why this is appropriate philosophy³. The tendencies in legislations and jurisdiction recently appeared in Asian countries show that social human rights are appropriate and expected there as well. For example India ratified the International Covenant on Economic, Social and Cultural Rights in 1979⁴. At that time the Indian Constitution gave rise to human rights of the first generation only⁵. However in the early 80's in India the directive principles approach appeared when the group of judges in the Supreme Court declared that the judiciary had a responsibility to address the vast poverty and misery in India. Since then Indian courts have adjudicated socio-economic rights through creative interpretation of the Indian Bill of Rights, read with conjunction with nonjusticiable constitutional commands, or directive principles which with time was introducing into Indian Constitution (J. M. Woods)⁶. The significant is also the ratification by China in 2001 the International Covenant on Economic, Social and Cultural Rights and putting socio-economic entitlements into domestic Chinese legislation⁷. On the other hand, however China signed in 1998 the International Covenant on Civil and Political Rights has not ratified it yet⁸ what justified by strict obligations imposed by Covenant on state in domain of procedure

² Ibidem.

³ See detailed in: A. Sen, *Human Rights and Asian Values*, op. cit.

⁴ <http://www2.ohchr.org/english/law/cescr-ratify.htm>

⁵ J. M. Woods, *Emerging paradigms of protection for "second generation" human rights*, Loyola Journal of Public Interest Law, 2005, vol. 6, p. 104-106. India ratified the International Covenant on Civil and Political Rights on April 10, 1979: <http://www2.ohchr.org/english/law/ccpr-ratify.htm>

⁶ J. M. Woods, *Emerging paradigms of protection for "second generation" human rights*, Loyola Journal of Public Interest Law, 2005, vol. 6, p. 104-106.

⁷ http://www.chinahumanrights.org/CSHRS/Magazine/Text/t20080604_349282.htm

⁸ <http://www2.ohchr.org/english/law/ccpr-ratify.htm>

of providing human right standards on the one hand⁹ and cultural difference on the other hand¹⁰.

HUMAN RIGHTS' PROTECTION SYSTEM

Even if the rhetoric of particularism of Asians is truth and the idea of natural human rights has Western roots, we should understand it in a proper way as the notion builds on our shared humanity do not derived from citizenship in any country or membership in any nation¹¹. All people has rights but if all rights for all people are the same protected? A. Sen (1997) underlines that humans has not only right but also a duty to help other individuals whose human rights are threaten regardless nationality or state boundaries. Sen writes about protection of political and civil rights. Human rights of all generations are based on the law of nature so they are equal from theoretically point of view. However the two covenants that comprise the International Bill of Rights – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural are not equally authoritative legal instruments what means that they are equally recognize in practice. The Universal Declaration of Human Rights in article 8 as well as the International Covenant on Civil and Political Rights in article 2 recognize that any person whose rights have been violated has a right to an effective remedy. The ICCPR recognize a right to individual petition before the Human Rights Committee. While the International Covenant on Economic, Social and Cultural Rights does not contain a similar provision and does not have a complains procedure. The ICESCR is only monitored through reporting procedures. The Covenant contains the Optional Protocol adopted in 2008 that in article 1 is giving the competence to the Committee on Economic, Social and Cultural Rights to receive and consider the communication submitted by or on behalf of individuals and groups of individuals, under the jurisdiction of a state party, claiming to be victims of a violation by the states of any of the economic, social and cultural rights set forth in the Covenant. But the competence of the Committee are limited only to state parties of this option protocol. What is more article 3 confirms that the Commit-

9 http://www.chinahumanrights.org/CSHRS/Magazine/Text/t20080604_349282.htm

10 A. Sen, *Human Rights and Asian Values*, 1997; The Chinese foreign minister during the World Conference on Human Rights in Vienna in 1993 even put the proposition, applicable in China and elsewhere, that "Individuals must put the state's right before their own". See A. Sen, *Human Rights...*, op. cit.

11 A. Sen, *Human Rights...*, op. cit.

tee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall be not a rule only where the application of such remedies is unreasonably prolonged. After examining a communication, the Committee shall transmit its views on communication, together with its recommendations, if any, to the parties concerned (article 9) and party shall submit to the Committee in six months written response about if any action was taken according the recommendation¹². But the protocol does not contain any sanction for not fulfilling its obligation by state party.

At the regional level, the European systems have opted the model similar to the UN. The ECHR provides for a right of individual application before the European Court of Human Rights. The ESC has a procedure for reporting to the European Committee of Social Rights. Since 1998 a Protocol provides a rights of collective complaints by certain non-governmental organizations, trade unions and other groups. In case of Asian system The Bangkok Declaration emphasized the necessity to explore the possibilities of establishing regional arrangements for the promotion and protection of human rights in Asia¹³. Unlike in Europe, Asia-Pacific till now does not have a region wide inter-governmental system such as treaties, courts, commissions and other institutions to protect and promote human rights. However there are taken steps at sub-regional level for strengthen human rights¹⁴.

International human law places emphasis on the establishment of domestic enforcement mechanisms for the protection of human rights. Where the norms found in the International Covenant on Economic, Social and Cultural Rights are not directly subject to a domestic complains procedure, the Covenant should still play a significant role in the application and the interpretation of domestic role. Thus the domestic law is interpreted and applied consistently with the human rights treaties to which a State is bounded¹⁵. Global norms should be detailed for avoid-

12 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the General Assembly resolution A/RES/63/117, adopted on 10 December 2008.

13 The Bangkok Declaration. Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights, 29 March-2 April 1993 pursuant the General Assembly resolution 46/116 of 17 December 1991.

14 In South-East Asia the 10-member ASEAN officially inaugurated the ASEAN Intergovernmental Commission on Human Rights in 2009. In addition the Pacific island countries are involved in searching strategies for strengthening human rights mechanism there.

15 Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions, United Nations, New York and Geneva, 2005, p. 26.

ing difficulties with the domestic applicability or direct validity of internal human rights texts in national legal systems. However, violations of economic, social and cultural rights can be in fact effectively combated only through increased incorporation of international norms in national legal structures and enhanced justiciability and enforcement of economic, social and cultural rights at the local level¹⁶. Thus the primary area for the judicial enforcement of human rights remains that of domestic law and increasing number of States that have developed judicial and non-judicial remedies for violations of economic, social and cultural rights seems to be the appropriate method to ensure that all beneficiaries of these rights can execute them¹⁷.

WEAKNESSES IN PROTECTION'S HUMAN RIGHTS SYSTEM

The efficiency of international law in providing and protecting human rights meet the troubles especially under social rights treaties. The rights that are found in social treaties are not only weakly monitored but also not precise worded. For example such right to form and joint to trade union and the right to privacy were taken as civil and political rights, and rights such as the right to work, the right to decent working condition or right to strike were categorised as social and economic rights. The implication was that some of them, better monitored under the ICCPR were seen as a real human right, while others were presented as aspirational goals¹⁸. This problem has a great importance in Asian region where the protection of human rights is taken only at the global level however in ineffective way, and under the domestic law. The Bangkok Declaration expresses that state has the primary responsibility for the promotion and protection of human rights through appropriate structures and mechanisms and also recognize that the remedies must be sought and provided primarily through such mechanisms and procedures (article 9). But it reaffirming also the principles for respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states. Article 8 sees the human rights as universal however they must be considered in the context of dynamic and evolving process of international norm setting, bearing in minds the significance of national and regional particularities and various historical,

16 Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions, United Nations, New York and Geneva, 2005, p. 27.

17 Ibidem, p. 26.

18 V. Mantouvalour, *Are Labour Rights Human Rights?*, The European Labour Law Journal, 2012, p.4.

cultural and religious backgrounds. Conclusion is simple: the Declaration recognizes the cultural relativism as an important rule in human rights protection. Taking into account weakness of protection of social human right at the universal level and lack of any regional mechanisms of protection as well as the provision by the Declaration to Asian states the possibility to create mechanisms of human rights protection in their domestic law according their “history, culture and religion” with a rule to avoid the interference in internal rules of states, the monitoring of providing these rights in Asian countries has to become worrying.

The problem seems to be more complex because of lack of unity in recognizing human rights in international law. In 1998 the International Labour Organisation adopted the Declaration of Fundamental Principles and Rights at Work. The Declaration endorsed a list of labour rights as human rights. It binds all ILO member state, regardless whether they have ratified the relevant conventions. It contains four core rights: freedom of association and the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in employment. Listing these rights as fundamental rights means that other rights left outside the scope of the Declaration. Omitting the symbolic importance of this issue, the Declaration follow-up procedure requires state to report on their obligations under the conventions on the four core rights even they have not ratified them¹⁹. In consequence, international documents recognize different rights which are distinguish based on their mechanisms of protection like in the ICCPR and the ICESCR, or without any clear criterion like the choice to the ILO Declaration the four general rights regardless many others. The consequences of that choice based perhaps on political compromised, can be especially significant for Asian region where enforcement of providing and protecting human rights is limited to narrow scope of the Declaration. The above situation makes the universal mechanisms of enforcement human rights weak and ineffective the more in the context of cultural relativism.

“THE THIRD WAY”

Consequently the question appears: what is the future method of protecting human rights at universal level considering cultural diversity and difference in human rights’ protection system at the regional levels? Let us consider this matter on the ILO’s method example. The ILO is a large

¹⁹ V. Mantouvalour, *Are Labour Rights...*, op. cit., p.4.

formal international agency with complex of conventions and legal mechanisms for the supervision of their application. In response to the diminishing role of state and of international institutions caused by globalization (especially mobility of capital), the rise of civil society as a alternative to formal state ordering as well as the new theories of governance, the ILO functioning is under scrutiny as never before. From the one hand there is a conception of set of rules - clear, detailed, applicable and enforced. From other hand there is a modern tendency in favor of methods based on best practices, benchmarking and continuous learning. The defenders of new tendency argument that model of binding norm at the international level in not appropriate to contemporary circumstances. They express that the role of the ILO and ILO law is not to prevent member states by propounding enforceable and binding international agreements (ILO Conventions) from pursuing their economic self-interest which, left unchecked, will lead a “race to bottom” in labour standards. B. L. Langille does interesting remark in this scope that state is not a firm interested in maximizing shareholder value. Respect labour law may be not the interest of private firms so enforced labour law standards can be required on domestic level. But the ILO law is addressed to states, not to firms, workers, or customers and it is not in the self-interest of states to lower labour standards²⁰. Consequently the task of the ILO is assisting states in identifying their self-interest and in achieving it instead of preventing members pursuing their rational economic self-interest²¹.

What is the solution? Weak system of protecting social rights and not clear their categorization is an important problem of the first approach. In case of second one the argumentation about states’ will in providing labour law standards would be more convincing if the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, recognized the individual claims on violation of social human rights would ratified from 2008 more then 8 members. The method of benchmarking and exchanging of good practices seems to be the future of international human rights however today the circumstances still required the binding norms and legal guarantees of their effective protection. Paradoxically criticized for its general and limited nature the ILO Declaration seems to show also the way. Taking by Declaration the general, binding and enforced principles instead of rules allows for its ratification despite the diversity of culture and interests what, even limited scope of this document, allows

20 B. A. Langille, *The ILO is not a State, its members are not firms*, p. 252-253.

21 Ibidem, p. 252-253.

for assessing it as crucial. That it is not „a world where lamb is lying down with wolf”²² – writes B. A. Langille describing why at national level labour law require binding rules. Unfortunately he is right but the rule seems to be actual also at the international level.

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<http://www2.ohchr.org/english/law/cescr-ratify.htm>

http://www.chinahumanrights.org/CSHRS/Magazine/Text/t20080604_349282.htm

²² Ibidem, p. 252.



**National security - definition, character and determinants.
Studies on the quality of security**

PRZEMYSŁAW KRZYKOWSKI

**PROCEDURAL RIGHTS OF ENTITIES APPLYING FOR GRANTS
FROM THE EUROPEAN REGIONAL DEVELOPMENT FUND
IN POLAND AS PART OF REGIONAL OPERATIONAL PROGRAMS
IN THE LIGHT OF GUIDELINES ISSUED BY THE MINISTRY
OF REGIONAL DEVELOPMENT AND DOCUMENTS OF THE ROP
IMPLEMENTATION SYSTEM**

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ABSTRACT

This paper discusses the procedural rights of Polish entities applying for EU grants as part of Regional Operational Programs. The author cites the jurisdiction of Polish administrative courts to analyze the legislative character of Regional Operational System implementation systems and guidelines in view of the sources of law enumerated by the Constitution of the Republic of Poland. In the existing model of distributing funds awarded by the European Regional Development Fund for Regional Operational Programs in Poland, the procedural rights of an entity applying for grants are set forth by documents which are not a source of universally binding law under the provisions of the Constitution of the Republic of Poland. The above documents consist mostly at the national level and at the regional level.

KEY WORDS:

Regional Operational Program, applying for grants, Eu funds, administrative law

INTRODUCTION

In the existing model of distributing funds awarded by the European Regional Development Fund for Regional Operational Programs in Poland, the procedural rights of an entity applying for grants are set forth by documents which are not a source of universally binding law under the

provisions of the Constitution of the Republic of Poland. The above documents consist mostly of:

- I. at the national level: guidelines issued by the Minister of Regional Development, recommendations, circular letters, information, positions, opinions, conference materials, etc.;
- II. at the regional level: documents of Regional Operational Programs, a detailed description of priority axes, guidelines issued by the Managing Authority, guidelines for beneficiaries of EU grants, recommendations, appeal procedures, manuals for beneficiaries, etc.

It seems that the classification of sources of law into sources of universally binding law and sources of uncodified, contractual law is essential for evaluating the legitimacy of the EU fund distribution system, and in this respect, it is of doctrinal significance. Yet from the applicant's point of view, this division is of secondary importance. The process of awarding project grants as part of Regional Operational Programs is regulated by the provisions of European Union law and national law. Domestic law is permeated by EU laws, and in the Polish system of constitutional law, this process can be described as the harmonization of universally binding source of law with regulations that remain outside this set of laws. In the process of EU fund distribution, the rights of the beneficiaries and the managing authority are defined in regulations that originate from different sources of law.¹

Regulations which are not sources of universally binding law include guidelines issued by the Minister of Regional Development pursuant to the provisions of art. 35 section 3 point 4b of the Act on the principles of conducting regional policy², which address all entities participating in the implementation of operational programs. The above cited regulation stipulates that to ensure the conformity of operational program implementation with the EU law and the observance of the requirements formulated by the European Commission, and to ensure the uniformity of principles governing the implementation of operational programs, the minister competent for regional development may, acting pursuant to the provisions of art. 26 of the said act, issue guidelines pertaining to the development of investment projects, including income-generating projects. Guidelines issued based on the above delegation of authority have the status of general

¹ See: verdict of the Provincial Administrative Court in Olsztyn of 22 September 2011, Ref. No. I SA/OI 519/11.

² Journal of Laws of the Republic of Poland, 2009, No. 84, item 712 as amended.

regulations.

The recommendations, explanations and circular notes forwarded by the Minister of Regional Development to all entities participating in the performance of ROP constitute a different category of documents. In the verdict of 30 September 2009,³ the Provincial Administrative Court in Cracow noted that the use of informal explanations or instructions in the process of evaluating grant applications is inadmissible: “Such practices are reprehensible because they deprive applicants of equal rights in tender proceedings”. The Minister of Regional Development also issues recommendations and official positions, and examples of such documents include *“Guidelines for beneficiaries of EU funds regarding the interpretation of the Public Procurement Law”* or *“The interpretation of the Ministry of Regional Development concerning the provisions of subchapter 11.1 of the National Strategic Reference Framework”*.⁴

The principles that regulate the implementation of a given Regional Operational Program constitute yet another source of uncodified law. In line with the provisions of art. 60 of Council Regulation (EC) No. 1083/2006 of July 11 2006⁵, projects financed from EU funds are managed and implemented at the national level as part of operational programs adopted by individual Member States. In the Polish legal system, the duties of the managing authority responsible for the implementation of operational programs are detailed in art. 26 section 1 point 8 of the Act of 6 December 2006 on the principles of conducting regional policy. In this context, operational programs support the achievement of the key objectives of the EU’s cohesion policy. In the present programming period, Member States are entitled to EU funding only as part of operational programs which cover the period from 1 January 2007 to 31 December 2013. According to the definition provided by the legislator, operational programs, including Regional Operational Programs, are documents that set out the organizational rules for project implementation. Operational programs are adopted by way of resolution or decision passed by the competent authority.⁶

In the verdict of 19 May 2010⁷, the Provincial Administrative Court

3 Cf. verdict of the Provincial Administrative Court in Cracow of 30 September 2009, Ref. No. I SA/Kr 1267/09.

4 See the implementation system for the Regional Operational System in Warmia and Mazury, <http://www.rpo.warmia.mazury.pl> (accessed 17 January 2012)

5 Official Journal of the European Union of 31 July 2006, L 210/25.

6 See: verdict of the Provincial Administrative Court in Bydgoszcz of 12 July 2011, Ref. No. II SA/Bd 603/11.

7 See: verdict of the Provincial Administrative Court in Lublin of 19 May 2010,

in Lublin stated that the definition of an operational system was formulated by the legislator in such a way as to ensure that the institutions participating in the performance of the development strategy and the relevant programs are bound by the terms and procedures that make up the operational system.⁸ The Act of 6 December 2006 on the principles of conducting regional policy sets forth the key provisions and procedures of an operational system. The said act also indicates other functionally unrelated but complementary legal acts that co-create the operational system. They include acts of national law, primary and secondary Community law. The discussed system also incorporates a variety internal acts published by the managing authority.

PROCESS OF ANALYZING THE PROCEDURAL RIGHTS OF ENTITIES APPLYING FOR EU FUNDS

In the process of analyzing the procedural rights of entities applying for EU funds as part of Regional Operational Programs, it should be noted that the procedure of selecting projects, project evaluation criteria and legal remedies available to applicants as part of the appeal procedure are an important part of the ROP implementation system.⁹ The cited documents may not be amended to an applicant's detriment during the funding period, to the extent they relate to a given funding scheme, and as regards open tenders, such modifications may not adversely affect the evaluation of a grant application which had been submitted before the enforcement of the amendment. In the verdict of 12 July 2011, the Provincial Administrative Court in Bydgoszcz ruled that the use of various grading systems without explaining the differences between them or analyzing the effect that such variations may have on the final outcome violates the provisions of art. 28 section 6 of the Act on the principles of conducting regional policy.¹⁰

The legal characterization of documents which make up the ROP implementation system poses a number of difficulties. Administrative courts remain divided over this issue ever since the decisions passed by managing authorities became subject to court control. The following issues are a

Ref. No. I SA/Lu 188/10; verdict of the Provincial Administrative Court in Lublin of 17 February 2011, Ref. No. III SA/Lu 10/11.

8 See: verdict of the Provincial Administrative Court in Lublin of 3 March 2011, Ref. No. III SA/Lu 82/11.

9 Cf. verdict of the Provincial Administrative Court in Rzeszów of 13 January 2011, Ref. No. I SA/Rz 828/10.

10 See: verdict of the Provincial Administrative Court in Bydgoszcz of 12 July 2011, Ref. No. II SA/Bd 603/11.

source of major controversy:

In their jurisdiction, the majority of adjudicating panels in administrative courts argued that Regional Operational Program implementation systems do not constitute a source of universally binding law, as defined by the provisions of art. 87 section 1 of the Constitution of the Republic of Poland.¹¹

In the author's opinion, the discussed system does not constitute a source of universally binding law. Moreover, the system regulates only the relations between the competent authority and entities who, in the process of applying for funds under an operational program, generally undertake to observe the rules and regulations of a given program.¹²

A question that should be raised at this point is whether the Regional Operational Program implementation system can be classified as an act of local law pursuant to the provisions of art. 87 section 2 of the Constitution of the Republic of Poland and whether this system can constitute a sufficient basis for evaluating projects and distributing grants from the funds awarded by the European Regional Development Fund?

In Polish jurisdiction, the prevalent view is that the Regional Operational Program implementation system is not an enactment of local law. A literal interpretation of the provisions of art. 87 section 2 of the Polish constitution in reference to the provisions of art. 18 section, art. 31 section 1 and art. 41 section 1 of the Act of 5 June 1998 on provincial self-governments¹³ suggests that resolution adopted by a provincial self-government, as an executive authority of a province, escape the definition of acts of universally binding law.¹⁴

The fact that, pursuant to the provisions of art. 89 section 1 of the Act of 5 June 1998 on provincial governments, acts of local law are adopted by the provincial parliament is a key argument in our discussion. In the light of art. 19 section 3 of the Act on the principles of conducting regional policy, a province's development program is designed and adopted by the provin-

11 See: art. 87 section 1 of the Constitution of the Republic of Poland: „The sources of universally binding law of the Republic of Poland shall be: the Constitution, statutes, ratified international agreements, and regulations.”

12 See: verdict of the Supreme Administrative Court of 30 March 2010, Ref. No. II GSK 314/10; see: decision of the Provincial Administrative Court in Olsztyn of 22 December 2010, Ref. No. I SA/Ol 802/10.

13 Journal of Laws of the Republic of Poland, 2001, No. 142, section 1590 as amended.

14 See: verdict of the Provincial Administrative Court in Cracow of 12 October 2011, Ref. No. III SA/Kr 761/11.

cial government by way of a resolution, and it is not an act of a province's legislative authority. It should also be noted that resolutions, information and other acts describing an ROP implementation system are not enactments of local law because none of their provisions concern external matters, they have a general and abstract character, they are adopted at various stages of the process of implementing regional operational programs, and they concern financial support for individually identified entities.¹⁵

The manner and form prescribed by the legislator for publishing operational programs also contributes to the argument that ROPs are not acts of local law. It should be assumed that since the provincial government's resolutions regarding the implementation of ROPs do not have to be published in the manner prescribed for enactments of local law, as set forth by art. 88 of the Constitution, they are not codified as acts of local law.¹⁶ Pursuant to the provisions of art. 19 section 8 of the Act on the principles of conducting regional policy, the only obligation imposed on the managing authority is to communicate the adoption of an act of local law in the provincial journal with an indication of the website containing the full text of that resolution.¹⁷

In view of the above, the Supreme Administrative Court adopted a rather isolated and controversial position in several of its verdicts, where it argued that "the list of universally binding laws that may influence the rights and obligations of beneficiaries of operational programs includes local government acts, such as resolutions of the provincial government and annexes thereto which set forth the criteria for evaluating applications and the rules of conduct for evaluation committees".¹⁸

The prevailing trend in legal interpretation is that since an ROP implementation system cannot be classified as a source of universally binding law under the provisions of art. 87 sections 1 and 2 of the Constitution, it should be regarded as a source of law in "a broader sense". Numerous courts have argued that although the ROP implementation system fails to

15 See: verdict of the Supreme Administrative Court of 3 February 2010, Ref. No. II GSK 126/10.

16 See: verdict of the Provincial Administrative Court in Gorzów Wielkopolski of 21 June 2011, Ref. No. I SA/Go 310/11

17 See: verdict of the Supreme Administrative Court of 3 February 2010, Ref. No. II GSK 126/10; verdict of the Provincial Administrative Court in Gorzów Wielkopolski of 21 June 2011, Ref. No. I SA/Go 310/11; verdict of the Provincial Administrative Court in Gorzów Wielkopolski of 15 June 2011, Ref. No. I SA/Go 309/11.

18 See: verdict of 20 January 2010, Ref. No. II GSK 1/10, verdict of 24 March 2010, Ref. No. II GSK 283/10.

meet constitutional standards of a law, it should, nevertheless, constitute a source of law. The above argument stemmed from the fact that the managing authority is controlled by an administrative court in the process of evaluating applications based on the criteria set forth by the ROP implementation program. It has been suggested that if the ROP implementation system were deprived of its character as a legal source, an administrative court would have no basis for monitoring a managing authority's activities of in the discussed system. The fundamental role of the judiciary system is to try legal cases and resolve disputes arising in the process of interpreting and making the law. For this reason, although the Act of 6 December 2006 on the principles of conducting regional policy fails to describe the nature of the ROP implementation system with the required degree of precision, the said system should be assigned legal value.¹⁹ This line of reasoning seems to be consistent with the praxeological interpretation of the discussed law which satisfies the requirements of art. 45 of the Constitution as regards a citizen's right to a fair and public trial. In view of this provision, legal proceedings may not be terminated without the option of judicial control, and this principle also applies to cases decided by administrative courts.²⁰

The second argument cited in verdicts of administrative courts relies on the fact that the principles of the ROP implementation system, including the terms of reference in tenders, are legitimized under the Act on the principles of regional development, they are addressed to a broad range of individually unidentified recipients, they describe those addressees' rights and obligations in the grant application process, and as such, they are legally binding. Since the managing authority has a statutory obligation to issue normative acts concerning formal requirements and validation criteria applicable to grant documents (in the form of, for example, terms of reference, or criteria for project selection), normative acts that support the achievement of a statutory goal, namely the implementation of an effective

19 See: verdict of the Supreme Administrative Court of 4 August 2010, Ref. No. II GSK 797/10. In its verdict, the court cited L. Garlicki's statement found in: L. Garlicki, *Polskie prawo konstytucyjne, zarys wykładu*, Warszawa 2001, p. 351. Cf.: verdict of the Provincial Administrative Court in Gliwice of 27 September 2010, Ref. No. III SA/Gl 1907/10.

20 See: verdict of the Constitutional Tribunal of 2 June 2009, Ref. No. SK 31/08, OTK –A 2009/6/83; verdict of the Supreme Court of 16 September 2009, Ref. No. I PK59/09; decision of the Supreme Administrative Court of 19 May 2009, Ref. No. I FZ 144/09. The Constitutional Tribunal addressed instruments that are sources of law in a „broader sense” in its verdicts of 12 July 2001, Ref. No. (SK 1/01) OTK 2001/05/127 and of 22 September 2006, Ref. No. U 4/2006, OTK 2006/8A/109.

and reliable tendering process, are consistent with the law, and they justify the expectation that applications should comply with tendering requirements.²¹ In this context, the documents that make up the ROP implementation system and detail the rights and duties of tenderers applying for EU grants are legally binding for the participants.²² In addition to the sources of universally binding law, those documents constitute “legal requirements” which have to be met by a project in order to receive funding.²³

The jurisprudential construction of legal sources analyzed in a “broader sense”, “informal sources of law”, “specific sources of law” and “soft laws” has been broadly described in the constitutional doctrine. In addition to the sources of public law (universally binding and internal law) which are defined by the constitution, there exist specific sources of law, such as planning standards, technical norms, regulations, statutes, programs, etc.²⁴ Administrative doctrine emphasizes the diversity of such source of law which, in large part, are produced by administrative authorities.²⁵

In the verdict of 25 November 2010,²⁶ the Provincial Administrative Court in Szczecin observed that: “It remains without a doubt that the regulations of grant competitions fulfill the criteria set for instruments which are sources of law in a broader sense, therefore, such regulations as well as universally binding laws constitute the basis for court control”. This issue was also addressed by the Supreme Administrative Court in the verdict of 30 March 2010: “Documents that make up the ROP implementation system constitute a specific source of law, nonetheless, they are a source of binding law”.²⁷

21 See: verdict of the Supreme Administrative Court of 20 November 2009, Ref. No. II GSK 907/09; verdict of the Supreme Administrative Court of 4 August 2010, Ref. No. II GSK 790/10; verdict of the Supreme Administrative Court of 4 August 2010, Ref. No. II GSK 797/10; verdict of the Supreme Administrative Court of 4 August 2010, Ref. No. II GSK 797/10; verdict of the Provincial Administrative Court in Gliwice of 25 November 2010, Ref. No. III SA/GI 2443/10; verdict of the Provincial Administrative Court in Cracow of 15 September 2011, Ref. No. II SA/Kr 699/11.

22 See: verdict of the Provincial Administrative Court in Opole of 25 November 2010, Ref. No. I SA/Op 600/10; verdict of the Supreme Administrative Court of 4 August 2010, Ref. No. II GSK 797/10.

23 See: verdict of the Provincial Administrative Court in Szczecin of 23 February 2011, Ref. No. I SA/Sz 1012/10.

24 Cf.: L. Lewicka, “Znaczenie tzw. nieformalnych źródeł prawa w działaniach administracji publicznej”, (in:) *Nowe kierunki działań administracji publicznej w Polsce i Unii Europejskiej*, Warszawa 2009, p. 96 and the literature referenced therein.

25 Cf.: J. Boć (ed.), *Prawo administracyjne*, Wrocław 2000, pp. 58-59.

26 See: verdict of the Provincial Administrative Court in Szczecin of 25 November 2010, Ref. No. I SA/Sz 842/10.

27 See: verdict of 30 March 2010, Ref. No. II GSK 314/10. Cf.: verdict of the

The above interpretation could also result from the undisputable fact that the provisions of the Act of 6 December 2006 on the principles of conducting regional policy are highly generalized, therefore, detailed regulations concerning the rights and obligations of applicants have to be described by operational programs.²⁸

In their analyses of the legislative character of ROP implementation systems, some adjudicating panels of the Supreme Administrative Court were of the opinion that program documents play an important role in “enforcing” laconic statutory laws. It follows from the above that in matters listed by the Act of 6 December 2006 on the principles of conducting regional policy, courts should control all violations of rules and procedures for evaluating grant projects, “including the provisions of the aforementioned act and executory provisions of the ROP implementation system”.²⁹ The above line of reasoning was adopted by the Provincial Administrative Court in Gliwice which stated in its verdict of 23 March 2011 that:³⁰ “in the process of examining the legality of a managing authority’s rules for evaluating grant applications, which follows from specific provisions of the Act on the principles of conducting regional policy, the provincial administrative court ascertains whether a managing authority’s procedures for assessing a grant project are consistent with the law. Therefore, the appeal lodged against the four-stage procedure of evaluating a grant project is monitored for compliance with the provisions of substantive law and procedural law, namely statutory laws and the rules of an ROP implementation system”.

Documents that make up the ROP implementation system and universally binding laws constitute the basis for court control which is exercised under the Act on the principles of conducting regional policy. Therefore, the rules of the ROP implementation system can be exercised in combination with the respective universally binding laws as part of court control over grant applications. Nonetheless, as observed by the Supreme Administrative Court in the verdict of 31 August 2011,³¹ an administrative

Provincial Administrative Court in Olsztyn of 22 December 2010, Ref. No. I SA/OI 802/10.

28 See: *Informacja o działalności sądów administracyjnych w 2010 r.*, Jurisdiction Bureau of the Supreme Administrative Court, Warszawa, 18 April 2011, <http://www.nsa.gov.pl/> (accessed 16 June 2011)

29 See: decision of the Supreme Administrative Court of 24 March 2010, Ref. No. II GSK 248/10.

30 See: verdict of the Provincial Administrative Court in Gliwice of 23 March 2011, Ref. No. III SA/GI 304/11.

31 See: verdict of the Supreme Administrative Court of 31 August 2011, Ref. No. II GSK 1661/11; cf.: verdict of the Provincial Administrative Court in Cracow of 12 October 2011, Ref. No. III SA/Kr 762/11.

court is not bound by laws other than those stipulated in art. 178 of the Constitution, which implies that before the court implements such measures as its standard of control, the court should investigate their conformity with universally binding law, mainly statutory laws and the provisions of the Constitution. If no discrepancies are found, the court should apply such measures as standards of judicial and administrative control.³²

The above hierarchy of legal sources was validated by the Supreme Administrative Court in the verdict of 20 November 2009 which stated that: "In an absence of conformity between uncodified regulations and universally binding law, the court shall not acknowledge any demands that such regulations be enforced. Administrative courts do not intervene in the provisions or the execution of ROP implementation systems, but they are authorized to ascertain whether the obligations imposed on applicants by the ROP implementation system are consistent with the provisions of universally applicable law."³³

Exclusion of application of the Code of administrative procedure in the procedure related to granting of co-financing from EU funds as well as failure to expand this procedure in the Act of 6 December 2006 on the principles of conducting the development policy influences the rights and obligations of beneficiaries. Moreover, autonomous development of the procedure by Managing Authorities within particular implementation systems of operational programmes involves certain constitutional implications of the adopted solution.

Observing the practices related to obedience to the law, one may notice occurrence of certain regionalisms in development of the law by voivodeship self-governments in particular parts of the country. Analysis of competition documentation published at Managing Authorities' websites, whose integral part is the appeal procedure, reveals considerable differences between procedural rights of the applicant applying for financing from Regional Operational Programmes in pomorskie, podkarpackie or warmińsko-mazurskie voivodeships.

For example, during implementation of the Regional Operational Programme for Pomorskie Voivodeship for years 2007-2013³⁴, the strate-

32 See: verdict of the Provincial Administrative Court in Opole of 25 November 2010, Ref. No. I SA/Op 600/10.

33 See: verdict of the Supreme Administrative Court of 20 November 2009, Ref. No. II GSK 907/09; verdict of the Provincial Administrative Court in Wrocław of 3 November 2010, Ref. No. III SA/Wr 437/10.

34 See: appendix to resolution № 349/110/08 of the Board of Pomorskie

gic evaluation may be appealed by the applicant to the Strategic Groups pursuant to principles specified in the appeal procedure. Evaluation covers compliance and significance of projects from the point of view of regional policy implementation, with particular focus on compliance with objectives of the Regional Operational Programme for Pomorskie Voivodeship and focus of particular Priority Axes of the Programme, as well as impact on social and economic development of the voivodeship. In warmińsko-mazurskie voivodeship, strategic evaluation is performed by the Voivodeship Board; however, the appeal procedure does not foresee any measures of appeal to this evaluation. Differences between particular voivodeships of Poland relate, moreover, to the principles governing examination of appeals to notifications concerning negative evaluation of the application, deadlines or legal status of entities performing such evaluation.³⁵

The above considerations create an impression of low legislative level of the discussed Act. Delegation of legislative competences with respect to development of the appeal procedure onto Voivodeship Self-Governments may cause justified doubts not only with respect to compliance of such action with principles of the legislative technique³⁶, but also with the principle of equality of the citizens towards the law. Presented reservations seem the more justified as in the Act on the principles of conducting the development policy the legislator in an equally laconic manner regulated the stage of administrative court control. It ought to be recalled that since 20 December 2008³⁷, an applicant applying for co-financing from European funds, after exhausting the appeal measures foreseen in the implementation system of the operational programme and after being notified of negative result of that procedure, may file a direct appeal to the Voivodeship Administrative Court within 14 days of being served with this document.

Voivodeship of 22 April 2008.

35 More details in: P. Krzykowski, *Procedura odwoławcza w świetle ustawy z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju* Refleksje na temat pierwszego wyroku WSA w Olsztynie z dnia 27 sierpnia 2009 r. (sygn. akt I SA/Ol 523/09), „Biuletyn Informacyjny Okręgowej Izby Radców Prawnych w Olsztynie” 2009, № 6, p. 6-7.

36 See: § 70 of Regulation of President of the Council of Ministers of 20 June 2002 concerning the principles of legislative technique (Journal of Laws of 2002, № 100, item 908): “The regulation does not regulate issues not clarified or posing difficulties during development of the Act.” Logically, one may not regulate issues which are not regulated in the act, by documents concerning execution of the law. More details in: J. Warylewski (editor), T. Bąkowski, P. Bielski, K. Kaszubowski, M. Kokoszczyński, J. Stelina, G. Wierczyński, *Zasady techniki prawodawczej*. Komentarz, Warsaw 2003, Lex dla Samorządu Terytorialnego.

37 Amendment published in the Journal of Laws of 2008, № 216, item 1370.

Lack of exhaustive legal regulations – in a normative regulation at the level of the Act – defining the procedure of filing and examination of appeal measures places under the question mark compliance with the Constitution of provisions of the Act of 6 December 2006 on the principles of conducting the development policy. The above results in illusoriness of control performed by the administrative court system. In fact, it is not clear what principles are to be applied to the appeal procedure to accomplish the essence of that procedure and pursuant to what criteria the administrative court ought to control legality of information issued by Managing Authorities.³⁸

The above doubts were shared by the Voivodeship Administrative Court in Warsaw in its ruling of 24 November 2009³⁹, by submitting the following legal enquiry to the Constitutional Tribunal: “Are art. 5 item 11, art. 30a par. 1 and 2, art. 30b par. 1 and 2, and art. 37 of the Act of 6 December 2006 on the principles of conducting the development policy (Journal of Laws of 2009, № 84, item 712 – consolidated text) in the scope in which they exclude in this procedure provisions of the Act of 14 June 1960 – Code of administrative procedure (Journal of Laws of 2000, № 98, item 1071, as amended) and allow – within the implementation system of the operational programme – creation of a system of appeal measures available to the applicant during recruitment of projects, which remain outside the constitutional system of sources of commonly applicable law, compliant with art. 2, art. 7, art. 31 par. 3 in connection with art. 32 par. 1 and art. 87 of the Constitution?”

In the evaluation of the author, the concerns of the Voivodeship Administrative Court in Warsaw, contained in the above legal enquiry, are fully justified. In fact, the principle of legalism imposes onto legislative bodies the obligation to draw up regulations in adopted acts in compliance with provisions of the Constitution.⁴⁰ Let us remember that pursuant to regulations contained in Chapter III of the Constitution, the catalogue of sources of laws commonly applicable in the territory of the Republic of Poland is contained in art. 87 and art. 91 par. 3 of the Constitution and it

38 More details in: P. Krzykowski, *Konstytucyjność procedury odwoławczej w świetle ustawy z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju (w:) Przegląd dyscyplin badawczych pokrewnych nauce prawa i postępowania administracyjnego*, edited by S. Wrzosek at al., publishing house of KUL, Lublin 2010, p. 243 and further.

39 Ruling of the Voivodeship Administrative Court in Warsaw of 24 November 2009, case reference V SA/Wa 1613/09.

40 See: rulings of the Constitutional Tribunal of 25 May 1998, case reference U 19/97; 23 March 2006, case reference K 4/06.

has a closed character. Only the acts specified in those provisions have the advantage of normative acts, i.e. they may be addressed to an addressee not constituting an entity subordinated to the institutions issuing them. It was already in the first ruling of 28 May 1986 that the Constitutional Tribunal expressed the standpoint that determination of the obligations of citizens and other entities of the law may only be regulated by way of an act, also with respect to benefits in civil law relations between citizens and the state, within the scope not regulated by agreements.⁴¹

In the light of the above determinations, one may claim that the Voivodeship Board as the Managing Authority and at the same time body of public administration of territorial self-government, by independently developing the appeal procedure, violates art. 2 and art. 7 of the Constitution. The former provision stipulates that the Republic of Poland is a democratic state of law implementing the principles of social justice. The principle of the state of law, expressed therein, means among others that bodies of public authorities act on the basis and within the limits of the law. That means that only the normative acts specified in art. 87 par. 1 and art. 91 par. 3 of the Constitution may be applied towards entities which are not organisationally subordinated to those institutions. The principle of the state of law is expanded by the principle of binding the institutions of public authority by the law, recorded in art. 7 of the Constitution. It seems that the very fact of referring by the Act on the principles of conducting the development policy to the “implementation system of the operational programme” is insufficient to determine whether the Managing Authority acted based on that Act. As already mentioned, the “implementation system of the operational programme” is an internal act, which does not belong to the catalogue of the sources of commonly applicable law.

Moreover, one should note that art. 30a par. 1 and 2 of the Act of 6 December 2006 on the principles of conducting the development policy, referring to the above mentioned act, is of a blanket character. Court judicature does not contain doubts with respect to the thesis that a provision of commonly applicable law relating to the addressee’s rights and obligations may not be constructed in this manner.

Decodification of the provisions of the Code of administrative procedure on the ground of the Act of 6 December 2006 on the principles of conducting the development policy, by delegating the legislative compe-

⁴¹ See: ruling of the Constitutional Tribunal of 28 May 1986, case reference U. 1/86.

tences to Managing Authorities with respect to development of procedural rights of beneficiaries, results as well in violation by voivodeship authorities of the constitutional principle of tripartite division of power. In fact, pursuant to art. 163 of the Constitution, territorial self-government performs public tasks not reserved by the Constitution or acts to institutions of other public authorities.

Pursuant to the principles of a democratic state of law, the freedoms and rights of entities are guaranteed not only by the fact of determining the area of their autonomy towards the authorities, but also by observance by the state of the legal forms of activity and subjecting them to legal control. Indeed, the mission of the administration is exclusively to implement the provisions of commonly applicable laws in specific actual situations. This task determines separateness of the administration towards other authorities as – strictly defined – executive body. Because of this presentation of the problem, the object of activity of the Managing Authority responsible for implementation of the EU funds within a specific operational programme, ought to have a purely legal character and involve specification of general and abstract legal norms. Application of programme norms, which leave a broad margin of liberty to the administration with respect to determination of the measures leading to achievement of objectives set by them, may be considered to be contradictory to the principle of division of power.⁴²

Having regard to the above, it should be concluded that since art. 37 section 6 of the Act of 6 December 2006 on the principles of conducting regional policy fully rules out the application of the Code of Administrative Proceedings and, consequently, procedural safeguards for parties, and since the Regional Operational Program implementation system does not constitute a source of law pursuant to art. 87 of the Constitution, a managing authority is not at liberty to develop and enforce the discussed system. In a democratic state, the ROP implementation system should be consistent with the rules of universally applicable law, including the key norm in art. 7 of the Constitution which lays the foundations for an administrative system committed to the rule of law.⁴³ The Regional Operational Program implementation system may not be interpreted separately from

42 See: Z. Cieślík, *Umowa administracyjna w państwie prawa*, Zakamycze 2004, Lex dla Samorządu Terytorialnego; see: M. Sobolewski, *Koncepcja państwa prawnego (Rechtsstaat) w doktrynie niemieckiego liberalizmu epoki klasycznej (do 1866 r.)*, Państwo i Prawo 1980, brochure 2, p. 130.

43 Cf.: verdict of the Provincial Administrative Court in Lublin of 19 May 2010, Ref. No. I SA/Lu 188/10.

constitutional norms or acts of universally binding law that directly apply to a given area of public activity.⁴⁴

In the author's opinion, the Constitutional Tribunal should be applauded for its verdict of 12 December 2011 which states that Regional Operational Program implementation systems are not a source of universally binding law pursuant to the provisions of the Constitution. In view of the above, implementation systems may regulate the rights and obligations only of entities that "are subordinate to" the authorities that develop such systems (provincial governments). ROP implementation systems may not define the procedural rights of entities that do not fall within the scope of jurisdiction of the program's authors. The rights and obligations of entities applying for grants as part of regional operational programs may be regulated solely by the provisions of universally binding law (legal acts and regulations).

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⁴⁴ See: verdict of the Supreme Administrative Court of 18 November 2010, Ref. No. II GSK 1252/10.

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Appendix to resolution № 349/110/08 of the Board of Pomorskie Voivodeship of 22 April 2008

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National security - definition, character and determinants. Studies on the quality of security

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INTERNAL SECURITY: THE CASE OF NORTH KOREA

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ABSTRACTS

Whilst most of the literature focusing on North-Korean Issues has concentrated on how we can cope with the Nuclear Issue of North Korea, few publications were dedicated on the Internal Security Issue in the case of North Korea. The author of this document would like to present the main security organizations in North Korea, emphasizing that they are also crucial in the management of the economy of this country.

This paper will try to outline the capabilities of these organizations and will include their description and the key-people who are managing these entities.

KEY WORDS:

Ministry of Public Security, Totalitarian countries, Internal Forces of Security, Ministry of Public Security, Ri Pyong Sam, Kim Chang Sop, Kim Won Hong, Ri Myong Su, China, Borders, International Relations, Economy.

LA CORÉE DU NORD : UNE INTRODUCTION AU PAYS ET AUX STRUCTURES DE SÉCURITÉ INTERNES

La Corée du Nord est un état discret, révélant peu d'informations et dont la structure économico-politique semble être opaque. Ce pays est si différent des autres pays¹ que l'on n'en peut pas comparer. Son unicité a été démontré par de nombreux analystes. Ce pays est singulier pour les raisons suivantes. D'une part il est relativement peu ouvert aux échanges internationaux, d'autre part l'armée nord-coréenne laisse à prévoir un conflit avec son voisin du sud. Qu'en est-il alors vraiment ? Vers quelle direction allons-nous ? Ces questions ne seront que vaguement étudiés dans le cadre de cette analyse. Je serais tourné ici vers la question de la sécurité intérieure

¹ North Korea, www.freedomhouse.com.

en Corée du Nord. Ce que je vais chercher à étudier c'est la manière dont l'état nord-coréen gère la situation au niveau interne et externe. La Corée du Nord est par définition un pays totalitaire² (Le totalitarisme est le système politique des régimes à parti unique, n'admettant aucune opposition organisée). Celui-ci ne tolère donc aucune opposition (il faut cependant signaler qu'il existe plusieurs partis au sein de la Corée du Nord, leur rôle est cependant que très limitée) et pour des raisons que j'énumérerais plus bas, ce pays doit se doter de forces de sécurité.

Pourquoi les structures de sécurité interne disposent-elles d'un tel poids dans les structures économiques et politiques de la Corée du Nord ? Cela est dû au poids historique des forces militaires et policières en Corée du Nord. Celles-ci sont engagées dans les structures économiques de la Corée du Nord depuis que celle-ci existe. Le dirigeant *fondamental* de la Corée du Nord, Kim Il Sung, un militaire de formation et de carrière, savait que le sort de la Corée du Nord est en fonction du rôle et du poids des structures militaro-policières. D'une part celles-ci devaient veiller à la sécurité interne du pays afin d'éviter toute rébellion au sein du pays, toutes révolutions internes au sein de l'armée. D'autre part, vu leurs fonctions de contrôle, elles se doivent d'être impliquées dans l'économie.

En observant les conséquences des événements liés au XX^{ème} congrès du Parti Communiste de l'Union Soviétique. Lors de celui-ci, Kim Il Sung n'y était pas présent. Néanmoins en observant les conséquences de celui-ci – les critiques de Staline, Kim Il Sung s'est rendu compte qu'il doit être fort d'une garde assurant le sort du pays lors de son existence et après son existence (Kim Il Sung avait peur d'être calomnié suite à son potentiel décès). C'est à partir de ce moment là que les structures policières ont vu leur rôle se renforcer. Kim Il Sung menait aussi à l'époque des purges envers les différentes fractions³ du Parti Communistes nord-coréen (les fractions pro-

² Zbigniew Brzezinski, *The Grand Failure: The Birth and Death of Communism in the Twentieth Century*, Charles Scribner's Sons, New York 1989 r., p. 234.

³ Dans le passé, les médias occidentaux et japonais ont toujours cru qu'il existait et qu'il existe des fractions en Corée du Nord au sein de l'establishment nord-coréen. Comme argument, ces mêmes analystes évoquaient les éventuelles disputes entre les élites nord-coréennes (le faux coup d'état de 1985, le silence de la Corée du Nord entre 1994 et 1997,...). Qu'en est-il en réalité ? Historiquement parlant, Kim Il Sung était sensible à la question des fractions en Corée du Nord. Dès la fin de la Guerre de Corée (si on peut parler de fin...), il s'en prend aux fractions internes, aux fractions chinoises (Ah ! Ces fameux amis chinois...) et russes. Arrive aussi l'année 1956 et le congrès du Parti Communiste Soviétique, où sont critiqués les manœuvres du père de Kim Il Sung, pardon de Joseph Staline. S'en suit aussi la succession ratée de Mao et la bande des quatre - 四人帮 - (qui elle aussi ne finira pas idéalement...). Tout cela, Kim Il Sung le prends en compte en

chinoises, prorusses, internes et sud-coréennes). Kim Il Sung a du notamment lutté avec ces fractions au début des années 50. Lorsque Kim Il Sung s'est rendu en Europe Centrale en 1956, des fractions ont tenté de s'emparer directement du pouvoir à Pyongyang. Cependant Kim Il Sung a accéléré son retour en Corée du Nord et avec l'appui de son jeune frère, Kim Jong Ju, les fractions en question ont été maîtrisées. Les éléments auquel j'ai pu faire allusion ici forment la preuve que même si Kim Il Sung maîtrisait la situation au niveau du parti et au niveau interne, ces Forces de Sécurité étaient plus que nécessaires pour éviter tout retournement de situation.

ORGANES CLÉS DE LA SÉCURITÉ INTERNE EN CORÉE DU NORD

A ce niveau et en se basant sur les connaissances disponibles publiquement, il est possible de différencier trois organisations clés qui s'occupent de la sécurité interne en Corée du Nord. D'une part on peut évoquer le ministère de la Sécurité Etatique, puis le ministère de la Sécurité Publique et d'autre part les Forces de Sécurité Internes.

LE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

D'après la constitution nord-coréenne de 1992, le ministère de la Sécurité Publique a pour mission de défendre la souveraineté et le système socialiste nord-coréen ainsi que de veiller à la protection de la population et de ses avoirs. Le ministère de la sécurité publique est une institution qui est chargée de contrôler le ministère de la Sécurité Etatique. Ces officiers sont idéologiquement imprégnés et sont chargés de la vérification de l'endocrinassions de personnes au sein de nouvelles structures. Les officiers de

nominant, et en faisant confiance, qu'à ses proches, qu'à ceux avec qui il a lutté lors de la Guerre de Corée. Tous les autres sont soit exécutés, soit envoyés loin de la capitale pour au moins quelques années. Personne ne peut se sentir sain et sauf à Pyongyang, personne excepté la famille de Kim Il Sung qui est protégé par un décret du Parti du Travail Coréen. Le seul qui ait face à Kim Jong Il fut Jang Song Thaek, celui-ci était un adversaire important de Kim Jong Il, car non seulement il était brillant mais en plus la fille de Kim Il Sung (Kim Kyung Hee) en était éperdument amoureuse. Un véritable casse tête pour Kim Jong Il. Celui-ci du attendre le décès de Kim Il Sung pour pouvoir exilé Jang Song Thaek (ce qui eu lieu en 2004). Celui-ci revint sur les devant de la scène politique nord-coréenne en 2007.) Peut-on parler d'autres fractions en Corée du Nord ? Je ne crois pas : il n'y a pas de leaders nord-coréens qui aient réussi à installer leurs proches dans toutes les structures cruciales concernant le fonctionnement de la Corée du Nord. Le seul qui ait réellement réussi soit Jang Song Thaek. Néanmoins cela ne signifie pas que l'on n'a pas des familles qui soient présentes dans plusieurs structures économiques, militaires et politiques de la Corée du Nord mais sans occuper de postes réellement clés (je pense ici tout particulièrement aux familles de Kim Yong Nam, de O Kuk Ryol et de Kang Sok Ju).

la Sécurité Publique sont aussi responsable de la sécurité des installations publiques de la Corée du Nord ainsi que de sont infrastructure (les routes, les chemins de fer,...)

LE MINISTÈRE DE LA SÉCURITÉ ETATIQUE

Le ministère de la Sécurité d'Etat constitue un des fers de lance des agences de sécurité et d'espionnages nord-coréennes. Il s'agit d'une police secrète dont le rôle est de s'assurer que le système monolithique nord-coréen est bien respecté par la population, par les cadres et les élites du Pays. Les officiers de ce ministère sont chargés de contrôler et d'enquêter en ce qui concernent des crimes économiques et politiques. Les agents de ce ministère sont chargés de surveiller les activités publiques de la population qui sont en contradiction avec l'idéologie du pays. Il s'agit en d'autres termes d'une organisation que l'on peut assimiler à la Police du Parti. Ce ministère a vu ses fonctions élargies (notamment depuis 19940, en devenant responsable du contrôle de certaines frontières de la Corée du Nord et en contrôlant les flux de mouvements entre la population nord-coréenne et la population chinoise). Les fonctionnaires de cette organisation sont aussi chargés de la sécurité de diplomates nord-coréens qui travaillent à l'étranger.

Le ministère de la Sécurité Etatique est également responsable de la protection et de la surveillance des étrangers qui habitent en Corée du Nord. Pendant de nombreuses années, cette structure était chargée de veiller aux coréens et aux japonais qui avaient décidé de venir habiter en Corée du Nord (pour la plupart de ces personnes, elles sont d'origine nord-coréenne, ce qui justifie leur retour en Corée du Nord)

LES FORCES DE SÉCURITÉ INTERNES

Les forces de sécurité internes sont tout principalement tournées vers les mouvements globaux d'opposition à la politique de la Corée du Nord. Cette structure est chargée de réprimander les éléments qui voudraient nuire à l'état que ce soit au niveau micro ou macroéconomique. Il s'agit d'une entité dont le rôle s'est vu renforcée notamment après les tentatives de coup d'état avortés qui se sont déroulés à la moitié des années 80.

LE RÔLE DE LA SÉCURITÉ INTERNE DANS LES ORGANES ÉCONOMIQUES DE LA CORÉE DU NORD

RÔLE DU MINISTÈRE DE LA SÉCURITÉ PUBLIQUE DANS L'ÉCONOMIE DE LA CORÉE DU NORD

Le ministère de la Sécurité Publique est responsable de la sécurité des installations ferroviaires de la Corée du Nord. Ce ministère était aussi responsable dans le passé e la construction du métro de Pyongyang ainsi que de certaines entités économiques qui fonctionnent en Corée du Nord depuis les années 70 (citons ici le complet de Vanillon). Ce ministère (en coopération avec la Commission de Défense Nationale) est aussi chargé de la gestion de certaines structures minières.

RÔLE DU MINISTÈRE DE LA SÉCURITÉ ÉTATIQUE DANS L'ÉCONOMIE DE LA CORÉE DU NORD

Quant au ministère de la sécurité étatique, il possède deux entités économiques qui posèrent au Japon ainsi que dans le cadre de la frontière entre la Corée du Nord, la Chine et la Russie. Ajoutons que le ministère de la Sécurité Etatique est aussi chargé de la gestion d'une structure hospitalière.

RÔLE DES FORCES DE SÉCURITÉ INTERNE DANS L'ÉCONOMIE DE LA CORÉE DU NORD

Les organes de sécurité interne de la Corée du Nord n'ont pas uniquement pour missions de sécuriser la situation interne en Corée du Nord. Ces organes possèdent également un rôle économique et sont donc impliquées dans le développement économique de la Corée du Nord. Des sources anonymes des réfugiés nord-coréens qui actuellement résident en Corée du Sud) affirment également que les Forces de Sécurité Internes sont également responsable de la gestion de certaines entreprises étatiques en Corée du Nord. Il s'agit principalement de structures qui seraient liés à la gestion de mines et d'entités de construction. Citons ici l'information de l'agence de presse nord coréenne (Korean Central News Agency) qui le 19 octobre 2012⁴ a affirmé que les Forces Internes de Sécurité ont reçu l'ordre Kim Il Sung en raison de leurs implications dans la construction de monuments liés au développement de la politique de militarisation de la

⁴ *a 19 October (Wednesday) decree from the Supreme People's Assembly (SPA) Presidium [Standing Committee] awarded the title because KPISF Unit #3154, "carried out its honorable duty as the genuine defender and creator of people's happiness by perfecting important projects to be monumental edifices as required by the military-first era.* (Korean Central News Agency).

Corée du Nord.

PERSONNALITÉS QUI SONT À LA TÊTE DES INSTITUTIONS DE SÉCURITÉ INTERNE EN CORÉE DU NORD

Ci-contre j'ai cherché à présenter les personnalités clés qui sont liés à la sécurité interne en Corée du Nord. Y-sont indiqués quelques repères bibliographiques succincts. Il est également pertinent de relever que chacune des personnalités évoquées ici sont liées aux structures économiques de la Corée du Nord.

RI MYONG SU

Ri Myong Su (리명수) est un homme politique nord-coréen né en 1934. Il s'agit d'une personne proche de la famille de Kim Jong Eun. Il est ministre de la Sécurité Publique, fonctionnaire au sein de la Commission de Défense Nationale, membre du Comité Centrale du Parti. Il travaille au sein des structures de sécurité depuis le début des années 70. Il semblerait (selon des sources incertaines) qu'il ait été remplacé par Choe Pu Il, un général nord-coréen qui s'est occupé de l'éducation sportive de Kim Jong Eun.

RI PYONG SAM

Ri Pyong Sam (리병삼) est un homme politique nord-coréen né en 1934. Il s'agit du directeur politique des Forces de Sécurité Interne. Il est également membre du Bureau Politique du Parti et coresponsable de l'endoctrinassions des membres du ministère de la Sécurité Publique et des Forces de Sécurité Interne.

KIM CHANG SOP

Kim Chang Sop (김창섭) est un homme politique nord-coréen né en 1946. Il est directeur du bureau politique du ministère de la Sécurité Etatique. Kim Chang Sop, par le biais de sa famille, est engagé dans des activités économiques de la Corée du Nord. Son fils est aussi responsable d'activités économiques du Ministère de la Sécurité Publique.

KIM WON HONG

Kim Won Hong (김원홍) est un homme politique nord-coréen né en 1945. Il est Ministre au sein de la Sécurité Etatique. Membre de la Commission de Défense Nationale et membre du Bureau Politique du Parti Communiste nord-coréen. Des membres de sa famille coordonnent certaines activités économiques de sociétés nord-coréennes.

Rôle des organes de la sécurité interne sur la position internationale de la Corée du Nord

Les organes de sécurité interne ne sont pas uniquement chargés de la sécurité au niveau national. Ceux-ci ont aussi une fonction qui doit être soulignée en ce qui concerne la politique internationale nord-coréenne. D'une part, j'ai cherché à souligné le rôle de ces organisations dans l'économie nord-coréenne. Ce rôle est certain car ces entités disposent d'une réelle force dans le commerce internationale de la Corée du Nord. L'autre élément clé à souligner ici est le rôle du Ministère de la Sécurité Publique dans la gestion des réfugiés nord-coréens en Chine. Les réfugiés nord-coréens en Chine, ce sont plus de 300 000 personnes qui cherchent à quitter la Chine. Ceux-ci sont surveillés d'une part par les officiers de la Sécurité Chinoise mais également par des officiers du ministère de la Sécurité Publique. Les organes de sécurité interne de la Corée du Nord sont aussi responsables de la sécurité d'installations nucléaires. Celles-ci comme nous le savons (cela ne sera pas développé dans le cadre de cet essai) sont cruciales pour la politique étrangère de la Corée du Nord. Par leurs biais, la Corée du Nord cherche à menacer la Corée du Sud et à obtenir une aide financière en contrepartie de leurs non-utilisation. Ici donc encore, le rôle des entités de sécurité interne est crucial.

CONCLUSION : QUELLE PEUT ÊTRE L'ÉVOLUTION DE LA CORÉE DU NORD EN PRENANT EN COMPTES LES ORGANES DE SÉCURITÉ INTERNES DE CE PAYS?

La Corée du Nord est surtout connue pour les *présupposés* camps de travaux et pour le régime qui y existe. Néanmoins il y'a d'autres éléments clés auxquels les médias font rarement allusion, en voici quelques exemples : La Corée du Nord évolue ? Oui en effet nous en avons des preuves irréfutables : d'une part elle s'ouvre à l'étranger (il faut savoir qu'ont lieu à présent les premières foires commerciales sino-nord-coréennes). Quant à l'idéologie, le *Djoutche* (l'idéologie développée par le président de la Corée du Nord Kim Il Sung. Elle repose sur une société sans classes ainsi que sur

l'idée que le peuple est le maître de la révolution tout en étant autonome de structures sociales, économiques et politiques qui lui sont étrangères) est ancrée en Corée du Nord dans le peuple nord-coréen. Cette idéologie repose également sur le culte de la personnalité. Si celle-ci ne serait pas si forte, pourquoi alors les réfugiés nord-coréens ne regretteraient pas ce système (pour certains d'entre eux) et pourquoi ils pleurent la mort de leur président éternel : Kim Il Sung ? L'idéologie du Djoutche a également eu sa version économique : la méthode Chongsan-Ri et le système de travail Taehan. Imaginez un pays dont l'économie repose sur ces méthodes : serait-il si facile de faire évoluer les mentalités ? Imaginez un pays où le culte de la personnalité est omniprésent. Ce pays est donc réellement imprégné par les structures de sécurité qui depuis toujours existent en Corée du Nord. Remarquons également que les structures militaires restent dans les mains de membres de certaines familles. Du point de vue idéologique il est à noter que le rôle de l'armée ne change pas depuis...60 ans. Depuis toujours l'armée est l'armée du parti mais aussi un acteur économique actif important. Celle-ci est aussi présente dans les structures économiques et son rôle est toujours le même, non seulement veiller au parti mais également reconstruire le pays. Il faut savoir que l'infrastructure du pays a été partiellement reconstruite par l'armée. Tout cela signifie que des futurs changements économiques en Corée du Nord passeront obligatoirement par l'armée. Néanmoins un problème se présente : jamais n'ont été remarqués des militaires lors des entretiens économiques entre la Chine (le principal partenaire économique de la Corée du Nord) et les nouvelles élites nord-coréennes. Ne faudrait-il pas alors tendre la main aux militaires et donc aux organismes de sécurité internes afin d'espérer des changements tangibles en Corée du Nord ?

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CHAPTER III

DILEMMAS OF INTERNAL SECURITY MANAGEMENT



National security - definition, character and determinants. Studies on the quality of security

EDWARD KOŁODZIŃSKI

INTRODUCTION TO SECURITY MANAGEMENT

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ABSTRACT

This paper seeks, first of all, to define the conceptual arrangements for internal security. This is necessary both for the correct formulation of problems related to security and its operations and to identify methods and ways of solving these problems. Failing to distinguish between the terms “crisis” and “crisis situation” or using them interchangeably (unfortunately even by those responsible for ensuring security), often results in a severe adverse consequences for communities affected by an event. It should be noted that everyday events are often exaggerated and described as a “crisis,” so that its sequence can be called a “crisis,” which is becoming common in the media and is also widely used for political purposes.

KEY WORDS:

security, security threats, security company, security systems, the potential for providing information.

1. INTRODUCTION

Contemporary dictionary definitions, for example those given in (2.7), describe security as a state of confidence and peacefulness that indicates there is no danger and a sense of being protected against possible threats. In a more general sense, it includes a satisfaction of needs, such as existence, survival, identity, independence, calmness and a future certainty about life. Although there is no explicit definition for an “entity,” it is necessary to discuss safety as it relates to a particular entity, i.e. a person, group of people, organizational units, business, city, region, state, nation, etc. The concept of a “secure entity” closely relates to the concept of “crisis,” which is its antonym.

Danger refers to the subconscious realm of an entity (individual, social group, nation) and means a state of mind or consciousness caused by a perception of events viewed as negative or dangerous. The perception of a threat by an individual and thus a sense of one's security, is reflected in an awareness of a real or potential threat. This means that it may be incompatible with actual facts. Hence, when assessing the security of a situation, the reality in which individuals create threats in society and their state of knowledge and awareness must be taken into account. This involves a perception of these threats and develops a sense of state security.

The perception of threats is subjective and it reflects the feelings and assessments formulated by entities referred to in their state. These perceptions, however, have a significant effect on the actions taken by authorities responsible for security in certain states of these threats, to eliminate threats or at least reduce their harm if already present, as well as the psychological impact on society in order to assess a situation and prevent panic.

The relationship between the size of a real threat and one's perception by an individual was described by Daniel Frei [1], who differentiated four possible assessments of security:

1. Insecurity (as there is a danger) – when there is a large, real external threat and the perception is correct (appropriate to the threat);
2. Obsession with danger – an insignificant threat is perceived as large;
3. False security – when a major threat is perceived as low;
4. Security – when a threat does not exist or is negligible and the perception is accurate.

Individual security is a basic need of human and societal groups and a fundamental requirement for a state. Therefore, every person, group, and state entity endeavours to act upon the external environment and domestic sphere, so as to remove, or at least, reduce threats and thereby eliminate anxiety, fear, or uncertainty.

The activities of entities to eliminate threats may be directed both inside and outside. One may, therefore, distinguish between two aspects of security: internal and external. Internal security means the stable and harmonious operation of an entity (a system, facility, city, state, nation) - there is no interference "from the inside", and no external threats from other actors.

2. SECURITY RISKS TO INDIVIDUALS

Security threats to an individual, based on its source, can be divided into two groups:

1. **Natural threats** – associated with the forces of nature, which may cause technical failures and disaster.
2. **Man-made threats** – associated with human activities, which may also cause (whether or not similar) technical failures and disasters.

Climatic anomalies, sudden weather changes, and earthquakes are natural threats that can threaten the security of the natural and human environment. An increase in the frequency of the occurrence of these phenomena is due largely to the progressive degradation of the environment as a result of a reduction in forest areas and warming caused by greenhouse gas emissions.

This leads to climate change and the emergence of adverse natural phenomena, such as whirlwinds in places where, to date, they have not occurred and earthquakes that cause tsunami waves of unprecedented size. According to climatologists, torrential rainfall and storms will occur in the future with increasing frequency. Although today's floods are greater than those we know from the past, regulations on construction near rivers and wetlands (issuing permits for buildings) are responsible for much larger losses caused by floods and tragedy for thousands of people.

Natural threats include [6]:

- floods caused by melting snow and rain storms;
- strong winds and storms;
- long periods of extreme temperature;
- lightning;
- earthquakes;
- severe rainfall and snow;
- landslides;
- drought;
- ice (unusual amounts) covering rivers, lakes and water basins;

- infectious diseases in humans and animals;
- plagues of pests, rodents and insects.

The following are examples of natural threats and their consequences:

- An earthquake and subsequent tsunami waves in Southeast Asia (December 26, 2004) caused a disaster of unprecedented scale with almost 200,000 casualties;
- During an 11-hour period (July 4, 2002), the State Fire Service reported 159 incidents caused by strong winds and seven incidents caused by violent rain. Over the next six days, the Agency received 77 additional reports on damaged buildings, cars and power lines. An estimated 1,200 trees located near roads and in towns were uprooted by the storm.
- Sudden torrential rains in early July 2007 along the main tributaries of the Odra River (Morawica, Opawa, Olza) resulted in the largest floods on record.

In recent years, the number of incidents caused by strong winds, rain, snow, and flooding has steadily increased, requiring emergency action. Below are the incidents reported in the province of Podlaskie:

- 1999 - 369 calls,
- 2000 – 316 calls,
- 2001 – 665 calls,
- 2002 - 1297 calls.

The trend is definitely upward. Of greater concern, however, are forecasts for the environment as a result of climate change. Violent and destructive weather will occur more often, including lightning, strong winds, intense precipitation, extended periods of (mainly high) temperatures, fires, droughts, floods, ice flows on rivers, lakes and other water basins, large pest infestations, plant or animal diseases and other disasters.

The second group of threats that jeopardize the security of society are, in most cases, “side effects” of technical progress in different walks of life and human activities– the means of communication, transportation, automotive industry, household, genetic testing, etc. that result in disasters.

Among others, this includes:

- forest and peat fires, industrial and warehouse fires, and damage associated with the pipeline transportation of liquid and gaseous fuels;
- chemical contamination due to the emission of toxic materials from industrial plants, pipelines and other facilities, and during transportation by road, rail and water;
- emergencies and structural failures of buildings, bridges and viaducts;
- accidents and emergencies in road and rail communications, including those associated with damage to vehicles carrying dangerous chemicals;
- threats associated with poor and/or obsolete road infrastructure;
- threats from railway lines that carry dangerous goods (through cities in the immediate vicinity of large water bodies used for drinking water);
- failures involving hydraulics;
- failures in technical infrastructure (including gas networks, water supply systems, sewage and waste water treatment plants), and threats associated with inadequate storage and disposal of waste (both municipal and hazardous);
- radiation accidents at nuclear power plants and at plants that use radioactive materials;
- etc.

The following is an example of how forest fires cause environmental degradation and pollute the atmosphere.

Every forest fire causes irreversible damage, destruction and environmental degradation and pollutes the atmosphere by the emission of combustion products.

In one hectare of a 30-year old pine forest, which is typical of Podlasie, (the data provided is for 12,000 – 120,000 kf/1ha of the forest), there are the following emissions (kg/1ha):

- Sulphur dioxide: 10/100
- Nitrogen dioxide: 10/100
- Carbon monoxide: 330/3300
- Carbon dioxide: 6,600/660,000

- Dust: 90/900

The emissions of carbon dioxide from a one-hectare forest fire are 15 times greater than the natural annual production of carbon monoxide from forest soil. To compensate for the emission of carbon monoxide per one hectare of burnt forest, it is necessary to reforest 10/20 hectares of land.

Below are examples of man-made threats caused by the transport of hazardous materials:

A train derailed (March 9, 1989) in Białystok, Poland, with five tanks of liquid chlorine (each contained 50 tons of chlorine). It took a day to place the cars back onto the tracks. Based on a computer simulation, if just one tank had been severely damaged, the level of contamination by a deadly concentration of chlorine would have covered an area inhabited by 10,000 people. The release of chlorine gas would create a health hazard for another 30,000-40,000 people, including a large part of Białystok and nearby residential areas.

A leak was discovered (March 5, 2002) on a freight train that was at a station in Kuźnica. The train was transporting 40 tanks of ammonia and leaks were discovered on ten of the tanks, each of which contained 25 tons of ammonia. The activities of the fire fighters focused mainly on sealing the leaks, taking measurements, and then towing the tanks to a side track located 700 meters away.

These are just a few examples of man-made threats to humans and the environment. Rural areas, especially agriculture and food production, are also sources of threats. The main reasons are:

- poor condition of infrastructure: water supply, sewage and sanitation;
- acidic soil caused by atmospheric pollution and atmospheric precipitation (acid rain);
- improper pesticide usage;
- inadequate drainage;
- chemical and biological contamination of food products;
- epidemics such as “mad cow” disease, foot and mouth disease in pigs, avian flu, etc., can lead to serious economic problems and disrupt the food supply to population centres, as well as creating panic in the population. This is a new type of threat for which the public is unprepared.

An important factor regarding security are concerns about the migratory population. In a continuing trend over the years, people are moving to

cities, bringing with them dependence on centralized supplies: food, water, gas, electricity, sewage disposal and waste. Any failure of the technical infrastructure and delivery systems poses a serious threat to human health and security.

Faulty urban conurbations, where environmental conditions are not included in the planning of residential units, the location of industry, and other economic activities, can cause:

- significant difficulties and even the possibility of lack access to emergency services after an accident;
- poor air quality;
- significant depletion of green areas – excessive “bitumen” surfaces;
- lack of developed areas with high environmental values;
- lack of evacuation shelters in new city buildings and inadequately maintained existing evacuation shelters;
- excessive use of water and the production of various types of waste.

Another type of security threat is terrorism - the deliberate, intentional destructive actions of specific groups of people. Of particular impact on the perception of such a threat were the events in the United States on September 11, 2001 (the attack on the World Trade Centre towers). After these events, problems in combating terrorism began to be regarded by most countries as a priority matter. This response is justified by the fact that there are a large number of sensitive sites and points that may be targeted in a terrorist attack and cause huge losses. This includes, among others, manufacturing and economic infrastructure facilities and industrial, cultural and social targets such as:

- factories and warehouses that store toxic materials;
- drinking water;
- roads, bridges, railway stations and airports;
- telecommunications nodes;
- storage tanks with hazardous materials;
- workplace and educational facilities (office buildings, schools, etc.);
- theatres, cinemas, discos;
- government buildings;
- places of worship;
- nuclear power plants.

Terrorist attacks can result in infectious diseases, floods, environmental contamination, destruction of buildings and technical equipment and psychological fear and an effect on the media – as happened in the avian influenza outbreak.

In considering the factors that generate security threats, one can not overlook social factors, such as:

- abduction and imprisonment;
- roadblocks;
- illegal gatherings;
- mass events (sports, art - entertainment, etc.);
- military occupation;
- unrest and riots against the background of religious, racial, illegal immigration, etc.

In a general sense, it can be concluded that the development of civilization has caused an increasing number of security concerns. On the positive side, however, is the fact that as new threats emerge, humans have created new or improved old ways of securing themselves against the threats. This process is similar to the military. The appearance of a new weapon system will immediately trigger work on ways and means to combat it. For example, aircraft on the battlefield led to the creation of anti-aircraft artillery; the development of the tank led to the development of anti-tank weapons, etc.

In regard to threats to civilization, it can be said that developing effective responses requires, above all, a very detailed knowledge of: their genesis, formation, structure, possible effects, etc. These steps are a prerequisite for the design and construction of security systems to counter various threats.

The scale and scope of the impact of security threats listed above may be distinguished as follows:

- **local threats** – associated with objects (building, complex, etc.) within a municipality of the district. It is estimated that local threats represent more than 90 percent of all threats. The problems associated with local threats are best solved at the local level or entity. This is a very important observation from the point of view of the organizational structure of security for the country;
- **regional threats** – their range extends beyond the boundaries of a lo-

cal entity. To counteract them, it is necessary to have support and resources from outside the entity – they are a low percentage of all risks;

- **national threats** – their range extends beyond the boundaries of a province and to counteract them requires support and resources from outside the province. Although they are a very negligible percentage of all the risks, they still have a significant effect;
- **international threats** – these are events that go beyond the reach of a country. To counter them, it is necessary to have international cooperation.

Methods of prevention, preparedness, detection and the identification of security threats depend on their nature in regards to the physical - chemical effects on humans and the environment. Apart from the causes of the security threats (whether they are natural or manmade), they can be distinguished based on the following main types (groups):

- **biological** – failures or acts of sabotage in laboratories and scientific institutions, involved in research studies of bacteria and viruses, and in this connection, the storage of biological hazardous substances (viruses, diseases, etc.);
- **chemical** – failures in industrial plants, laboratories, warehouses, chemical landfills and transportation: rail, road, sea, air, pipelines;
- **radiation** – accidents and failures involving radioactive materials at nuclear power plants and other facilities that use radioactive materials;
- **fire** – houses, forests, industrial facilities, utilities, warehouses, etc.;
- **hydrological - meteorological** – floods, strong winds and storms, extended periods of extreme temperatures, lightning, drought, severe rain and snow storms, ice on rivers, lakes and water reservoirs, etc.;
- **damage, accidents and disasters involving technical infrastructure** – building disasters, mining disasters, accidents and damage to the technical infrastructure of gas, water, sewage, electrical, fuel, telecommunications and computer networks;
- **emergency communications** – road, rail, air, water;
- **public safety** – kidnappings, imprisonment, roadblocks, illegal assembly, mass events (sports, art - entertainment, etc.), martial law, riots and religious or racial unrest, etc.

The above categories of threats are open-ended and are not fully or clearly separated from each other as to the threats and causes. In fact, these

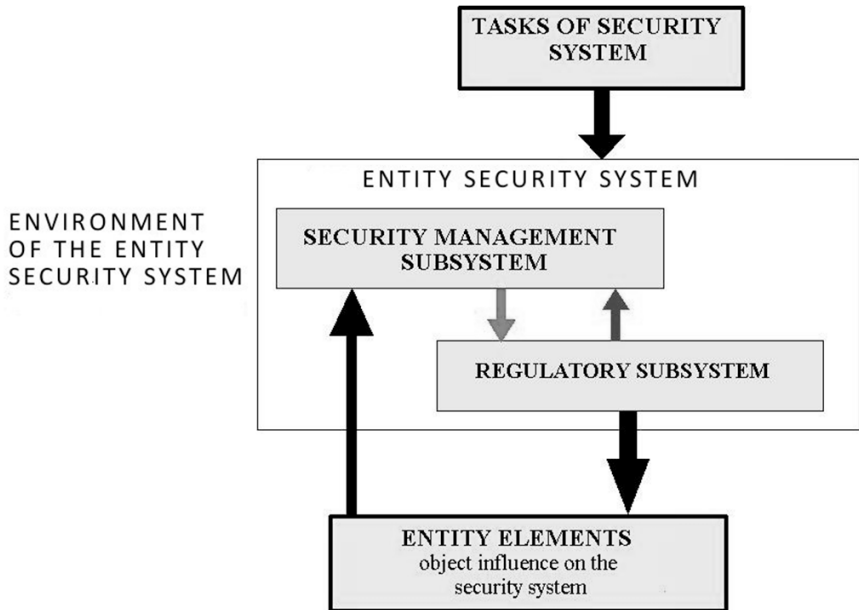
are sets of risks that may mutually reinforce one another (synergy) or complement each other, as in the example of the railway disaster involving hazardous materials in the vicinity of drinking water, creating a domino effect – in addition to human casualties and material damage (loss directly related to the incident) there may also be, for example, contamination of drinking water and, consequently, an interruption of supplies to the public.

3. SECURITY SYSTEMS

From the earliest of times, humans have tried to subordinate the environment by modifying it to help not only one's existence but also to enhance the comfort of life and gain independence from the hostile forces of nature. The changes made by humans to nature is called civilization. It is defined by improvements in the conditions of life and control of nature, i.e. technology, social organization, infrastructure, etc. Civilization reduces the number and the destructive force of natural threats, but also generates new types of man-made threats. This means that we live, and will continue to live, in an environment of potential security threats which are activated as a result of adverse changes in nature or civilization (a stimulus). The threats (discipline-related: flooding, fire, chemicals, epidemiological, etc.) can replace the real threat – adverse events to human health or the environment.

Security is not a stable state – it is not granted forever. In the real world there are constant threats, both from the forces of nature and the intended and unintended consequences of human activities. Each entity must therefore endeavour to ensure the stability of security. To this end, the Entity Security System (ESS) (*in Polish System Bezpieczeństwa Podmiotu (SBP)*) was created with the notion that it is possible understand the forces and means to ensure an acceptable level of security. The model of the ESS is presented in the following drawing (Figure 1):

Figure 1. The model of the Entity Security System (ESS)



(source: own compilation)

The ESS model distinguishes between two subsystems:

- **regulatory**, consisting of forces and the means to implement regulatory processes;
- **management** to implement information and decision-making processes as a way of ensuring security by a subsystem.

Security management is made up of two components (subsystems):

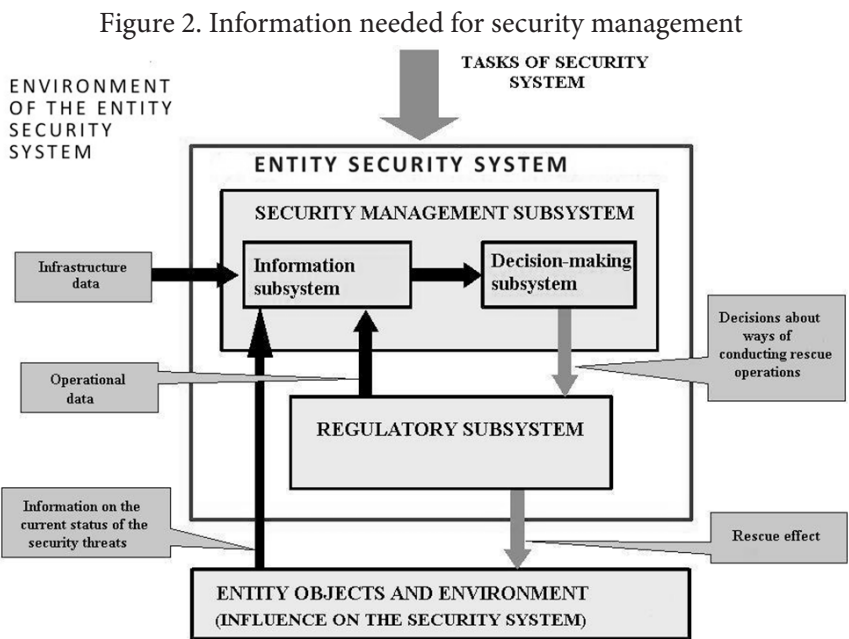
- **information subsystem** – responsible for the development of information for making decisions related to security;
- **decision-making subsystem** – responsible for security.

To make decisions related to security, the following are key information sources (Figure 2):

- geo-data on infrastructure and related facilities;
- operational data on the forces and means available for use in the event of a threat to the security of a particular entity;

- information on the current status of the security threats.

ESS infrastructure geo-data – detailed information on natural objects and the environment, infrastructure and related facilities, and terrestrial data on objects of importance to ensure security through: prevention, mitigation, and preparation via the ESS in the event of the emergency. Geo-data infrastructure consists of: graphical data on maps and numerical, descriptive data associated with objects highlighted on the maps – which are essential from the point of view of the decision-making to provide security [5].



(source: own compilation)

Data on the operational forces and means to provide security – this is data related to the forces and means that are potentially available to provide security, including rescue operations and the elimination of threats. Examples of resources include: personnel available at rescue units, their technical equipment, equipment parameters, infrastructure facilities, as well as documentation on individuals, their functional responsibilities, procedures to be followed in certain situations, emergency plans, etc.

Data on current threats - this data originates from monitoring. A necessary condition for preventing incidents which cause threats to security is the prediction of their occurrence, detection and identification (analysis). This applies to both the type and size of an event. Linked to information on the status of possible security threats generated from monitoring systems are the type and quantity of resources available to counter the threats, as well as the conduct of rescue operations. The methods of monitoring the nature and extent of threats, and the detection and identification of incidents caused by them, depends on their nature, i.e. their physical - chemical properties and consequences. The latter does not distinguish the reasons behind the threats, whether they are natural or man-made including terrorist acts – threats deliberately caused by groups of people. . Based on the information from monitoring the threats, which includes mathematical models and software simulators, it is possible to develop scenarios of potential events.

The quality of infrastructure and operational data on threats, including comprehensiveness, timeliness and decision-making skills, has a significant impact on the accuracy of decisions taken by individuals to ensure the security of an entity, and, hence, the effectiveness of the ESS.

4. PERFORMANCE OF THE SECURITY SYSTEM

The purpose of the ESS is to provide security to entities and assign tasks to them based upon potential threats, characterized in section 1.2. The degree of implementation referenced in the ESS depends on the quality of the implementation process by the following subsystems (Fig. 1.)

- Regulatory
- Management

The ability and quality of the implementation of regulatory processes depends on a combination of factors, which are defined as ESS capacity. Its size depends on:

- **the state executive power subsystem:** size, efficiency, level of training, motivation, action, etc.;
- **level of resources** – the technical equipment to implement subsystems and their ability to adapt to potential risks and tasks identified in the system;
- **forces and means of deployment** – the type and location of poten-

tial events, their scale and the desired speed of response to an incident. The response time for the implementation of countermeasures to an incident, and the forces and enforcement measures available to respond (to ensure the security of the entity) depend on: the distance to an event from their deployment, road systems from available resources to the event, etc.

The type of forces and means to implement the ESS may have different potential to counteract the effects of possible incidents. They should be deployed to ensure maximum security in response to potential threats.

We can achieve the desired level of security by ensuring that the security threats are appropriately forecast through:

- quantitative and qualitative selection of forces and resources of the executive subsystem of the ESS;
- deployment of forces and means of the subsystem against threats and sources of shielding objects;
- permanent improvement of the forces on the rational use of technical - tactical properties of the technical equipment of the executive subsystem of the ESS.

The potential level of security to be achieved by implementing a security system depends, among others, on the speed and accuracy of the administered forces and the means and direction (coordination) of their activities during a rescue operation. Deciding which forces and the means used to counter the effects of an event must be preceded by a completed series of operational information decision-making steps related to:

- receiving and verifying information related to an event;
- analysis of the situation;
- the possible means and circumstances for rescue operations.

The speed and accuracy of administrated forces and the resources and their management (coordination) during emergency operations depend on a combination of factors generally defined as the potential of information decision-making system security, which consists of:

- resource information (infrastructure, operational and monitoring) used in this process;
- technical – software supporting the implementation of information analysis and decision-making;

- technical – software to assist in the management of rescue operations.

In modern security management, subsystems executing basic information processes are managed by humans supported by technical resources (software). Hence, the quality of the implementation of information and decision-making processes, and thus the potential of the information decision-making system for security, have a significant impact, mainly regarding [3, 4]:

- **functional knowledge** (management subsystem of the ESS) of the potential hazards and their consequences;
- **functional knowledge** of the forces and resources that can be used in case of specific risks;
- **the scope of computer-aided** functions in their tasks;
- **psycho – physical predisposition and application of technical skills and software** to achieve the tasks assigned to them;
- ergonomic - organizational conditions of functional activities [4].

As the level of automation and safety management increases, particularly regarding rescues, a human operator is required to not only have a good knowledge of the mechanisms of the phenomena occurring in the work process, but also the knowledge and skills of effective services in support of his technical software. Technical measures, mainly PCs equipped with external devices, allow the operator to obtain the information necessary to perform the tasks assigned to him and the decision to transfer the decisions to the executive elements of the system. This implies certain consequences on the preparation and the need for permanent use of the skills of ICT by those directing rescue functional subsystems in the implementation of tasks assigned to them.

A factor significantly affecting the obtained results in the automated information-decision making processes is the adaptation of technical measures that can assist in the implementation of these processes to the properties (suitability) and changing its role. Creating a suitable working environment for the operator is an important condition to achieve the maximum effectiveness of the whole system. Unfavourable working and environmental conditions can cause rapid fatigue, resulting in an increase in the probability of error and longer reaction time, and consequently reduce the efficiency of operations.

5. SECURITY MANAGEMENT

5.1. TYPES OF EVENTS

The level of security, in a global sense, depends on levels of security. The specified security level of an entity can be achieved in a variety of ways – not only by providing specific countermeasures directly against the existence of incidents by the emergency system, but also by:

- **preventing** security threats;
- **preparation of** an entity for a potential security threat (education, distribution and availability of forces and means of prevention);
- **enhance** the effectiveness of forces and means available for a rescue operation to counter the effects of the incident;
- **increase the** effectiveness by removing the consequences of an event.

Therefore, the ability to manage the security level of a subject, and thus the general controllable values in this case, are the parameters characterizing the factors affecting the level of subject safety entity which are related to:

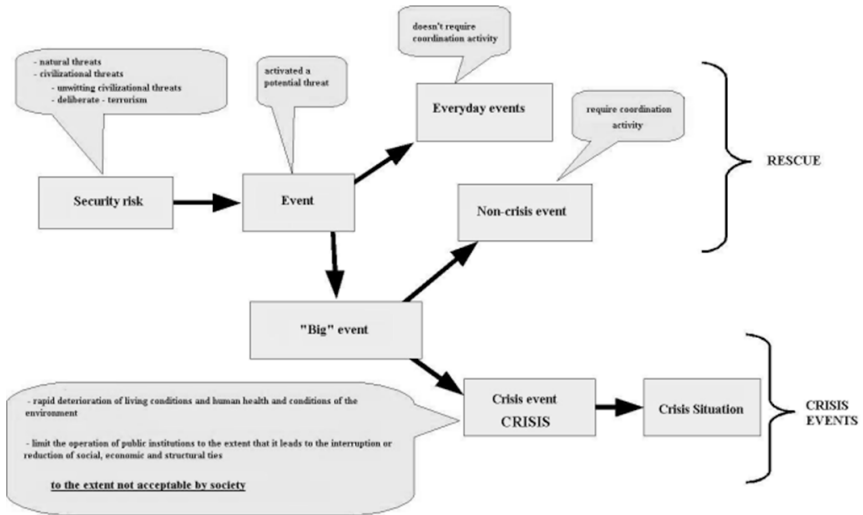
1. prevention of possible threats to security;
2. preparation of groups, resources and countermeasures in the event of activation of these threats;
3. response to the identified threats;
4. elimination of the consequences of events.

An activated potential security risk to an entity (an event) may have different consequences and follow a different course of events in the natural and/or manmade environment. From this perspective, one can distinguish two types of events:

- **Everyday threats** – those that do not have a significant impact on the state of security in the surrounding environment. To counteract their effects, local forces and means of rescue are sufficient;
- **Crisis events** – shortly called crisis. They result in crisis situations.

It follows that, depending on the size of the event we are dealing with, one can differentiate between rescue activities and a crisis situation. Possible situations are illustrated in Fig.3

Figure 3. Possible responses to the occurrence of an event requiring salvage



(source: own compilation)

5.2. THE MEANING OF A CRISIS

The term “crisis” comes from the Greek “krisis” and means: the decisive moment, turning point, a breakthrough. According to Władysław Kopaliński, a “crisis” is defined as a period of a breakthrough, a turning point in which the future existence of entity is decided.

So this crisis is the event initiating the crisis, which is a consequence of one or more events (activation of the potential risks), of the same or different nature, of such force, or on such a scale, that their effects cause:

- a rapid deterioration in living conditions and human health and the environment;
- a reduction of the functioning of public institutions to the extent that it leads to the interruption or reduction of social, economic, and structural bonds to an extent not acceptable by society.

A crisis, therefore, is not a road accident, a construction accident, building fire, etc., regardless of the scale. These events are still a source of misery and tragedy, and cause disruption to the city, municipality, transportation system, etc., and give the impression of a crisis for those affected by the event or phenomenon. To counteract these events, routine emer-

gency services are sufficient: fire, ambulance, police, gas, water supply services, etc.

The terms crisis and crisis situation are often used interchangeably. The difference between these concepts lies in the fact that a crisis is interpreted as an event that interrupts the viability (status quo) of an existing system, and the subsequent period until stability is returned (usually qualitatively different) is referred to as a crisis situation. In this sense, a crisis (break) initiates a crisis situation, the main features of which are characterized by:

- constant time pressure;
- events escalating faster than an ability to respond to them;
- increasing delay in updating information on changes occurring in the emergency area, while demands increase by both governing bodies and the general public;
- leadership feels that it is unable to cope with the changes taking place – which can cause panic;
- There are clear conflicts of interests involved;
- Individuals believe it is of key importance to adapt previously developed scenarios;
- decisions are made under stress, with limited information and involving high levels of risk;
- there are limitations in developing collective decision rules.

5.3. CRISIS MANAGEMENT AND ITS STAGES

The management of security for an entity in which there is a potential risk (event) that it could reach a crisis, and as a consequence of which there is crisis, is called crisis management. The following are the main stages:

- **prevention** – every action that reduces the likelihood of a: crash, accident, natural disaster or other event that will likely cause a crisis or substantially reduce its effects;
- **preparation** – all activities related to the preparation in response to the possibility of a crisis and subsequent actual crisis: professional staff and volunteer emergency services to maintain an appropriate level (quantitative and qualitative) of forces and resources that can be utilized during an emergency;
- **crisis response** – emergency measures taken in response to a crisis

and following the crisis – to help victims and reduce secondary losses and damage;

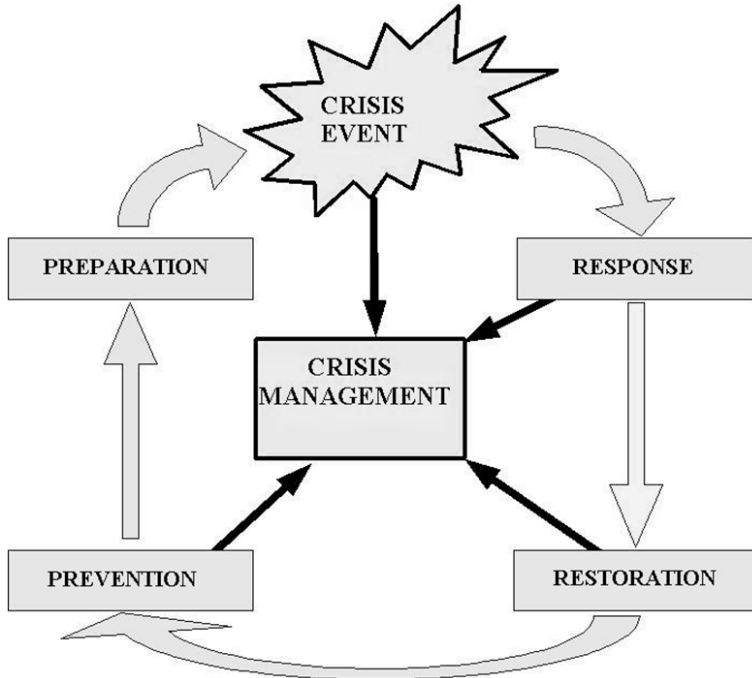
- **restoration** – includes activities aimed at restoring the functionality of an entity to a level before the crisis (eliminating the consequences of the crisis) or to a higher level based on the experience gained in the prevention and preparedness stages in order to prevent a recurrence of the crisis.

The sequence of the stages in crisis management is illustrated in Fig.4.

The following detailed basic tasks are carried out during the phases of crisis management:

- Prevention, including activities and projects related primarily to:
- detection, identification, recording and monitoring of possible risks,
- developing and analysing potential crisis situations,
- analysing the public's acceptance of existing threats,
- taking into account potential threats when developing land use plans,
- preparations, including relevant regulations,
- securing financial resources,
- identifying the nature and scope of actions needed to prevent threats,
- conducting public education in crisis management and disseminating information on appropriate behaviour during emergency situations;

Figure 4. Cycle of crisis management



(source: own compilation)

- preparations, including activities and projects related primarily to:
- developing emergency response plans, including required and available forces and means of rescue,
- defining rules for the exchange of information between participants involved in crisis management,
- preparation of a Crisis Management Centre and assignment of potential tasks,
- identification of systems to detect and monitor hazards,
- organization of the communication system for crisis management,
- develop rules for law enforcement during a crisis in regard to the public, NGOs, and the private sector,
- create databases to provide forecasting, simulation, visualization of potential hazards that could develop into a crisis, risk analysis, efficient use of emergency services, etc.

- the creation of emergency stocks;

Crisis response includes actions and projects related mainly to:

- establishing an Emergency Response Team (permanent and temporary working groups),
- conducting and coordinating rescue services, including the integration of municipal and other participants involved in a rescue,
- organizing and coordinating activities ranging from humanitarian aid to psychological support for the public,
- update the current database system and operational infrastructure of the forces and means involved in the integrated activities of a rescue,
- organize efforts to protect food, drinking water sources, and other goods necessary for survival,
- organize and establish a system for the evacuation, temporary shelter, and support of rescue teams and civilian victims,
- collect reports on the results of rescue operations,
- keep a log of events;

Reconstruction includes activities and projects related primarily to:

- assessing, recording and evaluation of human and material losses,
- restoration of readiness for rescue operations,
- cost accounting of activities related to a crisis,
- rehabilitation and restoration of technical infrastructure, environmental sustainability, efficient administration, etc.

5.4. NATIONAL EMERGENCIES IN A CRISIS SITUATION

A national emergency is a legal recognition of an existing emergency in a certain area. A determination is made that ordinary legal remedies are inadequate for efficient operation and there is a need to for emergency measures prescribed in relevant laws in order to increase the effectiveness of countermeasures in a crisis situation by restricting the constitutional rights of freedom of citizens and the obligation to personal and material benefits. Depending on the scale and scope of the crisis and the resulting estimation of its impact, the following can be introduced: a state of natural

disaster, a state of emergency, martial law. The sequence gradually reduces the rights and freedoms of citizens in an effort to overcome the situation and return to normal functioning.

The criteria for the introduction of various states of emergency:

- **A state of natural disaster** can be declared in order to prevent the consequences of a natural disaster or technical failures as a result of a natural disaster (i.e. the effects that endanger life or health of a large number of people, property, or the environment, and assistance and protection can be effectively taken only with emergency measures, in cooperation with various institutions and specialized services and systems, operating under a single leadership);
- **A national emergency** may be declared to prevent threats to the political system, public safety, or public order;
- **martial law** – may be declared in the event of armed aggression against the territory of Poland or when an international agreement includes a commitment to a common defense against aggression.

Reasons for establishing states of emergency:

The procedures for the introduction and implementation of each of the emergency states is formally defined in the Constitution:

- **Natural Disaster** – the Council of Ministers shall, by regulation, on its own initiative or at the request of a competent governor, declare a natural disaster for a specific area or its effects for a period not longer than 30 days (may be extended with the consent of the Parliament);
- **National Emergency** – may be declared by the president of Poland at the request of the Council of Ministers for a part or the entire national territory, for a period not longer than 90 days (may be extended only once up to 60 days, with the consent of the Parliament);
- **Martial Law** – The Polish president shall, by regulation, at the request of the Council of Ministers for a part, or throughout the country, declare a state of martial law. It shall be lifted at the request of the Council of Ministers when the cause for its introduction is removed.

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National security - definition, character and determinants. Studies on the quality of security

JERZY ZAWISZA

THE NEW TRENDS IN HUMAN RESOURCES MANAGEMENT RESULTING FROM THE DYNAMIC CHANGES ON THE LABOUR MARKET AND THEIR INFLUENCE ON SOCIAL SECURITY

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ABSTRACT

Following review consists of deliberations on human resources processes and their creation in terms of Human Resources Management (signification of career, the theory of career development, career management tools and trends), including the process of workforce training as a method of career forming, employees development, increasing professional skills and launching management schemes in areas above. Outsourcing of human resources consulting and functions, leveraging IT systems to support human resources management. Internet in the e-work process development, as a tool of decreasing unemployment.

KEY WORDS:

reengineering, outplacement, outsourcing, HRM, social systems, virtual organizations, e – economy, e – work, tele – work.

INTRODUCTION

The life of national communities at the beginning of the 21st century is characterized by a dynamic development of almost all branches of science. We notice a dynamic development in information techniques and technologies which influence the development dynamics of all the areas of man's and societies' activities in the greatest way. As a definition of social threats we may acknowledge the states of social consciousness manifesting in such a degree of escalation of negative influences and phenomena, in the result of which the existential values and the interests of a nation and a state are injured and there exists a possibility of a decrease of social consciousness, impoverishment of society and mass unemployment.

They determine, in a decisive way, the directions of organization and management sciences' development, including especially human resources management, because man is a direct receiver of the spread of information technologies in society's life. It is characteristic that elderly, disabled and unemployed people adjust to these innovative achievements. Organizing general and free of charge computer courses by companies, social and governmental organizations (Employment Offices) is a positive phenomenon. In practice, an unemployed person who acquired computer skills on a good level, has great chances to find satisfactory employment. Among others, these skills create the chance to find a job that can be performed at home without the necessity to go out to the company. Such kind of work, called further e-work, is extremely beneficial for disabled persons, mothers raising up their children, persons having problems with getting to the company's premises, designers, accountants, etc. and it is perceived as a form of counteracting unemployment and social exclusion. Such a form of work gives chances for survival, development and the freedom of satisfying one's own needs in definite conditions by using circumstances and favourable chances, taking challenges, reducing risks and counteracting all kinds of threats to the subject (company, organization). Such activities have to be preceded by identification of threats, because without it it is difficult to create a possible plan of action enabling to counteract all the negative challenges impairing social security and its canons. The following phenomena should be avoided: asymmetry, disorganization, indisposition, dysfunction, inefficiency, inconformity, contradiction, deceptiveness, because they express the state of social imbalance. These phenomena cannot be constant. Repair operations should lead to their elimination as a factor improving community security of the organizations being restructured and their employees, which increases their added value.

1. INFORMATION SCIENCES AS THE SOURCE OF INSPIRATION AND LIMITING UNEMPLOYMENT

Inspiring and, to some extent, compelling man to constantly raising their qualifications and education to be able to use their achievements (computer, Internet, games, designing, counting, etc.) rationally is the most important value of information sciences. The form of employment with the use of information achievements of technology is very popular in highly developed countries and it accounts to even several tens per cent of the total number of the employed. In Poland this form of employment

have been increasing very slowly and it accounts to 2.5-3 per cent. The reason lies in the lack of legal solutions that are clear and advantageous for society, including the obligation in relation to the State's Treasury. The development of these forms of employment causes, among others, the change in the structure of labour market, which results in the rise of new trends of human resources management in a direct way.

In this study the potential approach to the human resources management has been adopted, because this is not a number of the employed but the potential (capital) of every employed that decides about the success of an organization.¹ In this sense human resources are perceived qualitatively which means that each employee is the carrier of some potential aggregated in them. The role of management staff is to make this potential being employed in the work process.² "The potential approach to the human resources is a philosophy of managing people, according to which there occurs „an attempt” to return to man who only when they are treated as a subject and as a whole become the most important and not replaceable factor of every organization's functioning.”³ The notions of human potential and human capital can be treated as replaceable in human resources management. Analyzing the changing structure and allocation of human potential (capital) on labour market it may be claimed that the internal human potential (the one in the inner resources of an organization) is partially allocated outside and it supplies the external human potential (capital), functioning in the environment of the organization. The resources of the external human potential are liable, by their nature, to temporary changes, because of education and self-education of each individual and moving to an organization (employment). The analysis of the process of structural changes of labour market in highly developed countries and the further development of information sciences makes it possible to propose a thesis that the process of the development of the external human potential, partially at the cost of the internal potential, will continue. It will be shown by the future which will confirm the efficacy of the relevant solu-

1 E.Markowski, (2008), *Wybrane aspekty zarządzania potencjałem pracy i ich wpływ na przewagę konkurencyjną w średnich firmach (The Chosen Aspects of Labour Potential Management and their Influence on the Competition Advantage of Medium Companies)*, Międzynarodowa konferencja naukowa (The International Scientific Conference). WSP, Warsaw, p.2.

2 R.Walkowiak, (2007), *Zarządzanie zasobami ludzkimi. Kompetencje, nowe trendy, efektywność (Human Resources Management. Skills, New Trends, Efficiency)*, Wydawnictwo Dom Organizatora, Toruń, p.11.

3 K.Bolesta – Kukułka, (1995), *Zasoby czy potencjał. (Resources or Potential). „Personel”*, no.10,11/1995, p.12.

tions. The dynamics and the directions of the development of virtual media will have important significance here. In Poland, there are enormous delays and failures in comparison with the old European Union countries (excluding the top world countries). Private companies – because of economic reasons – undertake themselves the organizational tasks to use the possibilities of improving the work process created by the information tools and technologies. On the other hand, in the state and local administration and state institutions, with the biggest opportunities for such usages, there is the greatest resistance for innovative changes. To fight this negative phenomenon not only the change of necessary laws is needed but also, and maybe first of all, the change of mentality of managing staff and employees. For example: an architect employed in a company (sometimes a foreign one) creates projects or their elements at home. He/she consults, settles, and sends the results by electronic mail, while an accountant or a referent in a city hall performs his/her job with the use of a computer without a contact with clients and has to sit in the office, pretending working 8 hours a day, and to use energy, media and office facilities, etc. The contact with the employee, supervision of their work results and consultations etc. are practically unlimited in each of these cases. This form of work organization creates new challenges for HR experts, because it limits (eliminates) traditional managing methods considerably. The traditional methods of human resources management used to employ the internal human potential and to acquire, to the extent it was indispensable, the external human potential for their organization. The organization, being a closed system, could easier influence its employees. Contemporary trends force the organization to “open” fully for the new challenges and trends that function in the virtual organization and other ones. In this context, the new generation of human potential (capital) that is being created should be used effectively and placed on the labour market in a rational way. Having this in mind, it should be considered whether the direction of the changes on the global labour market is stable and the changes in human resources management connected with it are permanent, or the dynamics of the development of information sciences and new technologies will cause a revolution in the organization and management sciences. It seems however that the development of human potential determined by the dynamic development of science, technique and technology will favour the new changes in the labour market structure. This direction is also imposed by world’s demographic situation which, when endangered by overpopulation, favours the use of the individual human potential.

2. CHANGES OF THE LABOUR MARKET STRUCTURE AND THE DIRECTIONS OF DEVELOPMENT

The above-mentioned contemporary global dynamic changes of the labour market structure, with economic and social bases, would not have been possible several dozen years ago, because of the lack of technical and technological, electronic and information infrastructure. These changes had been initiated in the United States, where the progress in these areas was very promptly adjusted and used in the process of labour market restructuring, which revealed its economic and social values. These changes have been based on moving the employees from the company (organization) to the work at home on the same rules. In 2005 the number of people working at home exceeded 30 millions. According to government's forecasts, it will reach 100 million employees in 2015. At the same time 80 per cent of the posts in companies (organizations) will be gone forever.⁴ This process, with only a few divergences from the forecasts, continues and it seems that this tendency will be kept. Of course, it brings far reaching effects on the model of organization's functioning and human resources management. The greater and greater degree of partnership is demanded, especially as it comes to employees' knowledge, on whom the modern economy is based. The work relations undergo a process of disaggregation and become more flexible as it comes to the place, time and methods of work. In order to achieve counterbalance to the increasing autonomy of employees, it is necessary for the organization to strive for building permanent relations both on the line the organization – the client and the line the organization – the employee. The border between these two allegedly contrary trends should be formed by a new approach to human potential management. This form of organization requires a new approach to the resources for creating human potential (capital) as an important long-term investment. In such a case, the creation of the system of a precise risk evaluation and assessing the return on investment in human capital seems necessary. The investment in the employee preceded by the good investigation of their potential (potential capabilities) allows for determining real human capital of the given employee. Of course, human capital in this meaning has measurable economic values. It should be underlined that in the case of territorial dispersion of a great number of employees, the above-mentioned activities are extremely important and burdened with economic and often social

4 P. Bochniarz, K. Gugała, (2005), *Budowa i pomiar kapitału ludzkiego w firmie (Building and Measuring of Human Capital in a Company)*, POLTEXT, Warsaw, pp.150 –151.

consequences, as well. It results in the necessity of enhancing competence not only of employees and HR cells, but also line managers and the companies satisfying their needs, i.e. training institutions, consultancy and work agencies. The transformation process of work structure initiated in the United States has been growing dynamically in highly developed countries with advanced information infrastructure with easy access to Internet. It is virtually evident that in the countries with lower developed information systems, this process has accelerated, because information sciences have been the fastest developing branch of science in the world, recently, and it has the widest practical usage. This trend makes its influence on all the areas of economic and social life very significant. When we look back at not a very distant past we can notice that the form of the home work organization was practiced also in Poland. The example is kind of home performed work for the company called „Cepelia”. The employees working for this company at home were formally its employees. It took place in the former social system, when information sciences were almost unknown in Poland and therefore the form and the scope of this system of work was limited. Yet, because of a developed company network the territorial limits were not very burdensome.

Analyzing the contemporary labour market structure in the context of acquiring good employees (taking into account that high unemployment is temporary in its character), its following characteristic traits should be enumerated:

- the human resources in Poland are relatively evenly deployed that results from a comparatively small territory of Poland and a well-developed university education network providing experts of various expertise fields. It does not exclude the shortage of the employees with appropriate human potential. It especially concerns the areas with great and specific investment projects.
- bad road infrastructure makes it difficult both for employers to hire proper employees and for employees to find a proper job. Among negative factors, beside a time-consuming, expensive and unsure way to work, there are great costs of renting a flat, lack of parking areas and relatively low salaries.
- the education of employees, in total, can be assessed as good one. After Poland's entering the European Union, most of them has gained experience abroad (concluded university education, internships abroad, professional certificates, good command of foreign languages). Practi-

cally, on the labour market, there are all expertise fields accessible.

- the level and the condition of information infrastructure, apart from the recent dynamic development, is still not satisfying and it is a factor limiting the development of human potential, and what follows, it decreases the supply of qualified employees.
- the increased supply of work concentrates around big industrial centres and big cities. Yet, on the labour market, there exist and arise new „white spots“. They are often connected with system changes (former State Farm areas, the areas of former Soviet military units, the post-industrial and neglected areas).

On the basis of the experience of developed countries with well advanced new forms of organizations (companies) and hiring the employees working at home, the government and local authorities should invest in people and in information infrastructure in the regions of high unemployment. This is the cheapest way of finding a source of work for a great number of citizens from these regions, without a need to leave their settlement area. These activities have to be fast and properly directed, because the companies focused on developing the system of work outside the company will use, first of all their own employees and they will only later look for a supply on a general labour market. In order to achieve the intended aim, the job offer has to act in advance and has to be real and not a virtual one.

As a conclusion, it can be claimed with a great probability that in the close future the development of the system of work at home will be a dominant direction influencing the model of the organization and the way of the company (organization) management. It will undeniably influence the structure of the labour market, because it will limit territorial conditioning to a great extent and it will practically enable working irrespective of the distance between the employees' living place and their company's premises. Creating proper legal conditions by the state may accelerate this process. In the coming years, it may increase the level of employment in the system of home work from a trace value it has today till several dozen or tens per cent close to the average in the EU.

3. ADVANTAGES AND LIMITS OF „WORK AT HOME“

Introducing the system of hiring employees at home is, first of all, the effect of the use of the opportunities that the dynamic development of in-

formation sciences and technologies brings. It is also the effect of noticing the potential economic and social effects which the implementation of this form of employment gives to the organization and the environment. It should be underlined that apart from the apparently positive aspects this phenomenon has also small negative effects linked mainly to the environment of the parent company's functioning. The positive and the negative aspects of home employment can be divided, according to the beneficiary, into:

Positive effects for the organization (company):

- the organization (company) by introducing the system of work at home can achieve significant economic effects, resulting, among others, from a limited use of media (electricity, heat, water and sewage);
- limiting the costs of the use of office or production space;
- limiting the costs of the allowances in nature resulting from the Labour Code and company collective agreements in the scope agreed with employees (eg.; cleaning chemicals, regeneration meals, etc.);
- limiting allowances for travel expenses for the employees commuting to work;
- rationalizing work organization resulting from the decrease of employment in the parent company;
- creating the possibility of letting for lease or selling spare buildings or offices, store-rooms, production and social rooms, etc..

The volume of the results achieved depends on the number of employees changing their form of employment for work at home. In this case the cost fall is more less equivalent to the number of employees undertaking work at home. The non-economic effects are also significant. This is for example the increase of employees' satisfaction, which strengthens the ties with the company and improves the efficiency of work. The employees, seeing the evident advantages of such a form of employment develop self-motivation to improve the quality of work and to enhance their intellectual potential.

Advantages for the employed at home:

- the lack of a tiresome and sometimes a long journey to work – the saved time is at the employee's disposal;
- a possibility to adjust working hours to their needs – working hours

are flexible;

- avoiding stress in the place of work resulting from the need of working in a team. It is very important for people who do not feel comfortable in team-work.
- a possibility of focusing on a job and finishing it in a shorter time. It is especially important in the case of disabled persons, living far from employers, in the cities where finding work is almost impossible for them.

Disadvantages for the employed at home:

- the lack of a direct contact with other people, if they have social nature;
- too much sitting work, if the employee is not very determined to relax physically;
- the lack of *self-discipline* leading to delays in fulfilling tasks.

This case, however, should be solved by the managing team of the company, at the phase of choosing employees for the work at home and during evaluating their performance of tasks.

The advantages of this form of employment consist mainly of the decrease of unemployment and the improvement of a general social situation. The economic effect of increased employment is also very important. Local authorities receive additionally, apart from the state's subvention, 5 per cent of the personal income tax from the inhabitants of a given commune, who settle their taxes in the local revenue office. The high employment rate not only enhances the status of the commune, but also increases the level of consumption, the intellectual development of the community and decreases the number of pathological behaviour cases. The increase of the consumption level results directly in improving the intensity and profitability of trade and services in the given commune. Depending on the determination and engagement of local authorities in creating new posts at home, the leading communes may improve their indices at the cost of the less efficient communes.

Negative effects for the parent company environment

Business activity functions according to the model based on the system of communicating vessels, which means that some phenomena occurring in an organization in a given region can influence the behaviour

of other organization, not necessarily in the same region. This is the case with the work at home. The environments where the employees live gain, whereas the environments of parent companies lose. The employees who had worked before in their parent company were moved to their living places, often beyond the place where they had performed their job before. In the city with the companies that turn to the new system of employment this process will be dynamic. The loss of a great number of employees will result in the decrease of profitability of local transport services, the consumption of food products, the decrease of the level of services for the restructured companies performed by other firms. It may result in the decrease of the income of local companies, and what follows, the decrease of the communes' incomes and the personal and legal person income taxes. In some cases it may lead to significant increase of unemployment. We may conclude that local authorities should monitor the activities of local companies and be ready with the idea of counteracting the negative phenomena.

Limitations of „work at home“

Apart from the appearing distinct trend of the dynamic development of work at home, there is a number of restrictions limiting its growth (according to Le Châtelier's „contrariness rule“). Among these limitations, on the part of the employee, there are: unwillingness to change the place of work they had been doing up to then resulting from the need of a team work and a direct contact with co-workers and also the lack of working conditions at home (small flat, a lot of children, ill parents, bad family atmosphere, etc.). From the employer's point of view these factors can decide not only about the efficiency and the comfort of work at home but, generally, about the adequacy of undertaking such kind of work.

Among the limitations on the part of the employee there are:

- the aversion of trade unions that are afraid of the decrease of membership or the lack of control over their members;
- as enumerated above, bad information infrastructure resulting in the lack of the general access to the broadband Internet;
- weak organizational readiness to undertake decisive activities in this field (not using existing technical opportunities);
- often a negative approach of public control institutions (the lack of the

possibility of controlling the time and conditions of work).

The flexibility of the time and place of work is regulated very clearly by the law. According to Art. 128, Section VI § 1 of the Labour Code: „working time is the time when the employee remains at the disposal of the employer in the company or any other place indicated for performing a job”. The cited definition is concurrent with the understanding of working time in other European countries and with the Directive 93/ 104 and 2000/ 34 of the European Union.

Of course, functioning of information infrastructure, as a basis to introduce work at home effectively, is the greatest limitation. Other limitations are periodical and they are going to disappear as the system is being developed. It is obvious that a wide use of work at home is not possible in all business and social areas. In some branches of industry the technology used makes it impossible (heavy, primary, chemical industry, etc.). Yet, in the area of primary production, the system can be used to a great extent. Concluding, both in companies and the organizations of other type, there is a certain number of posts which can be separated and implemented into the system of work at home to the employee's advantage.

Other forms of employment outside the company (organization)

In business life, apart from the form of employment in the company's premises, there is a number of forms of employment (performing a job) outside the company. They use developed telecommunication and information networks. Aleksy Pocztowski calls these forms of employment „tele-work” and enumerates its following kinds:⁵

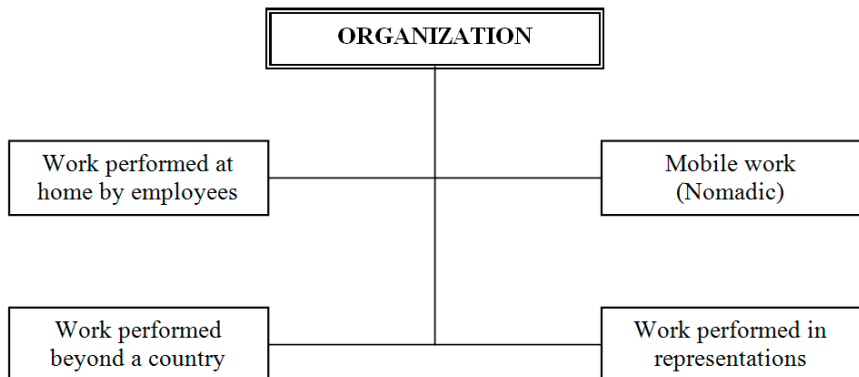
- tele-work at home – a kind of work performed at home by the employees using self-employment, by businessmen and even the persons co-operating illegally;
- mobile tele-work (Nomadic) – working at different places, eg. at the client's or while travelling. It is performed usually by merchandisers, service workers and managers;
- overseas tele-work – performed beyond the borders of the country where the company is located, mainly because of cost reasons, fostered by globalization processes;
- tele-centres – working at the offices located near the living places of

⁵ A. Pocztowski, (2003), *Zarządzanie zasobami ludzkimi (Human Resources Management)*, PWE, Warsaw, pp. 134 -135.

- the persons performing a job, who are connected by telecommunication and information networks with the company's headquarters;
- tele-cottages – this is a kind of tele-centres and means working in the offices located in the country areas, which gives a chance to activate country people living there;
 - tele-villages – this is a developed form of the tele-cottage but with the tele-information network between different offices and connecting such a tele-village to the country's and world's network.

From the above-mentioned forms of tele-work, only the work at home and the overseas work is a pure form of home employment. Mobile work is normal work that results from a kind of job performed by the employee and from the branch of his/her company. This kind of work is generally used by the employees seconded to work outside the company, travelling, merchandisers, service workers, scientists and teachers, students and pupils, etc. On the other hand, tele-centres, tele-cottages and tele-villages are the indirect form between working in the parent company at its headquarters and working at home. These three kinds of tele-work function just like overseas branches of the company (representations) in the case when there are no technical possibilities to use work at home or if the kind of the performed job requires the co-operation of a team of employees. This kind of work requires, however, additional financial resources to make the representation function, as compared with work at home. (Chart 1).

Chart 1. The forms of work performed outside the company.



Source: A. Pocztowski, (2003), *Human Recourses Management (Human Recourses Management)*, PWE, Warsaw , p.134.

A large scale implementation of all these kinds of work beyond the parent company's premises requires important cultural changes and the people willing to perform it should have proper skills. Among the especially important skills there are self-reliance, enterprise, self-discipline, capability of communicating, openness for changes and ability of time management. However, the responsibility for quality and punctuality are the most important skills of an employee working at home. These are the skills that, to a great extent, decide if the form of employment adopted by the managers of the company contributes to the improvement of its economic efficiency, especially when it concerns quite a big number of the company's employees. The development of these forms of employment shows clearly that the traditional approach to human recourses management, which is a descendent of the industrial era, the period of the domination of hierarchical organizational structures has to change a lot. There are, however, no bases to claim that this is a radical twilight of traditional models of organizations' functioning forecast by some scientific centres, although the rate of these transformations has to be great, undoubtedly.⁶

4. THE NEW TRENDS IN HUMAN RECOURSES MANAGEMENT

Recently, in the area of human recourses management, four main trends have strengthened, actually. They describe the allocation of employees on the line the company – the environment. These trends can be described by:

- personal leasing,
- personal outsourcing,
- outplacement,

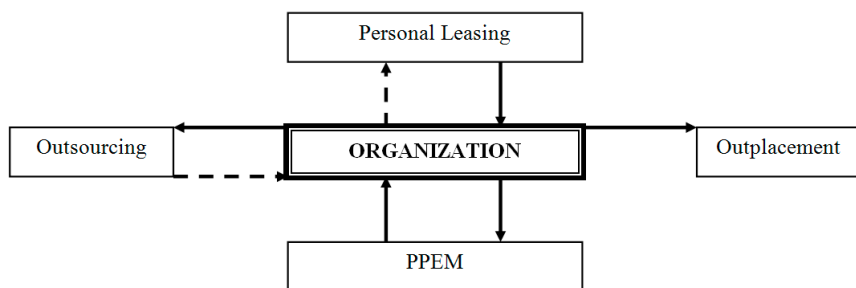
Prognostic and Preventive Employment Management (PPEM).

The well-thought way of allocating employees from a company to a company is the core of all the above-mentioned directions. In the personal leasing employees move from the parent company to other companies in the environment and afterwards they come back to their companies. Outsourcing is the opposite of personal leasing. Outplacement means dis-

⁶ P. Bochniarz, K.Guła, (2005), *Budowanie i pomiar kapitału ludzkiego w firmie (Building and Measuring of Human Capital in the Company)*, Poltext, Warsaw, p. 151.

missing on special rules so this is the direction from the company to the environment. The Prognostic and Preventive Employment Management (PPEM) is a specific approach. It assumes a professional re-conversion resulting not in leaving the company by the employee but in keeping them as a reserve (the employee is trained to undertake new tasks). They are then employed on new posts.⁷ The directions of the employees' allocation in the three approaches presented are based on feedback, whereas outplacement represents a one-way relation. (Chart 2).

Chart 2. The model of employees' allocation: the company - the environment.



Source: K. Makowski, (2004), *Prognostyczno – zapobiegawcze kierowanie zatrudnieniem (Prognostic and Preventive Employment Management)*, [in:] *Praca zbiorowa (Collective Work)*, (red.) A. Sajkiewicz., *Jakość zasobów pracy (The Quality of Labour Recourses)*, Warsaw, p.166.

The idea in the above-mentioned trends in the movement of employees is to adjust the human potential to the real needs of the company. Unfortunately, it does not exclude dismissals based on the Labour Code, especially in the cases of extremely bad market conditions, the liquidation of the company or its deep restructuring.

Personal leasing

Personal leasing is one of the forms providing the security of employment and the consistency of functioning of the organization (company).

⁷ K. Makowski, (2004), *Prognostyczno – zapobiegawcze kierowanie zatrudnieniem (Prognostic and Preventive Employment Management)*, [in:] *Praca zbiorowa (Collective Work)*, (red.) Sajkiewicz A., *Jakość zasobów pracy (The Quality of Labour Recourses)*, Warsaw, p.166.

In other words, it is a form of borrowing (leasing) employees from other organization to work on behalf of our company. A company can be a lessor and a lessee at the same time. In the first case the company has a surplus of qualified staff and there is a demand for them on the market. Then, the company lends them to other company as a paid service. It means that the relevant parties sign the agreement on which the employees leased by the client company work under its supervision, but they are paid by their parent company. In the second case the situation is reversed. The company which has a strong need for staff with definite skills looks for them on the market (in similar companies, in work agencies) and signs a relevant agreement with the lessor. Nowadays, leasing is quite a popular form of optimizing employment and exploiting human potential. These are not only low skilled persons, working temporarily or as helpers, but also high class experts or even higher managers. Advantages of leasing are consumed both by the lessors and by the lessees. Among the unquestioned advantages of this system there are:

- reacting flexibly on the season's increase of demand for given products and services,
- rationalizing the state of employment,
- optimizing the costs of work,
- a possibility to replace the staff that is on longer trainings, unpaid holidays or sick leaves,
- undertaking new tasks which the employed staff of the company is not skilled for,
- decreasing administrative costs (employees' records, examinations, trainings etc.),
- limiting the risk of dismissing regular staff,
- counteracting the excess of employment,
- using the period of temporary work to learn the potential of the staff, which may result in offering them a regular job.⁸

Beside the above-mentioned advantages there are also some negative results and aspects of this form of employment. Among the most frequent disadvantages there are:⁹

- occurring antagonisms between the temporary and regular staff, hav-

⁸ A. Pocztowski, *Zarządzanie... (Human...)*, op. cit., pp. 136-137.

⁹ R. Walkowiak, *Zarządzanie... (Human...)*, op.cit.p.96.

ing different bases,

- worsening interpersonal relations,
- shaking values and cultural norms,
- worsening indices of work productivity.

It is understandable that the above-mentioned threats are only potential, nevertheless, they can occur in the case of errors and oversights in managing specific human resources. Evaluating the role of leasing and temporary work in the aspect of the labour market development dynamics, it may be claimed that these are important instruments of making the labour market more flexible and dynamic, contributing to creating new work places.

Personal outsourcing

This term means using external sources and comes from the abbreviation of the expression out – side – resource – using.¹⁰ Outsourcing activities are undertaken by the organizations being restructured and consist in separating, as a whole or in part, of some tasks, functions and processes. In relation to the personal function, it can be separated as a whole or only some tasks and processes can be detached. The main reason for separating the personal function, as a whole or only partially, is eliminating the activities related to human resources which contribute to creating the added value in the smallest degree and create the greatest costs, at the same time.¹¹ In the process of separating the personal function, or only its parts, the staff that have performed the tasks of the parent organization so far can move to the new employer that is going to perform the separated tasks. It may also happen that the employees stay and work in the parent organization, but the responsibility for performing the separated tasks is on the part of the outsourcing organization. This kind of separation is called cosourcing, and both the supplier and the receiver of a given service become business partners.¹² Such a situation, concerning both outsourcing and cosourcing, has been occurring very often in the restructured companies in Poland. The reason for taking the decision about using personal outsourcing in an organization lies usually in difficulties in managing the personal

10 W.Grudzewski, I.Hejduk, (2004), *Metody projektowania systemów zarządzania (The Methods of Managing Systems Designing)*, Difin, Warszawa, p. 210.

11 R.Walkowiak, *Zarządzanie...*, (Human...) op. cit., p.97.

12 H.L. Gay, J.Essinger, (2002), *Outsourcing strategiczny (Strategic Outsourcing)*, Oficyna Ekonomiczna, Kraków, p.42.

function and high costs of human resources management. Introducing the above-mentioned activities may result in the following advantages for the organization:

- shortening the time of performing personal tasks,
- improving the quality of performed personal tasks,
- increasing the productivity of the staff in all departments,
- eliminating the weakest cells of the realized personal processes,
- decreasing the costs of work,
- the access to new skills,
- increasing the flexibility of actions,
- the specialization of work and concentrating on performing the key tasks.¹³

The results of the research of Shreeveport Agency in the United Kingdom, conducted on 500 companies, show that the respondents point to the following factors as instant advantages: decreasing costs of services, reducing employment (costs of work), concentrating on the basic activity and eliminating the need for capital investments. In their opinion, among the long-lasting advantages, there are: increasing flexibility, the access to expert knowledge, improving the quality of services and saving the working time of managers.¹⁴ Similarly, as with introducing every new enterprise, while introducing personal outsourcing there may appear, apart from the expected positive organizational and financial aspects, a negative social aspect, consisting in shaking the certainty of employment, a change of working and remunerating conditions and a fear of the unknown.

Generally, the outsourcing activities are used mainly in the phase of a company's restructuring, when there is a need for rapid and radical organizational decisions whose aim is to save the company from bankruptcy. These parts of the organization that are able to operate on their own on the market and decrease significantly the own costs of the organization are separated from the parent organization, then. It may mean separating the subsidiaries from the parent company. All of the shares (stocks) or only a part of them may be kept or sold by the parent company.

The process of restructuring concerns technique, technology, equity,

¹³ R. Walkowiak, *Zarządzanie... (Human...)*, op. cit., p.42.

¹⁴ H.L.Gay, J. Essinger, *Outsourcing... (Strategic...)*, op. cit., pp. 156-157.

finances, organization and human management. Depending on the form of restructuring of a company and outsourcing activities related to the employees, the staff may be allocated outside the parent company and later in the organization (supplementing the staff, the merger of companies).

Outplacement

This is the form of monitored dismissals. It consists in offering a support beyond the benefits offered by the Labour Code in force for the employees leaving a company.¹⁵ Most frequently, this is a financial support consisting of several salaries paid out in a non-recurring form, independently from the redundancy payment based on the Labour Code. K. Makowski presents the monitored dismissals as „ a system of wide-ranging and comprehensive care (...) of the persons being dismissed, the aim of which is to reduce negative results of the reduction of employment and to provide them with the possibility of the future professional activity to the maximum degree.”¹⁶

Outplacement is a frequently used form of reducing employment and may be financed from own resources of a company or from the state's budget in the form of social care. The first way is used most frequently by the companies with proper own capital and undertaking restructuring of employment in order to keep or improve economic results. Undertaking such activities may result from the decrease of demand for company's products, increased competition, a crisis in the branch or a general economic crisis, etc.. The best known case of the use of outplacement and the reduction of employment in Poland occurred in the concern Mittal Arcelor (Katowice Steelworks) where the staff leaving the company was paid additional redundancy payment amounting to 200 thousand PLN. The staff dismissed from the companies where the non-recurrent redundancy payments were financed from the state's budget could not count on such great amounts. It concerned, among others, the restructuring of the hard coal mining in Poland, where the redundancy payments for the staff being dismissed amounted to around 50 thousand PLN gross. A dozen or more miners and surface workers used these benefits.

In the United Kingdom the government of Margaret Thatcher, while

¹⁵ A.Pocztowski, *Zarządzanie... (Human...)*, op. cit., p.191.

¹⁶ K.Makowski, (2001), *Zarządzanie pracownikami. Instrumenty polityki personalnej (Staff Management. The Instruments of Human Resources Policy)*. Poltext, Warsaw, p. 167.

restructuring the hard coal industry, introduced non-recurrent redundancy payments of 35 thousand pounds sterling for the miners who voluntarily quit their jobs. Nowadays outplacement is used worldwide. Voluntary quitting one's job and a one-way allocation – the employee usually cannot be employed in the same company once again – is a characteristic trait of outplacement. The basic aim of outplacement:

- mitigating the effects of losing job and soothing the negative feelings related to this fact;
- supporting actively the persons dismissed to enhance their employment opportunities on a new labour market;
- providing them with original capital to start one's own business.

Being dismissed, especially as a result of employment reductions, is a traumatic experience for an employee. It results both from the fear concerning the chances of finding a new job and providing oneself with financial recourses, and from the sense of losing one's self-esteem.¹⁷ Preparing and implementing the outplacement program requires the co-operation of the company's top managers, trade unions, lower level managers (they decide if an employee can be dismissed or should be kept because of the company's interest), experts on HR management and the persons willing to leave the company. There is also a need for the co-operation with the external partners, such as: labour offices, psychologists, advisory agencies etc.

Outplacement may consist of many detailed activities, adjusted to a particular situation:¹⁸

- advising in individual professional development,
- trainings developing skills (computer courses) and preparing the employee to individual searches for a new job (teaching of the active approach to looking for a job on labour market),
- assistance in establishing own business,
- psychological assistance, financial and legal consultancy.

In outplacement the employers' activities are directed at developing and gaining new skills by employees, in order to improve the competition power of the dismissed employees on the new labour market and providing them with financial conditions to establish their own business.

17 A.Fowler, (1999), *Managing redundancy*, IPD, London, p. 184.

18 A.Pocztowski, *Zarządzanie...* (*Human ...*), op. cit., p. 192.

5. PROGNOSTIC AND PREVENTIVE EMPLOYMENT MANAGEMENT AND ITS METHODS

This phenomenon originates from the output of the French management sciences. It is a relatively new methodology focusing on achieving the goals of a long term personal policy. In Poland it is not widely spread, yet, and it is being continued in scientific works of K. Makowski, among others. The definition formulated by him describes the prognostic and preventive employment management. This is the idea of introducing to life and using a coherent policy and the following action plans:

- aiming at the anticipating decrease of divergences between the needs and the human resources of a company (understood as a number of employees and their skills) in the light of its strategic plan (or at least formulating precisely the medium-term goals)
- including an employee in a vocational project.¹⁹

It means that in a modern company labour resources management must foresee future conditions of the company's functioning and it must constitute a priority on the level of strategic planning. It means that the strategy of human potential development and of managing it should be the element of the company's strategy.

The Sanative Restructuring of Employment

The Sanative Restructuring of Employment concerns temporary and emergency situations. It is used when a company has a great current excess of employment which cannot be kept because of financial reasons. There is a lack of perspectives of the efficient use of excessive employment in the foreseeable future. Such a company has to undertake derecruitment, to survive on the market. It is defined as one of the processes of human resources management the aim of which is to rationalize employment on the level of individual posts, particular organization units and the whole company, irrespectively of the factors triggering it.²⁰

The Developing (Long-Term) Restructuring of Employment

Because of its own specific goals and the affinity to PPEM, it should be included in the long-term restructuring of the company, which respects

¹⁹ K.Makowski, *Prognostyczno - zapobiegawcze... (Prognostic and Preventive...)*, op. cit., pp. 160 – 161.

²⁰ A.Pocztowski, *Zarządzanie...(Human...)*, op.cit., p.185.

its mission, goals and strategy. It should be based on the precise diagnosis of the sales market for a longer term, respect the sources of the company's supply with production factors (the employment factor among them), possibilities of gaining the recourses for development and investment (own recourses, bank recourses), the trends in technical progress and the evolution of a manufactured product, the results of developing information technologies in the company, ecological conditions.²¹ The occupational reconversion means „a process aiming at adapting employees to the new conditions of the company and the labour market's functioning and restoring the professional activity (re-employing) of the employees who lost their job or who are to be dismissed because of the planned restructuring processes.²² Adapting the staff to new working conditions is possible through the training aiming at enhancing their individual qualification potential by developing professional knowledge and practical skills. It may also happen that the training is not required because of high skills of individual employees. The relations between the methods of human recourses management described above can be presented in the three following points:²³

- prognostic and Preventive Employment Management,
- employment restructuring (sanative and developing),
- occupational reconversion.

In the specific conditions of the restructuring of a company, such as great and deep restructurings in a longer period, the three methods should be used. Using these methods can help to improve and „civilize” the process of transformations, especially in the sphere of human recourses management, but also to create proper conditions to achieve a synergy effect. It may result, among others, in the greater growth of work efficiency in the restructured company than it would appear only with the decrease of employment. It is obvious that the achievement of the effect of synergy in the restructured company is influenced not only by the results achieved in the sphere of human recourses management, but also the positive results produced in the transformation process of all other branches of the company.

21 K.Makowski, *Prognostyczno – zapobiegawcze...* (*Prognostic and Preventive...*), op. cit., p. 184.

22 M.Egeman, *Restrukturyzacja i kierowanie zatrudnieniem* (*Restructuring and Employment Management*), Póltex, Warsaw 1999, p.174.

23 K.Makowski, *Prognostyczno – zapobiegawcze...* (*Prognostic and Preventive...*), op. cit., p. 167.

CONCLUSIONS

In this review under the title presented above, it should be claimed that higher managers of companies (organizations) notice the problem of employment's restructuring as a form of providing their own security and the security of their employees. It can be achieved through creating good relations resulting from the division of work (job structure, the market of human resources' allocation, the system of corporate mutual relations, the division of functions) which reflect the transformations introduced to improve the social security of the employed staff and providing the balance with the environment, including the competitors.

Analyzing the contemporary work market, its changing structure and prognosticating the directions of this market's changes in the aspect of the use of the human potential of the present and future employees, it can be deducted that:

The dynamic development of information sciences (information techniques and technologies), and especially the more and more accessible access to the rapid (broadband) Internet is a dominant factor supporting the determination of the directions of the labour market structural changes. This factor makes the labour market positively more mobile (rapid transfer of a great number of information) in spite of territorial dispersion.

There are great disproportions in the functioning of information infrastructure between the highly developed countries and the others. These disproportions exist also between „the old” and „the new” European Union's Member States (Poland is in this unfavourable situation).

In the countries with a high technological (and civilizational) development in the labour market structure there appear significant changes directed at employment's development in the form of „work at home”. Nowadays, in the leading countries this form of work amounts to even several dozen per cent of all the employed.

Nowadays, the economic, social and organizational factors (apart from the information infrastructure described above as a basis of this form of work) decide about the dynamics of employment's development. The economic and organizational factors belong to the advantages on the part of employers and the social factor (and the economic one in some sense) is a positive value achieved by employees and the environment of their living places.

In Poland the form of home employment is in its beginning phase.

Very weak information infrastructure and the slow process of convincing the employers to this form of employment are main reason of such a state. Financing the development of the fast Internet by the EU is a positive phenomenon.

It can be assumed that in the coming years the direction favouring home employment will develop in proportion with the progress in the development of information infrastructure till it achieves the optimal level for our labour market (eg. The level of the EU).

There is some border on the part of employers related to the possibilities of home employment. It depends on the techniques and the technology of a production process, a type of organization (drivers, the police, the army, etc.), a kind of post and other factors excluding such form of employment. Consequently, the contemporary methods and techniques of human potential management will still be valid in a necessary scope.

Both employers (managers of a company) and the scientists in the field of human resources management will have to modify the methods and techniques of human resources management they have used before or to introduce the new ones, respecting the specifics of this form of employment manifesting, among others, in the lack of contact on the line the employee – the manager.

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National security - definition, character and determinants. Studies on the quality of security

TADEUSZ TRUCHANOWICZ

CONCEPTS OF *LIFE CYCLE TOTAL ASSESSMENT* AND EVALUATION OF THE STATUS OF USE FOR CONSTRUCTION OBJECT OF INFRASTRUCTURE

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ABSTRACT

W pracy omówiono koncepcję *ogólnej oceny cyklu życia (LCTA)* obiektu infrastruktury. Celem zaproponowanej procedury jest dokonanie wielokryterialnego optymalnego wyboru wariantu obiektu infrastruktury. Przedyskutowano rozwiązanie odpowiednio sformułowanego problemu analizy wieloatrybutowej za pomocą maksymalizacji użyteczności. Stwierdzono, że nie zaleca się wyznaczania wskaźnika ogólnej oceny cyklu życia za pomocą funkcji kompromisu o postaci addytywnej oraz że dyskusyjne jest wyrażanie *LCTA* za pomocą jednego wskaźnika.

Zaproponowano alternatywne metody identyfikacji stanu użytkowania obiektu infrastruktury. Stan użytkowania można określić na podstawie minimalnych (najmniej preferowanych) wymogów eksploatacyjnych. W metodach tych wykorzystuje się relację słabej dominacji oraz relację przewyższania. Podano przykład identyfikacji stanu użytkowania schronu dwufunkcyjnego.

KEY WORDS:

aggregation function, construction object of infrastructure, surpassing relation, relation of weak domination, status of use

The term of *infrastructure* has been variously defined. According to some authors the infrastructure means basic facilities, enterprises and service institutions, indispensably needed for production branches of economy to operate properly. Some authors extend the term of *infrastructure* onto the objects, facilities and institutions necessary for non production branches, in that also for ensuring state security and adequate living standard for people.

Economic infrastructure includes among others the transportation facilities, communication, energy, water and sewage systems, social infrastructure includes institutions providing widely understood services like education, health care, security. Security infrastructure contains in particular the military infrastructure in that objects, facilities and installations necessary for military system of a state to operate effectively.

It has been suggested to apply the term *construction object of infrastructure*, respectively of economic, social or defense infrastructure, to the building, the structure or complex of buildings as well as to the land and accompanying infrastructure, which being a technical and usable object, constitutes a wholeness. The term *construction object of infrastructure* understood in that way remains very close in its meaning to the term *construction object* in the meaning of Construction law¹ but does not include small architectural objects. In such meaning it is used in the present paper, mainly in shorter form as the *object of infrastructure*.

For an economist the *objects of infrastructure are the capital goods (real capital)* which serve for production of other goods and services. In other words real capital means buildings, machines and equipment used for production, the goods which are not used out entirely during only one production cycle. Real capital is a *result of production process (the product)*. For the same reason the products are objects, facilities and installations necessary for non-production sections of economy to work.

1. BUILDING THE INFRASTRUCTURE AS AN ATTRIBUTE OF SUSTAINABLE DEVELOPMENT

Building the infrastructure is presently perceived as an attribute of sustainable development, that is such social and economical growth, which *meets the needs of the present without compromising the ability of future generations to meet their own needs*. Such a description of sustainable development called in short *eco - development* was adopted in 1987 by the General Assembly of the United Nations. R. Nowosielski² writes: „ (...) *from this moment the idea of sustainable development begun to penetrate gradually the ecology policies of the state becoming eventually the basis for restructurisation and development of the programmes for particular regions. (...)*”

¹ Act of 7th July 1994 with subsequent amendments, Art. 3; however the terms are not identical, because among construction objects of infrastructure such objects as cemeteries or memorials are not included.

² R. Nowosielski, „Czystsza Produkcja w Polsce”, 2002, spec. no., p.3.

There is a voluminous literature concerning strategies of sustainable development and basic tools to achieve it. Among other things, the issues regarding the *LCA - Life Cycle Assessment* as a complex tool for environment protection have been discussed in these papers. R. Nowosielski and M. Spilka³ have stated that the term *eco - product* (environmentally friendly product) is related to: „... *minimisation of the negative effects the products might have on the environment at manufacturing, consumption, exploitation or disposal stages (post consumption sphere or post exploitation sphere)(...)*” These negative effects may be minimised during product’s planning, designing, or manufacturing.

Respective stages of product life cycle consist of many processes and single operations as well as flows accompanying them (resources flow, materials flow, as well as energy, garbage, sewage, air pollution flows). That is why conducting product life cycle evaluation is usually a labour consuming task. Therefore several alternative procedures have been developed aimed at introducing methodics of evaluation from practical and content related point of view. They are very similar to each other. Their differences concern mainly the stage of environmental impact assessment.⁴

Some indexes of extra environmental analyses (e.g. concerning such aspects as costs, health and safety of the employees and consumers, social issues and other) can also be considered tools, which enable control over sustainable development. Information from extra environmental areas may be analysed in combination with environmental information within framework of *CBA - Cost Benefit Analysis*, *CEA - Cost Effectiveness Analysis*, *MCA - Multi Criteria Analysis* and several other.

Some authors have suggested introduction of general indexes, for instance the index of *Life Cycle Total Assessment - LCTA* which describe assessment of environmental and extra environmental aspects. The purposefulness of such assessment is justified by the fact that the *quality of human life* is regarded, beside the *quality of the environment* as one of sustainable development determinants, defined in various ways, in that as a level of fulfillment of corporeal and non material human needs. Human needs are formed in particular communities under influence of civilisation spheres

³ R. Nowosielski, M. Spilka, „Czystsza Produkcja w Polsce”, 1998, spec. no. 1 – 2, p. 12.

⁴ The authors of the paper: R. Nowosielski, A. Jaskuła, K. Gołombek, „Czystsza Produkcja w Polsce”, 2003, no. 3, p. 13-19, have presented and compared LCA procedures according to ISO (International Organization for Standardization), SETAC (Society of Environmental Toxicology and Chemistry) as well as EDIP (Environmental Design of Industrial Products).

of nature, economy and culture and the level of satisfaction with quality of life is determined by the ability to meet these needs.⁵

In reference to infrastructure objects such indexes should include evaluation of achievement of different objectives, called *partial objectives* in relation to the entire period of product existence, starting from obtaining raw materials, materials and energy necessary for its manufacturing, through its use/operation time, up to the management of waste materials being result of its wear and tear. Exemplary objectives may be as follows:

- minimisation of the negative impact on the environment,
- material consumption minimisation,
- power consumption minimisation.

The level of the above goals' achievement cannot be expressed with the same measurement units, like for instance monetary units. That is why we deal with the problem of multi - criteria optimisation.

2. THE CONCEPT OF TOTAL ASSESSMENT OF LIFE CYCLE OF INFRA-STRUCTURE OBJECT BASED ON THE UTILITY

2. 1. SELECTION OF THE MULTI-CRITERIA OPTIMAL VARIANT OF THE INFRASTRUCTURE OBJECT WITH THE METHOD OF UTILITY MAXIMISATION

Decision making process concerning choice of infrastructure object's variant involves analysing many aspects, both environmental and extra environmental such as economical, social and the like. Basing on previous considerations the following thesis can be advanced: *The rational choice of infrastructure object variant comes down to solving the problem, (that means properly defined problem of multi-criteria optimisation - multiple criteria mathematical programming – MMP).* The thesis should be completed with the statement that definition of the problem and the way of solving the problem depend inter alia *on the form of expressing decision maker's preferences.*

Literature regarding the *multiple criteria mathematical programming MMP* is very extensive. In one of the author's papers⁶ two methods have been characterised. They refer to so called *first concept of assessment aggregation (the concept with single synthetic criterion)* namely *the utility*

⁵ More on this topic has been written by T. Truchanowicz [in:] „Biuletyn WAT”, 2004, no. 8, p. 77.

⁶ Ibid., p. 85-87.

maximisation method and the *method of compromise solution choice*. As it seemed at that time, the application of quoted methods of *multiple criteria mathematical programming MMP* in *LCTA* procedure would be well grounded because the values of *Life Cycle Total Assessment Index*, defined with their help, would have an economical interpretation⁷, and procedure of global assessment of the variants by maximising utility function value or the value of compromise function (being the function of partial utilities of the variants) would be comprehensible and convincing for the participants of decision making process. Suggested procedure was a modification of ELMA (Elimination Maximisation) method developed by J. Koziński as the extension of W. Edwards method⁸. Let us note that the procedure contained the assumption that in a situation of decision making process, the decision is made under conditions of certainty.

The procedure consists of the following stages:

1. Formulating the problem of *Multi-Criteria Optimal Selection - MOS* of the infrastructure object variant as the problem of *Multi-Attribute Analysis*.

Multi-Attribute Analysis as distinct from *Multi-Objective Analysis* contains such *multiple criteria mathematical programming MMP* tasks, where set of decisions (variants) is definite, and assessments of each set element are obtained with help of direct measurements/surveys or evaluations.

During a/m stage of the discussed procedure the following two sets are being created:

- the set of *feasible* (possible) *global* variants of the object, which meet the goal or the goals to be achieved (at that stage the extent of goal attainment is not evaluated);
- the set of *assessment criteria for evaluating the variants*, basing on the consequences of the decision, where the consequences related to the whole life cycle of the object should be taken into consideration, both the consequences specific for *different* investments types, especially economic effects of the investments, as well as specific for *a given kind of objects*,

⁷ This remark refers to the greater extent to utility maximisation method, while to the lesser extent to the method of compromise solution choice.

⁸ ELMA method and its modified variants have been used by many authors, like Z. Galas, I. Nykowski, Z. Żółkiewski, *Programowanie wielokryterialne*, PWE, Warszawa, 1987, p. 138-160; and J. J. Nowak [in:] *Kierunki i metody zarządzania przedsiębiorstwem*, Difin, Warszawa, 2007, p. 236-251.

often of technical character. The criteria created in a/m way should meet certain requirements, namely should be: *coherent, substantial, exhaustive, and gradual*.

It is worth emphasizing here that both indicating of object's variants, and formulating assessment criteria for the variants require that the goal or goals should be precisely expressed before. The goals most often remain in close relation with basic functions of the object. Sometimes the goal may be set as a *general goal* and then the measurable *partial objectives* may be set on its basis. According to the words of J. J. Nowak⁹„ (...) *the correctness of determining decision variants, correctness of determining the criteria, especially elimination criteria as well as minimisation of the risk of ignoring some criterion (...)*” greatly depends of the way how the goals have been formulated.

The examples of the assessment criteria sets for infrastructure objects variants can be also found in one of author's paper¹⁰ concerning issues of industrial infrastructure and in the paper by J. J. Nowak, quoted above, concerning energy infrastructure issues.

2. Determination of the values of partial estimates.

The values of partial estimates are expressed in different ways, depending on estimate's criterion type: in monetary units, natural units or by ordinal scale (point scale). The values may not have a strictly quantitative meaning in case of criteria function, defined by coding of qualitative scale.

The source of information used to determine partial estimates values of infrastructure objects variants are technical data, economical data regarding to these objects obtained in a result of appropriate research or from literature, assisted by simulation methods, econometric forecasting, and finally supported by knowledge and professional experience of the participants of decision making process.

3. Determination of the admissible variants set by *limiting the levels of goals attainment*.¹¹

The limits (restrictions) for the levels of goal attainment may come

⁹ J. J. Nowak, op. cit., p. 242

¹⁰ T. Truchanowicz, „Zeszyty Nauk.”, WSDG, 1999, no. 5, p. 62 – 70.

¹¹ Limiting the levels of goals' attainment includes also limiting the levels of features' intensity.

into set of conditions determining set of admissible variants. The limits are formulated as $f_k(\mathbf{x}) \geq d_k (k \in \bar{1}, q; q > 1)$, where d_k denotes required minimal level of attainment of the k -goal in case of its maximisation, or as $-f_k(\mathbf{x}) \geq -d_k (k \in \bar{1}, q; q > 1)$ in the opposite situation; $f_k(\mathbf{x})$ is the value of partial assessment according to assessment criterion k of the variant $\mathbf{x}$, $\mathbf{x}$ is the vector of decision variables $x_j (j \in \bar{1}, n; n \geq 1)$. The set of admissible variants $X^d \in X$ is defined by eliminating these elements of feasible variants set X , for which at least one partial estimate does not meet the required, bottom or top, limit (restriction) level of attainment of the given objective.

Definition of the set X^d according to the procedure presented herewith, requires assumption that the additional criteria for variants assessment are fulfilled, because in reality the limitations for goals' attainment levels expressed with the vector $\mathbf{d}$ of the limited, the least preferred amongst admissible, goals' attainment levels, or intensity of the features, do not suffice for determining X^d set. Therefore additional criteria have been defined, not belonging to the set of assessment criteria, for example aggregated criteria, criteria which are not measures. Then the set of admissible variants is defined as follows:

$X^d = \{(\mathbf{x} \in X : \mathbf{f}^*(\mathbf{x}) \geq \mathbf{d}^*)\}$, where $\mathbf{f}^*(\mathbf{x})$ is, according to all q^* assessment criteria, the vector of partial estimates of the variant $\mathbf{x}$ ($q^* \geq q$), and $\mathbf{d}^* = [d_1 \ d_2 \ \dots \ d_q^*]^T$, while sign $\geq$ means relation of weak domination.

4. Application of the rules of domination seeking.

If between admissible variants, a *dominating* variant exists, it is the optimal variant. In opposite case from the set X^d all *dominated* variants should be eliminated (if the *dominated* variants exist in the set), so the set should be transformed into the set of admissible efficient variants, that is *Pareto optimal variants* – X_s^d .

5. Scalarization of vector problem by defining aggregation function.

The first aggregation concept means solving the problem of estimates aggregation excluding all incomparabilities, i. e. on the basis of equivalence, strong preference and, if need be, weak preference situations, with maintaining property of transitivity. For the relation system of preferences defined in such way the functional representation exists. It is a single synthetic criterion which may replace the set $F = \{f_k : k \in \bar{1}, q; q > 1\}$. Aggregation function is constructed on the grounds of adopted principles and

inter-criteria information (for instance the values of weight).

In some conditions an *utility function*¹² may be adopted as an aggregation function.

The utility in classic approach is *an ability to meet consumer satisfaction by possessing or consuming some product, service or by participation in some operations*. The utility understood as above becomes *the measure of fulfilling human needs* and thus becomes the category of *subjective character*.

According to the modern views on the issues in question the utility is a value of utility function. Existence conditions for this function and its basic properties influencing its potential application in modelling decision making issues were presented by T. Truchanowicz¹³ and characterised even more extensively by V. Chankong and Y. Y. Haimes.¹⁴

6. Maximisation of aggregation function.

The procedure of the multi-criterial optimal selection of the variant according to the *first conception of aggregation* by B. Roy means determination of these variants $\mathbf{x} \in X_s^d$, for which aggregation function adopts maximum or close to maximum value as well as of checking if position of each selected this way variant on the lead of classification is strong enough in situation of uncertainty, inexactitude and indefiniteness, appearing in process of optimisation procedure.¹⁵

At the discussed stage of the procedure, when as the aggregation function the utility function is adopted the following steps are employed:

- evaluating *partial utilities* (the utilities from partial estimates values point of view $u_k(y_k)$ of efficient variants;
- determining weights w_k attributed to particular estimates criteria assuming that $\mathbf{1}^T \mathbf{w} = 1$, where $\mathbf{1}$ is an unit vector, $\mathbf{w} = [w_1 \ w_2 \ \dots \ w_q]^T$ is the vector of weights of estimates criteria, $\mathbf{w} > \mathbf{0}$, $\mathbf{0}$ is zero vector, and $\mathbf{1}^T \mathbf{w}$ – the scalar product of the vector $\mathbf{1}$ and the vector $\mathbf{w}$;
- determining of the *global* (multi-factorial) *utility function* $u[\mathbf{f}(\mathbf{x})]$;

12 Some of the authors use the term *utility function* only for decision problems in conditions of uncertainty, while for the cases of certainty conditions they use the term *value function*; yet some other authors give up the distinction.

13 T. Truchanowicz, „Biuletyn WAT”, 2000, no. 10, p. 76 – 86.

14 V. Chankong, Y. Y. Haimes, *Multiobjective Decision Making: Theory and Methodology*, North Holland, New York – Amsterdam – Oxford 1983, p. 66 – 88; *ibid.*, p. 182 – 189.

15 Respective procedure recommendations have been given by T. Truchanowicz [in:] „Zeszyty Nauk.”, WSDG, 1999, no. 5, p. 52 – 62; *ibid.*, p. 81 – 87.

- calculation of the *global utility* (global value of utility function) of the particular efficient variants and indicating of the most usable variant, which is reduced to solving the problem of *multiple criteria mathematic programming MMP* in form of: $\text{Max}\{u[\mathbf{f}(\mathbf{x})]: \mathbf{x} \in X_s^d\}$.

2.2. ASSESSMENT OF USEFULNESS OF UTILITY MAXIMISATION METHODS AND ADDITIVE VALUE OF THE COMPROMISE FUNCTION MAXIMISATION IN *LCTA* PROCEDURE

Some economists question *the measurability* of utility, but in principle all of them agree that for *multi-criteria optimal selection MOS* with utility maximisation method the *quantitative* description of its value according to the quotient scale is not necessary. It is enough to state, if the decision is *better, worse or equally good* as the one it is compared to, then to determine which variant is the best, the most useful. In other words we need the information which variant of infrastructure object has got the highest value of utility function. We are not interested in *distances between preferences* of subsequential variants, with the exclusion of such cases when the situations of uncertainty, inaccuracy and indefiniteness influence the result of *multi-criteria optimal selection MOS*.

To apply the discussed *multiple criteria mathematic programming MMP* method it is necessary to determine utility function's form, which is done with help of a very complex procedure. Constructing of the function not always ends in success. Sometimes the participants of decision making process find it very difficult to accept very controversial assumptions or simplifications, for example referred to utility theory model in conditions of certainty, relations between assessment criteria, perfect substitution of the goals or practicability of collection and working out information needed to build an utility function (e.g. *weights*).

Assumption that infrastructure object's utility might be the basis of *life cycle general assessment* is questionable, particularly because of subjective character of utility and never ending dispute over its measurability. Moreover because of limited possibilities of solving tasks of *multiple criteria mathematic programming MMP* with utility maximisation this concept in author's opinion, should be treated as purely theoretical proposal. However there are not rationales for using in the discussed case the utility function of additive form, easy to use: $u[\mathbf{f}(\mathbf{x})] = \mathbf{w}^T \mathbf{u}$, where $\mathbf{1}^T \mathbf{w} = 1$, due to the fact that its assessment criteria do not meet *preferential independence*

condition.

The dependence of assessment criteria, in terms of preferences, appears in the event, when one of partial objectives is *risk minimisation*. In such cases application of the model with additive function has been attempted, the function which aggregates partial utilities $u_k(y_k)$. The function is constructed according to the rules of determining *compromise solutions* (*compromise optimal solutions*), on the basis on part of information which would be used to build the utility function.

The compromise function of additive form has got, opposite to utility function, an incomplete economic interpretation. Adoption of such optimal solution means acceptance of compromise basing on assumption that the decision maker maximises *the weighted sum of partial utilities* of variants, which may but does not have to express their total utility. It is in author's opinion the fundamental shortcoming of using additive compromise function in *Life Cycle Total Assessment LCTA* procedure.

3. THE CONCEPT OF THE STATUS OF USE ASSESSMENT OF THE INFRA-STRUCTURE OBJECT

In the theory of technical objects' and appliances' maintenance *the use* includes accomplishment of tasks by the object/appliance (performing a function) according to operation documentation.¹⁶ Referring the term „use” to building object, it has been defined as: „(...) *the subset of operations connected to performing required functions by object, i. e. utilisation of the object according to its purpose(...)*.” The use of the object is „(...) *possible and admissible when the object meets all the technical, functional, organisational, economical and esthetic requirements as designed.*”¹⁷

In the use of building objects the operational statuses are distinguished, among which the subsets of use statuses and maintenance statuses can be identified. T. Kasprowicz¹⁸ proposed operational requirements for building objects depending on object's function or object's type, to be defined alternatively in form of the closed range of the values of admissible fe-

16 J. Figurski, W. Wieciński, *Modelowanie systemu eksploatacji*, wyd. Bellona, Warszawa, 1996, p. 8.

17 T. Kasprowicz, [in:] „Pięćdziesiąta Pierwsza Konferencja Nauk. Komitetu Inżynierii Lądowej i Wodnej PAN i Komitetu Nauki PZITB”, Gdańsk – Krynica 2005, p. 171.

18 T. Kasprowicz, [in:] Konferencja Naukowo – Techniczna „Budownictwo polskie w rok po wstąpieniu do Unii Europejskiej. Wybrane problemy technologiczne i organizacyjne”, Politechnika Gdańska, Gdańsk 2005, p. 104.

atures of status of use, the fuzzy set determined in a given area of values or also in form of mixed set of requirements in form of closed range or fuzzy set. The same author¹⁹ has defined the set of operational requirements for typical building objects and determined the general set of building object's status of use features.

Some status of use features of the object can be presumably expressed with the help of random variables. Indeed, probabilistic approach is more often used than fuzzy approach for modeling the situations of uncertainty and indefiniteness, but mainly in cases concerning objective or subjective probability of occurrence of the phenomena or events. D. Kuchta writes:²⁰, „ (...) *mathematical models used in making economic decisions are expected to express not laws of nature, for which probability theory is the best applicable, but our way of thinking, our views – for instance on the probability level of some event occurrence.*” For describing such states the range numbers or fuzzy numbers fit better.

Presenting the concept of the alternative methods of construction infrastructure object's status of use identification we introduce the following designations:

$y^{**} > y^*$	relation of strong domination (y^{**} strongly dominates over y^*),
$y^{**} \geq y^*$	relation of weak domination (y^{**} weakly dominates over y^*),
$y^{**} \geq y^*$	domination relation (y^{**} dominates over y^*),
$y^{**} > y^*$	preference relation (y^{**} is better than y^*),
$y^{**} S y^*$	surpassing relation (y^{**} surpasses y^*),
$\sim p$	negation of the clause p (not true that p)

We adopt the following definitions:

$$y^{**} > y^* \Leftrightarrow \forall k \in \overline{1, n}: y_k^{**} > y_k^*$$

$$y^{**} \geq y^* \Leftrightarrow \forall k \in \overline{1, n}: y_k^{**} \geq y_k^*$$

$$y^{**} \geq y^* \Leftrightarrow \forall k \in \overline{1, n}: y_k^{**} \geq y_k^* \wedge \exists l \in \overline{1, n}: y_l^{**} > y_l^*$$

19 T. Kasprówicz, [in:] Pięćdziesiąta Pierwsza Konferencja.... op. cit., p. 172

20 D. Kuchta, *Miękka matematyka w zarządzaniu. Zastosowanie liczb przedziałowych i rozmytych w rachunkowości zarządczej*, Oficyna Wydawnicza Politechniki Wrocławskiej, Wrocław, 2001, p. 30

where $\overline{1, n} = \{k \in \mathbb{N}: 1 \leq k \leq n\}$, $n \in \mathbb{N}$, $\mathbb{N}$ is set of natural numbers:

so that: $\mathbf{y}^{**} \geq \mathbf{y}^* \Leftrightarrow \mathbf{y}^{**} \geq \mathbf{y}^* \wedge \mathbf{y}^{**} \neq \mathbf{y}^*$

and: $\mathbf{y}^{**} \geq \mathbf{y}^* \Leftrightarrow \mathbf{y}^{**} \geq \mathbf{y}^* \vee \mathbf{y}^{**} = \mathbf{y}^*$.

We note that: $\mathbf{y}^{**} \geq \mathbf{y}^* \Rightarrow \mathbf{y}^{**} > \mathbf{y}^*$.

3.1. IDENTIFICATION OF STATUS OF USE OF INFRASTRUCTURE OBJECT WITH HELP OF WEAK DOMINATION RELATION

Let's take into consideration the operation states $e_i \in E^h$ for infrastructure object $h \in H$, where the statuses are as follows: e_1 – status of use according to the purpose, e_2 – the status of limited use, e_3 – the state of exclusion of use. Let's assume that the states can be put in order according to decreasing preference, for instance $e_1 > e_2 > e_3$. For each status of use the vector of standardised estimates can be fixed. It determines minimal (least preferred) operational requirements being condition to classify the object into a certain status of use. Nonetheless the dispersion of the actual values of miscellaneous features of the object happens to be large and in these cases identification of a certain status of use of the object may not be clear-cut. Situations such as these are also covered by our reasoning.

We assume that:

$\mathbf{g} = [g_q^h]$ is the vector of *standardised estimates* of the features, which determines maximal (most preferred) operational requirements applicable to the infrastructure object $h \in H$;

$\mathbf{d} = [d_q^h]$ is the vector of *standardised estimates* of the features, which determines minimal (least preferred) operation requirement for infrastructure object $h \in H$ which is in status of use $e_i \in E^h$;

$\mathbf{a} = [a_q^h]$ is the vector of the present values of *standardised estimates* of the features for infrastructure object $h \in H$ for operational requirements $w \in W^h$.

The values of the elements of a/m vectors are denoted in the units specific for a given feature, in SI measurement units, in monetary units, in points, in non-dimensional numbers. Then the respective *scale coding* of the features' estimates is applied, in order to obtain relation $\mathbf{g} \geq \mathbf{d}$. Further in process of our presentation we analyse only situations when $\mathbf{g} \geq \mathbf{d}$, and we skip the case when $\mathbf{g} = \mathbf{d}$, as being of only theoretical value. We note at

the same time that $\forall e_i \in E^h: \mathbf{g} \geq \mathbf{a}$.

We look into the two following cases:

- I. Vector $\mathbf{d}$ concerning status of use $e_i \in E^h$ when $\sim \exists e_j \in E^h: e_j > e_i$ ($i \in \overline{1, n}; j \in \overline{1, n}; j \neq i$). We declare that object $h \in H$ is in status of use e_i then, and only then, when $\mathbf{a} \geq \mathbf{d}$.
- II. Vector $\mathbf{d}$ concerns status of use $e_i \in E^h$ and vector $\mathbf{d}^*$ concerns status of use $e_j \in E^h$, and $e_j > e_i$ and $\sim \exists e_k \in E^h: e_j > e_k \wedge e_k > e_i$ ($i \in \overline{1, n}; j \in \overline{1, n}; k \in \overline{1, n}; j \neq i; k \neq i; k \neq j$). We declare that object $h \in H$ is in status of use e_i then and only then, when $\mathbf{a} \geq \mathbf{d} \wedge \sim (\mathbf{a} \geq \mathbf{d}^*)$.

The presented above method of identification of infrastructure object's status of use has got some defect, namely object's status responds to the worst from present values of object's features. In this method neither the distance between values of the features nor particular features as operational requirements are concerned are taken into consideration.

3. 2. IDENTIFICATION OF STATUS OF USE OF INFRASTRUCTURE OBJECT BY MEANS OF SURPASSING RELATION

The surpassing relation has been described in literature, in that in the paper of B. Roy²¹. Surpassing of the variant x_s by the variant x_r means that variant x_r is not worse than variant x_s with regard to *sufficient number of partial criteria of assessment which have sufficient importance*, in our case: object's features important with regard to given operational requirements, and in case of other partial criteria of assessment (as above) is not much worse. The pair of variants (x_r, x_s) has got *compatibility index* $z(x_r, x_s) \geq z_d$ as well as *incompatibility index* $n(x_r, x_s) \leq n_d$, and:

– $z_d \in [0, 1]$ and $n_d \in [0, 1]$ constitute respectively compatibility point and point of incompatibility with hypothesis of surpassing variant x_s by the variant x_r ,

– *compatibility index* is denoted by the following formula:

$$z(x_r, x_s) = \frac{\sum_{q \in Q(+)} v_q^w + \sum_{q \in Q(=)} v_q^w}{\sum_{q \in Q} v_q^w} \quad (1)$$

where: $Q = Q(+) \cup Q(=) \cup Q(-) \equiv Q^h(w)$,

$Q(+)$, $Q(=)$, $Q(-)$ are the sets of features $q \in Q^h(w)$ standar-

²¹ B. Roy, *Wielokryterialne wspomaganie decyzji*, WNT, Warszawa, 1990, p. 251

dised estimates of which are for variant x_r (respectively) *more preferred, equally preferred or less preferred* than for variant x_s ;

– *incompatibility index* is denoted as follows:

$$1) Q(-) = \emptyset \Rightarrow n(x_r, x_s) = 0 \quad (2)$$

$$2) Q(-) \neq \emptyset \Rightarrow n(x_r, x_s) = \max_{q \in Q(-)} \left\{ \frac{|a_q(x_r) - a_q(x_s)|}{d_{max}} \right\} \quad (3)$$

where d_{max} is the *scale coefficient* equal at least to the difference between maximum and minimum value of feature assessment, adopted in the set of options under consideration.

The values of points z_d and n_d are adopted in arbitral way, having in mind that diminishing of z_d value too much and (or) increasing of n_d value too much might lead to confirmation of unreliable situations of surpassing.

Application of the method presented here requires prior determination of *weights* (coefficients of importance) of particular features $q \in Q^h(w)$ with regard to fulfilling operational requirements $w \in W^h$. Weights v_q^w may be described with one of the methods recommended in literature²², assuming at the same time, that:

$$\mathbf{1}^T \mathbf{v} = 1, \quad (4)$$

where: $\mathbf{v} = [v_q^w]$,

$\mathbf{1}$ is a the unit vector.

We consider two following cases:

I. The vector $\mathbf{d}$ is related to status of use $e_i \in E^h$, where $\sim \exists e_j \in E^h: e_j > e_i \quad i \in \overline{1, n}; j \in \overline{1, n}; j \neq i$. We say that object $h \in H$ is in status of use e_i , then and only then, when $\mathbf{a} \mathbf{S} \mathbf{d}$.

II. The vector $\mathbf{d}$ is related to status of use $e_i \in E^h$ and the vector $\mathbf{d}^*$ relates to the status of use $e_j \in E^h$, where $e_j > e_i$ and $\sim \exists e_k \in E^h: e_j > e_k \wedge e_k > e_i \quad (i \in \overline{1, n}; j \in \overline{1, n}; k \in \overline{1, n}; j \neq i; k \neq i; k \neq j)$. We say that the object $h \in H$ is in status of use e_i then and only then, when $\mathbf{a} \mathbf{S} \mathbf{d} \wedge \sim (\mathbf{a} \mathbf{S} \mathbf{d}^*)$.

²² Z. Galas, I. Nykowski, Z. Żółkiewski, *Programowanie wielokryterialne*, PWE, Warszawa 1987, p. 154.

The vector **d** is surpassed by the vector **a** because, on one hand, the class of status of object's use features, estimated according to the relation $a_q \geq d_q^h$ groups sufficiently numerous features or features that are important enough, on the other hand, none of the features assessed incompatibly to the relation does have *too strong* opposite assessment.

In the proposed method the distances between values of features and importance of particular features are taken into account as operational requirements are concerned. Both relation of the given feature with respective requirement or several requirements is taken into consideration as well as the importance which may be attributed to the particular requirements in reference to the function performed by the object. Weights of the features are estimated according to the non-compensatory logic (for instance, when the object does not meet safety requirements, they cannot be compensated by increasing market standards or increasing its esthetic value). The most simple way of doing that is putting in order, that is building the hierarchy of the features or feature groups and attribute to them directly the values of importance coefficients. Using one of more refined method of weights' assessment, for instance the method based on substitution of the features assessment presented by Z. Galas, I. Nykowski and Z. Żółkiewski²³, or interactive method by Steuer would not be purposeful in a given situation for many reasons, e. g. because of assumptions difficult to accept or because of too excessive number of features, which should be taken into account.

While setting the value d_{max} for each feature some discretion takes place, which needs to be explained. Different authors define these values mainly as maximum declinations (differences) between limit values of the index of the same assessment scale. Writing that scale coefficients should be equal at least to the difference between the highest and the lowest value of feature's assessment, adopted in considered set of variants. The simplest way is to define the full range of adopted numerical scales as values d_{max} .

3.3. IDENTIFICATION OF THE STATUS OF USE OF THE SHELTER AS INFRA-STRUCTURE OBJECT OF TWO FUNCTIONS. DESCRIPTION OF THE METHOD APPLICATION

R. Krzewiński²⁴ has presented the use cycle of the shelter, the object

²³ Ibid., p. 154.

²⁴ R. Krzewiński, [in:] „Technologia i zarządzanie w budownictwie. Prace Naukowe Instytutu Budownictwa Politechniki Wrocławskiej”, nr 87, series: „Studia i ma-

serving two functions. The shelter located in the cellar of residential building was designed to be used during wartime (W) as a nuclear attack shelter, open to public, sufficient for 300 people. During peacetime (P) it is used as a local club for 70 people.

As a construction object of defence infrastructure the shelter should fulfill operational requirements determined by appropriate features. The same author²⁵ has specified and described twenty four operational features for the shelter giving normative and admissible values (statuses) for each of them. The features are as follows:

- 1) load-bearing capacity of the shelter;
- 2) tightness of the object (protection against shock wave and combustion products);
- 3) shielding capacity (protection against thermal radiation and penetrating radiation);
- 4) resistance to shock (rigidity of construction components connections, fixing strength of partition walls and appliances);
- 5) fire protection (protection against fire inside the shelter);
- 6) safety of use;
- 7) noise and vibration protection;
- 8) technical conditions of object's use – keeping up to parameters;
- 9) hygiene and health conditions;
- 10) health and safety at work conditions in the object and in its surroundings;
- 11) clean air supply;
- 12) water supply;
- 13) effluents and waste disposal;
- 14) electric power supply;
- 15) the time of people's stay in the shelter;
- 16) the time of shelter's functioning in full isolation from its surroundings;
- 17) the time needed to convert object's use of peacetime purpose to wartime purpose;
- 18) disturbances in use expressed by the duration of maintenance works (preliminary calculation);
- 19) restrictions in use expressed by the duration of the current repair works (preliminary calculation);
- 20) effectiveness of maintenance in experts' opinion;
- 21) effectiveness of current repair works in experts' opinion;

teriały”, no. 18, Oficyna Wyd. Politechniki Wrocławskiej, Wrocław 2006, p. 305.
²⁵ Ibid., p. 311

- 22) market standards for shelters of a given type in experts' opinion;
- 23) technical standards for shelter of a given type in experts' opinion;
- 24) esthetic feelings of the owner in experts' opinion.

It is noted that the features presented above are not separable. On the other hand in the proposed method the independence/ self-sufficiency of assessment criteria variants is not demanded.

According to the author²⁶ the above characteristics describe the following operational requirements of subjective or objective character: safety of the shelter (features 1. to 6.), ecological safety (feature 7.), technical characteristics of the shelter (feature 8.), safety of use (features 9. and 10.), quality of use (features 11. to 19.), effectiveness of maintenance (features 20. and 21.), owner's satisfaction of usage (features 22. to 24.).

Herewith we present consecutive stages of the identification procedure of the status of construction object's use on the example of the shelter by means of the surpassing relation. We start the identification from testing whether the object can be used according to its purpose. The situation responds to the first of two previously described cases.

1. We define values of elements of the vectors **g** and **d**. These are standardised estimates of features defined in principle on the basis of literature data. They include respectively normative and admissible values (statuses) of the features. Below the examples of elements g_q^h and d_q^h definition:

a) *Load-bearing of the shelter* (feature 1.) is denoted by *superpressure of shock wave generated by explosion of typical nuclear warhead* (1 Gg)²⁷ We take values $g_1^h = 0.1$ MPa and $d_1^h = 0,035$ MPa which are respectively the normative value and admissible value.

b) *Noise and vibration protection* (feature 7.) is executed by properly implemented acoustic and antivibration isolation. The value of the feature is opinioned by the experts, according to standards given in literature, in the scale up to 10 points.²⁸ We take the following values: $g_7^h = 10$ points and $d_7^h = 6$ points.

c) *Esthetic feelings of the owner* (feature 24.) is the feature, value of which

²⁶ Ibid., p. 312.

²⁷ Ibid., p. 311.

²⁸ Ibid., p. 311.

is assessed by the experts, like in case of feature 7. and some other.²⁹ We take the following values $g_{24}^h = 10$ points and $d_{24}^h = 6$ points.

Attention: Definition of standardised assessments of some features is complicated, because it needs appropriate *scale coding* (it refers to feature 8. and features 15. to 19.).

2. We define values of vector's **a** elements, in case of some features with help of appropriate scale coding.

3. We set values of importance coefficients, attributed to specific features. In our example the weight of 0.08 is attributed to each feature from 1. to 8., the weight of 0.03 to each feature from 9. to 18., and the weight of 0.01 is attributed to each feature from 19. to 24. The values of weights comply to assumption expressed by formula (4).

4. We set values of scale coefficients as full ranged of adopted numerical scales: for instance, for feature 1: $d_{max} = 0,1$ MPa and for the features 7. and 24.: $d_{max} = 10$ points.

5. We assume the value of compliance point $z_d = 0.93$ and calculate the value of compliance index with hypothesis of surpassing vector **d** by vector **a** and we test whether inequality $z(\mathbf{a}, \mathbf{d}) \geq z_d$ is fulfilled.

Let us consider the two following situations:

a) Class of features assessed according to relation $a_q \geq d_q^h$ groups the features from 2. to 24., while $a_1^h = 0.025$ MPa; then $z(\mathbf{a}, \mathbf{d}) = 0.92 < z_d$, so: $\sim (\mathbf{a} S \mathbf{d})$. This means that *the shelter should not be used according to its purpose*. Then we should go to testing the second of previously defined cases. Let us note that elimination of any feature from 1. to 8. from the class assessed according to relation $a_q \geq d_q^h$ would give us the same result.

b) Class of features assessed according to the relation $a_q \geq d_q^h$ groups the features from 1. to 23. The value of $a_{24}^h = 5$ points; then $z(\mathbf{a}, \mathbf{d}) = 0.99 > z_d$, which is necessary condition (but not sufficient) for $\mathbf{a} S \mathbf{d}$. Let us note that elimination of even all features from 19. to 24. from class of features

²⁹ Ibid., p. 312.

assessed according to relation $a_q \geq d_q^h$ would not exclude relation $\mathbf{a} S \mathbf{d}$, because in that case $z(\mathbf{a}, \mathbf{d}) = 0.94 > z_d$.

6. We adopt the value of non-compliance point as $n_d = 0.10$, then we calculate value of the index of non-compliance with hypothesis of surpassing the vector $\mathbf{d}$ by the vector $\mathbf{a}$ and we check if the inequality $n(\mathbf{a}, \mathbf{d}) \leq n_d$ is fulfilled.

Let's consider the second case presented above. The value of non-compliance index is 0.1, therefore: $n(\mathbf{a}, \mathbf{d}) = n_d$, so that: $\mathbf{a} S \mathbf{d}$. It means that in this case the shelter *can be used according to its purpose*.

SUMMARY

Assumption that the utility can become the basis for the *Life Cycle Total Assessment*, in that also life cycle of construction infrastructure object, is controversial especially due to subjectivity of the term *utility* and the argument over its measurability, not ended yet. Moreover, due to the fact that the procedure of defining the form of utility function is complex, needs hard to accept assumptions and very often does not end in success, the concept of using utility maximisation method in *LCTA* procedure should be understood as purely theoretical proposal.

Suggestion to take the compromise function of additive form which is function of partial utilities, built on the grounds of compromise solutions (compromise and optimal) as *LCTA* basis has got a significant defect. The function, contrary to utility function, has not got any complete economical interpretation. Therefore the suggestion is not recommended.

The author does not deny the need of applying *LCTA* of infrastructure object, nevertheless he believes that purposefulness of expressing *LCTA* with one numerical index is disputable.

Utilisation of construction infrastructure objects can be differentiated into statuses, among them the statuses of use. In the present paper the following statuses of use for infrastructure objects have been identified and considered: e_1 – *status of use according to purpose*, e_2 – *restricted status of use*, e_3 – *„excluded from use” state*. It was assumed that the statuses may be put in order according to diminished preference, i. e.: $e_1 > e_2 > e_3$. It was also assumed that for each status of use the values of feature assessment can be determined and the values describe minimal, least preferred

operational requirements being the condition to rank the object within given status of use.

Alternative methods for identifying the status of use of infrastructure object have been suggested on the grounds of minimal (least preferred) operational requirements. In these methods the weak domination relation and surpassing relation are used respectively.

The defect of the method for identifying the status of use of infrastructure object with means of weak domination relation is that the status corresponds to the worst of the current values of object's features. Moreover, neither the distances between features' values, nor importance of the specific features as operational requirements are concerned are taken into consideration. Instead, the method for identifying the status of use of infrastructure object with help of surpassing relation is free of mentioned inconveniences. In the method, suggested by the author, both relation of a given feature to the respective requirement, or more requirements, is taken into account, as well as the importance which should be attributed to the specific requirements in view of functions performed by the object.

The considerations as above lead us to the conclusion that the process of identifying the status of use of construction infrastructure object, combining objective and subjective methods, gives the grounds for subjective decisions, for instance the decision to eliminate the object from use.

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National security - definition, character and determinants. Studies on the quality of security

WOJCIECH NIKLAS

COMPANY MARKET ORIENTATION AND BEHAVIOR IN THE INTERNATIONALIZATION PROCESS

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ABSTRACT

The internationalization process has been the subject of numerous research projects since the beginning of the 1970s. Most attention has focused on analyzing the causes and the course of the internationalization process. To a much lesser degree, attempts have been made to investigate the internationalization process. The aim of the article is to verify widely-held view that companies which are more effective on the market are characterized by a higher level of company orientation. The subject of the study includes companies representing various types of behavior in the internationalization process.

KEY WORDS:

internationalization, company market orientation, orientation of enterprise, internal marketing orientation, marketing.

The internationalization process has been the subject of numerous research projects since the beginning of the 1970s. However, most attention has focused on analyzing the causes and the course of the internationalization process. To a much lesser degree, attempts have been made to investigate the internationalization process. In relation to their market orientation has been analyzed, either. On the other hand, it is generally believed that a company's higher level of market orientation has a beneficial influence on its performance.

For businessman, and so wielding person definite capital and responsible for his increasing, marketing is first of all the chance of decrease on competitive market the risk of defeat. Marketing throws on sure discipline of thinking and undertaking decision. It facilitates in proper position the businessman in relation to consumer, user of his article services. It permits

to understand practically and to shape on market the part of own enterprise. The marketing rules force to “thinking before working”, and in turn the principle of operating the coherent set of marketing instruments - to working in co-ordinated way, near use all indispensable in given situation of centers.

Marketing is much more expensive, it need them more information as well as them richer it requires the centres of influence on market. Requirements these depend from one side - from strategic connected with settlement decisions, whose need and in what range the firm wants to satisfy from second meanwhile -from shaped on data of market of standard the marketing workings¹.

The high costs of marketing visit with object the well-founded criticism from the consumers' side. At last as they cover the whole of expenses connected from producing and the sale of product. Reactions these businessmen should take under attention as one of formative the picture of firm factors and her products. Yet in decisions of relating expenses on marketing the basic meaning of May the results of long-term economic bill, permitting to estimate the value got thanks to use of marketing of effects in relation to born expenditures.

The orientation of enterprise dependence of the evolution economic activity. The businessmen valued not always, that the buyers' satisfaction is the best way of sale of product and the achievement of profit. It activity of enterprises present opinions conventionally introduce as follows: orientation on production, orientation on sale and orientation on buyers, that is marketing².

Orientation on production began in second half XIX age and durable French economist to beginnings of age XX. Precursor of this orientation was Jean B. Say. He formulated, in beginnings XIX age, theory, that the production of goods and equaling her demand creates the services. Slogan predominated : “If we can create product, then he alone it will sell”. The development of electrification and the railway transportation, growth of efficiency in after-effect of specialization and the division of work as well as they made possible the creation the productive line the mass production and they called out on material goods the relatively large demand.

With outflow of time many manufacturers perceived, that they can

1 A. Limański, *Marketing. Zasady funkcjonowania przedsiębiorstwa na rynku*, Difin, Warszawa 2002, s. 35.

2 J. Altkorn, *Podstawy Marketingu*, Instytut Marketingu, Kraków 2006, s.32.

produce more products, than the buyers buy. Problem of more effective attainment of to buyers' wider circle came into being and advice me with competition. It problem this was tried was to solve by employment of larger number of sellers and the search the new markets of sale. It gave then the beginning of orientation of enterprise on the sale, which durable in approximation from half of summers twentieth to beginning of summers sixtieth the past century. In second half this period strong demand on material goods and it begins service falling gradually. However the continuous growth of sale was the main aim of activity of enterprise and the source of profits. The meanings began gathering especially two components of promotion: acquisition and advertisement.

Marketing orientation began in beginnings of years sixtieth past century and it lasts still. According to this the orientation the enterprise aims to meeting this first, what the buyers want at last, and then to production of products, information of buyers about this and the delivering the products, which will satisfy their need. The point of exit of formulating the aims of enterprise was thawed the final buyers' need. Enterprise tries then to get to know factors determining final buyers' needs, it chooses suitable marketing strategies, it passes on information and it assigns for all organizational cells task as well as it uses supplies to satisfaction of buyers' needs rationally. Except investigation of the buyers' needs, the transformations be analyzed also the macro - and the micro, and in peculiarity the tendencies of development of industrial trades, technical progress on world and the rivals' activity.

Marketing orientation comes into being the most often in two stages:³

1. Undertaking the marketing investigations and the creating the system of marketing information. The marketing investigations, together with system of marketing information, they make possible meeting of the buyers' needs, and use this knowledge to producing then and the sale of products which satisfy these needs and they generate the profit.
2. Overcoming difficulty. They exchanged two conditions can turn out insufficient, because every enterprise has limited possibilities of satisfaction of buyers' needs or it can simply be not able to them satisfy. Difficulties accompany every new developing activity dynamically. Marketing strategies make possible expectation difficulty and alternative possibilities their suggest solved.

³ H. Mruk, B. Pilarczyk, H. Szulc, *Marketing. Uwarunkowania i instrumenty*, Wydawnictwo Uczelniane AE w Poznaniu, Poznań 2005, s.65.

The marketing orientation changes with economic progress together with and organizational the enterprise, and also the technical progress in computerization and the telecommunication, growth of competition and the expansion of enterprises about international range of activity. Buyers have to information more and more better access, preferences change and making purchases. Consumers more and more often buy in larger scale products, but they do this more seldom. The meaning of services grows up in production the national product also.

However from the other side, to observe the mighty abundance of products and the growth of number of substitutes, which makes difficult the undertaking the decision of purchase. It the limiting the rungs of management in enterprises was observed was also, so to to bring closer all centres decision enterprises to buyers' service and more easily to react on change of market situation. Managers more often contact with workers and directly with buyers. Workers get more and more authorizations and bear in relationship from this more and more larger responsibility⁴.

In dependence of market situation the enterprise can focus less or more on process the productive product or the social aspects of marketing. Larger pressure on productive processes steps out in situation, when demand on product tops his supply. Situation such is exceptional in capitalistic economy, but it is the immanent feature of socialist economy - planned centrally. When they are the cost of production high, to reach their can lowering by growth of efficiency and the achievement of higher scale of production and the sale. The larger concentration on product of links oneself with modification of features of products and the introduction of new product on market. Buyers' crowd can, on example, prefer cheaper product or more attractive under in relation to usefulness and quality in wide accessible distributional net.

Present marketing creates social problems, but their solution tries to find simultaneously. The social aspects of marketing be considered in aim of achievement of equilibrium among the buyers' satisfaction, the requirements of natural environment, social businesses and the businesses of enterprise. This, called with social conception of marketing, idea advocatae, it from enterprise should realize in such way its cells, to to bear or to improve the prosperity of society as well as to take the care about protection of natural environment and the health of population. Especially it should

4 B. Pilarczyk, M. Sławińska, H. Mruk, *Strategie marketingowe przedsiębiorstw handlowych*, PWE, Warszawa 2001, s.76.

then when enterprise achieves more and more higher profits, think about social results its activity.

With creature of marketing result they the definite general principles the conduct, which steer in this field the practical activity not transplanting about shape of marketing strategy also, what accepts the enterprise in concrete conditions. They to principles these belong:⁵

- Principle of purposeful choice and the formation of market of enterprise,
- Principle of investigation of market, principle of integrated influence on market,
- Principle of planning of market workings,
- Principle of control effectiveness marketing workings.

The principle of purposeful choice and it results the formation of market of enterprise with foundation, from in conditions of present economy the gathering real and potential buyers the state the most important element of wide understood active bodies of enterprise, decisive about perspectives his development and the value of market firm as special kind of good. The choice and the defining the market, from which joins on reference of success the hopes, the state the strategic decision of firm, counted on many summers forward. Market chances, threats undertakes the decisions this in support about careful recognition as well as the possibility of enterprise. Is the task of marketing the boundary strip different use the most proper in definite situation of strategy of entry on existing already the market or the creating the new market, and then such influence on market, to he stood relatively durable the and effective source the earnings of enterprise⁶.

The basic condition of study of effective strategy entry on market and administering is the elastic reacting on setting on him changes the possibly detailed information on subject of needs, the thirsts and directing with the potential buyers' market behaviors motives. The meaning of investigation of market results as general principle the conduct marketing from here. Her firm not respecting be passed only on intuition and the alternatively hitherto exists experience, which, with attention on speed of alternatively setting in present the world, it does not guarantee the correctness of marketing decisions.

⁵ G. Sobczyk, *Współczesny marketing. Trendy i działania*. PWE, Warszawa 2008, s.35

⁶ M. Sullivan, D. Adcock, *Marketing w handlu detalicznym*, Oficyna Ekonomiczna, Kraków 2003, s.29.

In literature of object we can find many definitions of marketing strategy can. Notion appeared in literature of object marketing strategy enough late, because really it in half of summers 60. Takes root, from after once first deadline this be used in scientific way by L. B. Lyona in 1926 year. It the representatives of economic practice were owed was to conception of marketing the introduction of strategy first of all, look for the possibility of new methods of management the enterprise⁷.

If by strategies the reason the definite conception of system working, depending on formulating the gathering of long-wave aims of enterprise and their modification in dependence from setting in his surroundings changes, defining to achievement the supplies of indispensable centers these aims as well as of conduct, assuring optimum their distribution and utilization, ways to the reacting on challenge of market was possible elastic and the assurance the enterprise of profitable conditions of existence and the development then the marketing strategy is the set of workings, near help which the enterprise reaches the aim in data his market the conditions of place and the time.

The workings in frames of marketing strategy hug following phase:

- Phase marketing investigations on which consist, the identification of aims as well as the segmentation of market,
- Phase instrumental from substrategy: the product of, price, of channels distribution and the promotion,
- Phase of control, where the division follows and the starting the centers.

The synthetic formulation of marketing strategy of enterprise, hugging the team of elements of marketing joint in proper proportions, then the marketing - the mix. It notion this was used was therefore for qualification of combinations these four elements of the marketing which make up basis of every marketing strategy. They be called also decision variables, because firm can it differently shape in dependence from market situation.

It will not suffice to get to know individual elements, to build marketing strategy correctly. Her creature imports as to this, to create the suitable composition and to bind in the whole, in dependence the elements of marketing from product, the character of market and the consumers' guild, aims of firm etc. Creating this composition requires the regard of correlation and the stepping out between individual elements couplings. Every

⁷ M. Sullivan, D. Adcock, *Marketing w handlu detalicznym*, Oficyna Ekonomiczna, Kraków 2003, s.33,

of them brings in to general, desirable potential of given strategy definite contribution, yet he visits defined across part what element this fulfils as part sure the whole. Contribution of one instrument to potential of influence on dependent market is from aim and the conditions of working as well as the contribution and values of different instruments of marketing strategy. It her formation couldn't, so base on endeavour to maximalize effectiveness considered instruments severally. The decisive meaning has the effectiveness of instruments and the captured in categories of integrated the whole workings.

Existence among instruments correlation causes, it with change one of them, in frames of marketing strategy, requires adaptation of different and in effect this - change in whole structure. The change of instrument dynamistic remaining, it makes possible from among them elimination of some or it gives birth the need of starting new.

The creating of integrated composition of elements of marketing is the conduct multidimensional.

The research project initiated in 2006 intended to intended possible ways companies can behave in the internationalization process and to verify them from the angle of the results achieved by companies representing various types of behavior. The analysis covered many aspects of company behavior, including market orientation of the companies investigated.

The aim of the article is to verify widely-held view that companies which are more effective on the market are characterized by a higher level of company orientation. The subject of the study includes companies representing various types of behavior in the internationalization process. The level of company market orientation is measured with the use of, among others, the Narver and Slater scale.

Within the framework of the research project a set of alternative characteristics describing company behavior established, namely:⁸

- Formal vs. spontaneous nature of the internationalization process,
- Openness vs. closeness to cooperation in the internationalization process,
- Active vs. passive role of the company in creating a network of relationship – ships in the internationalization process.

8 G. Hooley, J. Fahy, J. Beracs, *Market Orientation in the Services Sector of the Transition Economies of Central Europe*, European Journal of Marketing, vol. 37, no.1, pp.86-106, 2003.

The formal character of internationalization that the internationalization process is formally prepared and accepted by the company as part of its strategic and operational plans. It is assumed that decisions concerning internationalization are based on formally

The process of company internationalization can be spontaneous. It takes place ad hoc, depending on available, often occasional, opportunities. In this case, there is no formal sources of information on foreign markets. Additionally, as part of spontaneous internationalization decisions depended on company decision-makers personal, unjustified preferences and temperaments. For example, this may apply to some people's propensity to take higher-risk decisions to center a local market, their ambition, fondness for a foreign or personal contacts.

Openness to cooperation means treating cooperation in the internationalization process as an essential element of a given company business operations; performing regular and professional activities in order to find cooperation partners; choosing action options on international markets where cooperation with foreign partners is required; trying to develop offshoring – or subcontracting-type relationships. On the other hand, being closed to cooperation means trying to act by oneself. Only very important and justified reasons force such a company to start cooperating with external entities. We often deal in such cases with the “one-man band” syndrome, a fear of losing independence or having one's trade or technological secrets found out by potential cooperators. It is also possible to see here negotiation and communication skills inadequate for developing relationships with foreign entities.

In order to actively create a network of relationships, the company consciously and purposefully seeks and chooses partners to join resources and thus gain competitive advantage. Relationships established in thus way usually are of formal nature and take the form of a strategic business network.

An autonomous process of relationships creation when relationships between the company and various entities of the international environment come into existence objectively as the result of continuous interaction among members of given network. A system of relationships is created independently of network-members' will, is of informal nature, and does not result from decisions made to create a specific structure or network leadership.

On the basis of the characteristics that were established and initial evaluation by experts representing top managers, four possible types of company behavior in the internationalization process were identified:⁹

- TYPE A – Active: creates a network of broad formal contacts and co-operation with entities of the international environment. Characteristics of Type A company behavior:
 - openness to cooperation,
 - formal internationalization process,
 - active creation of a network of relationships.
- TYPE B – Submissive: openly and willingly submits itself to the objective process of incorporation into a network of relationships with entities of the international environment. Characteristics of Type B company behavior:
 - openness to cooperation,
 - spontaneous internationalization process,
 - passive approach to the creation of a network of relationships.
- TYPE C – Independent: through formal decisions tries to avoid being “caught” in a network of relationships, and deliberately reduces to a minimum its closer formal contact with and dependence on entities of the international environment; in practice, it tries to engage independently in as wide a scope of activity as possible. Characteristics of Type C company behavior:
 - closeness to cooperation,
 - formal internationalization process.
- TYPE D – Distrustful realist: is aware of the inevitability of relationships with entities of the international environment, but tries to reduce their scope to a necessary minimum; however, owing to its competence, it is often forced to submit to the power of the network, especially to its experience and resources. Characteristics of type D behavior:
 - Closeness to cooperation,
 - Spontaneous internationalization process,
 - Passive approach to the creation of network of relationships.

There has been a lot of research in the area of market orientation fol-

⁹ M. Szymura-Tyc. *International Marketing and Business in the CEE Markets*, Wyd. AE w Katowicach, Katowice 2009, s.268.

lowing the pioneering works of Narver and Slater, and Kohli and Jaworski. Market orientation can be described as “the implementation of the market concept”. Market orientation as a central component of the marketing concept has attracted the attention of a number of researchers but, as it is often underlined, market orientation is still an area in need of further investigation, especially in an international context¹⁰. Despite some attempts to integrate the market orientation construct into international business, most studies have focused on domestic markets¹¹.

Kohli and Jaworski conceptualized market orientation as the acquisition of, dissemination of, and organization-wide responsiveness to market intelligence. Their approach was further refined in Kohli, and Jaworski and Kohli. In parallel, Narver and Slater developed market orientation as a single scale with three underlying behavioral components:

- Customer orientation,
- Competitor orientation,
- Inter-functional coordination.

Within the research project, the Narver and Slater scale has been used. It embraces in fact the main aspects of the Kohli and Jaworski intelligence gathering, dissemination and responsiveness constructs. Additionally, it was an intention of the research team to relate the present research to their earlier work on market orientation and to use a slightly modified Narver and Slater scale¹².

Using this scale, companies can be divided into three groups:

- Companies with a high level of market orientation,
- Companies with a medium level of market orientation,
- Companies with a low level of market orientation.

Determining the level of company market orientation is very important because it is generally believed that the level to a large extent proves the company’s market maturity, and has a crucial influence on its market success.

10 A. Kirca, S. Jayachandram, W. Bearden, *Market orientation: A Meta -Analytical Review and Assessment of Its Antecedents and Impact on Performance*, Journal of Marketing, vol. 69., no. 2, pp. 24-41. 2005.

11 O.Rascela, *Market Orientation, International Business Relationships and Perceived Export Orientation*, International Marketing Review, vol. 24, no.2, pp.144-163 2007.

12 G. Hooley, J. Fahy, J. Beracs, *Market Orientation in the Services Sector of the Transition Economies of Central Europe*, European Journal of Marketing, vol. 37, no.1, pp.86-106, 2003.

The empirical data were obtained from a mail survey. The questionnaire was designed on the basis of the accepted conceptual framework of the research project, the author's earlier research, and numerous interviews with representatives of companies operating on international markets. The purpose of the interviews was a preliminary verification of the scope, and the way it was interpreted. The questionnaire was divided into eight parts concerning company market behavior, company internationalization process, outsourcing, cooperation in international markets, reasons for relationships with foreign partners, internal determinants of international expansion, company performance, and general characteristics of the company. In most of the questions, a Likert scale was used.

An address list of 2000 companies based in Poland was prepared on the basis of a database obtained from Kompas Poland. The sample was randomly selected, using the criteria of industry and company size. Because of mail-delivery problems the questionnaire reached 1950 companies. By the end of December 2007, 272 respondents had sent their answers, which means that the response rate was 14%. Respondent characteristics are presented in tables 1, 2 and 3.

Table 1. Respondent characteristics by industry

Industry	Number	%
Agriculture	13	3,9%
Construction	27	8,1%
Transport	12	3,6%
Wholesale trade	29	8,7%
Financial services	0	0,0%
Mining	5	1,5%
Manufacturing	179	53,8%
Communication services	5	1,5%
Retail trade	16	4,8%
Services	34	10,2%
Other	13	3,9%
Total	333	100%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

Table 2. Respondent characteristics by company size

Company size	Number	%
Below 10	3	1,1%
10-49	54	20,1%
50-249	133	49,6%
250-999	54	20,1%
1000-4999	18	6,7%
Over 5000	6	2,2%
total	268	100,00%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

Table 3. Respondent characteristics by form of ownership

Form of ownership	Number	%
State-owned company	29	10,8%
Private company – owned by domestic entities	167	62,3%
Private company – owned by foreign entities	42	15,7%
Private company – owned by domestic and foreign entities	30	11,2%
Total	268	100,00%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

As for non-response bias, no major differences were indentified between the answers of the first and the last group of respondents.

Considering the goals of the research project, it has been assumed that all aspects of company behavior will be related to its performance. The aggregated measure of the company's performance covers its profits, sales volume, market share and ROI compared with those of the competition.

The variables describing particular characteristics of the distinguished types of company behavior in the internationalization process were subjected to reliability analysis. The Cronbach α coefficient is statistically acceptable, amounting to 0,76-0,92.

The research confirms the occurrence of all proposed types of company behavior in the internationalization process.

Among the companies investigated, the dominants ones were “Active” – 46,7%, and “Independent” – 38,7% - Table 4.

Table 4. Types of company behaviour in the internationalization process and company performance

Types of company	Number of all firms of a given type	Number of firms of a given type which answered questions about performance	PERFORMANCE		
			WTC	STC	BTC
Type A “Active”	91	70	5	27	38
	38,5%	46,7%	7,1%	38,6%	54,3%
Type B “Subbmissive”	8	8	0	7	1
	3,6%	5,3%		87,5%	12,5%
Type C “Independent”	78	58	8	23	27
	35,9%	38,7%	13,8%	39,7%	46,5%
Type D “Realist”	18	14	6	5	3
	9,2%	9,3%	42,9%	35,7%	21,4%
Total	195	150			
	100%	100%			

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

The type of behavior referred to as „Active” is dominated by companies whose performance is better than that of the competition. This demonstrates that openness to cooperation with foreign entities, an active creation of relationship networks with them , and a formal internationalization process have a clearly beneficial influence on the company’s effectiveness.

What is both interesting and surprising, companies which are closed

to cooperation but are formalizing the internationalization process achieve a high level of effectiveness. More than 46% of companies of this type declare that their performance is better than that of the competition.

Companies which are closed to cooperation, which spontaneously develop the internationalization process and are passive towards the creation of a relationship network, perform much worse. This is because just over 21% of realists perform better than the competition, and nearly 43% of companies of this type perform worse than their competitors.

The last the investigated types of company behavior in the internationalization process is Type B – open to cooperation, but at the same time spontaneously developing the internationalization process, and passive towards the creation of a network of relationship with foreign entities. In this case, the majority of the companies investigated achieve results similar to those of the competition. It could be tentatively assumed that this group does not differ from its closest competitor.

Referring to the above empirical data and types of company behavior in the internationalization process, three hypotheses were formulated. They were also discussed and consulted with top managers of selected companies:

H1. Companies following the types of behavior characterized by better results in relation to those of the competition should represent a higher level of market orientation.

H2. Companies successfully building relationships with entities of the international environment should represent a high level of internal marketing, which conditions the proper utilization of their external resources.

H3. Companies closed to cooperation with entities of the international environment use traditional methods of building competitive advantage on the basis of internal resources to a greater degree than companies open to cooperation.

The modified version of the Narver and Slater scale embraces the following 14 items:

1. Our commitment to serving customer needs is closely monitored.
2. Sales people share information about competitors.
3. Our objectives and strategies are driven by the creation of customer satisfaction.

4. We achieve rapid response to competitive actions.
5. Top management regularly visits important customers.
6. Information about customers is freely communicated throughout the company.
7. Competitive strategies are based on understanding customer needs.
8. Business strategies are driven by increasing value for customers.
9. Business functions are integrated to serve market needs/
10. Customer satisfaction is given to after sales service.
11. Top management regularly discuss competitors' strengths and weaknesses.
12. Cole attention is given to after sales service.
13. Our managers understand how employees can contribute to value for customers.
14. Customers are target when we have an opportunity for competitive advantage.

The above items were measured on a five-point Likert scale from “disagree” to “agree”. It was assumed on the basis of earlier empirical studies by the research team that the sample would be divided into three roughly equal groups based on a market orientation score labeled “high MO”, “medium MO” and “low MO” for further analysis (see table 50. These three groups represent significantly different level of market orientation as measured by the Narver and Slater scale.

Table 5. Market orientation characteristics

Market orientation	Mean score on five-point scale	Number of respondents
Low	$\leq 3,5$	87
Medium	$> 3,5 \leq 4,1$	89
High	$> 4,1$	95

Note: 1 – disagree, 5 - agree

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

To verify hypothesis 1, the relationship between market orientation and four types of company behavior in the internationalization process

were assessed (see table 6).

Table 6. Market orientation and types of company behaviour In the internationalization process

Types of company	Low MO	Medium MO	High MO	Total
Type A	8	32	51	91
	8,8%	35,2%	56,0%	100,0%
Type B	2	6	0	8
	25,0%	75,0%	0,0%	100,0%
Type c	23	26	29	78
	29,5%	33,3%	37,2%	100,0%
Type D	16	2	0	18
	88,9%	11,1%	0,0%	100,0%
Total	49	66	80	195
	25,1%	33,9%	41,0%	100,0%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

It can be clearly seen that the highest level of market orientation is represented by “Active “ companies. The majority (56%) of companies from this group are characterized by a high MO. In total, over 91% of “Active” companies have a solid market orientation basis. Independent, the second most market oriented type , represents a much worse profile because only 70% of companies from this group have a high or medium market orientation, just over 37% of them representing a high MO. No “high MO” companies were found among those of Type B or Type D.

A company’s internal marketing orientation was described by a number of statements based on a preliminary study conducted by the research team. It was agreed that the internal marketing orientation scale would

combine the following five items:

1. Our employees often share their experience, opinions and knowledge with other workers in the company,
2. We organize meetings for employees to encourage the expression of their views and opinions about our company management,
3. Our employees often share the knowledge and expression of their views and opinions about our company's business activities,
4. Our company accepts employee suggestions concerning management improvements,
5. We regularly organize employee training courses covering our international activities.

The sample was then divided into three roughly equal groups. It is based on an internal marketing orientation score labeled "high IMO", "medium IMO", or "low IMO" for further analysis (see Table 7).

Table 7. Internal marketing orientation scale characteristics

Internal marketing orientation	Mean score on five-point scale	Number of respondents
Low	$\leq 3,40$	87
Medium	$> 3,40 \leq 3,83$	83
High	$> 3,83$	96
Total		266

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

To verify hypothesis 2, relationship between internal marketing orientation and four types of company behavior in the internationalization process were analyzed (see Table 8).

Table 8. Internal marketing orientation and types of company behavior in the internationalization process.

Types company	Low IMO	Medium IMO	High IMO	Total
Type A	14 15,4%	18 19,8%	59 64,8%	100,0%
Type B	3 37,5%	1 12,5%	4 50,0%	100,0%
Type C	25 32,1%	17 21,8%	36 46,1%	100,0%
Type D	10 21,8%	18 39,1%	18 39,1%	100,0%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

The results obtained confirm the second hypothesis. They clearly suggest that firm open to cooperation with entities of the international environment represent the highest level of internal marketing orientation among the companies investigates. Over 50% of Type A companies describe their IMO mentioned above, almost one third of these represent a “low IMO”. Therefore, closeness to external cooperation is to a large extent accompanied by closeness to cooperation within the company.

Hypothesis 3 was made, at least in part, to explain the sources of relatively big market successes of Type C companies. It was assumed that, unlike companies of Type A, they build competitive advantage with more traditional methods, particularly by developing new products. However, the research results did not confirm the existence of such regularity (see Table 9).

Table 9. Product development and types of company behaviour In the internationalisation process

	Type A	Type B	Type C	Type D
We actively develop new products and services to lead the market	65 73,0%	4 50,0%	50 64,1%	6 33,3%

Source: K. Fonfara, *Zachowania przedsiębiorstw w procesie internacjonalizacji – próba poszukiwania teorii marketingu międzynarodowego*, Marketing i Rynek, no 1, pp.2-7.

CONCLUSIONS

The research carried out demonstrates that companies which are open to cooperation and which actively create a Network of relationship with entities of the international environment represent a clearly high of level of market orientation than the other company types do. Additionally, Active companies, results are usually better than those of the competition. Their success is attributed both to attention to relationships with the external environment and to perfectly developed relationships within the company – in terms of internal marketing the Active type represents a clearly higher level in comparison with the other types of company behavior in the internationalization process.

The causes of relatively frequent success of Independent companies are not quite clear. Survey results allow for concluding that companies closed to cooperation with entities of the international environment relatively frequently achieve results which are superior to those of the competition. They often represent a high level of market orientation. It can be expected that at the analyzed level of empirical data aggregation, companies of Type C achieve effectiveness not so much through the creation of formal dependent organizational structures. Such company behavior may result from the specificity of the industry and from the company's organisational culture. However, it clearly turns out to be optimum behavior under existing market conditions.

It is worth noting that the two opposite approaches to conducting international business have one feature in common: in both cases the internationalization processes connected with company management are of formal nature, and are a well-thought-out, well-prepared and professionally implemented method of achieving success in the market. This is what

makes these types essentially distinct from the other two types of behavior in the internationalization process. In the latter cases, internationalization processes are spontaneous in their nature, which may account for a considerably lower effectiveness in the market.

Undoubtedly, a number of questions concerning companies' behavior in the international market in the context of their market orientation will be answered, at least partly, within-depth case studies currently conducted as part of this research project.

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National security - definition, character and determinants. Studies on the quality of security

TYTUS KAMIŃSKI

MISTAKES AND RECOMMENDATIONS FOR THE MANAGERS

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ABSTRACT

Director perform central role in achieving the goals of the organization completing the functions of planning, organizing, motivating and control. On the other hand management team performs the function of technical, interpersonal and conceptual, of which especially interpersonal and conceptual are within the competence of the Director. Experience shows, however, that top-level managers involved in operations and technical decisions, survive in the operational issues manifesting their professionalism. Fear of incompetence and disloyalty subordinates and excessive rigor cause significant errors in achieving the objectives through other people.

Lack of planning and structured cooperation with employees, exerting pressure, ineffective decision-making, errors in guidance and control, and cross the border incompetence is described weaknesses management practices.

An important condition for the success of a manager is to allow the interpersonal skills to fill the role of an effective manager: to influence and achieve objectives in terms of participation subordinates. Decision-making and implementation with the active participation of, seamless control and the use of conflict situations as an opportunity to improve the organization of this important recommendations for practice managers.

KEY WORDS:

manager, organization, subordinates, functions, role, strategic decisions

INTRODUCTION

Mistakes committed in the managing practice have essential influence on the condition of the organization and the careers of the managers and their subordinates. This article contains a diagnose of the mistakes made

in the management practice and recommendations for the successful development of the manager's career. Presented analysis is based on the personal experience of the author: his management practice in the companies as well as his research and development work, which was concentrated on the way the companies function and transform, with a special impact on their managing systems and organizational behaviors. In this article I used selected books from the area of management and organizational behavior.

The director is a crucial person in every organization. The theory of the management considers about director's role and functions. In his famous work, H. Fayol distinguishes five functions, which should be fulfilled by the directors: predicting, organizing, giving orders, coordinating, controlling¹. As one of the functions is called 'giving orders', it definitely points to this kind of director, who represents the authoritative way of managing. In Fayol times, there was practically no alternative to the hierarchical style and giving orders, as far as the management practice is concerned. The complexity of the organization was relatively little, the workers' qualifications were not high, as well as the simplicity of tasks, which were usually divided into even easier operations – all of these caused that giving orders and executing them was not complicated.

Later definitions of the management functions does not change much, but they mention motivating or leading instead of ordering. Also 'coordinating' is now included into organizing function. Ordering function, fulfilled by the authoritative director, is replaced by more universal and capacious category that a representative of a participating style may identify with. Participating style gains on its value when the complexity of tasks, organization and management process rises.

W. Kieżun suggests a different division of the director's roles. He divides them into the substantial, interpersonal and the role of the organizer². R. A. Weber thought that the managers' roles (skills) may be divided into conceptual, political and technical, and especially the first two of them should characterize the directors. Technical skills are the priority on the lower level of management³.

As far as the opinions of the authors presented above are concerned, the role of the managers may be described as: - interpersonal (political): aims are realized by using other people, therefore interpersonal function

1 Fayol, 1926

2 Kieżun, 1997, s. 189-190

3 Webber., 1990, s. 535

is the art of influencing on the attitude and behavior of the subordinates, - mix of conception and strategy, connected directly with the realization of the aims of the organization, - substantial, connected with the knowledge of the branch, where the organization works.

Therefore, it may be said that effective management is possible when following functions are realized: planning, organizing, motivating and controlling as well when director is concentrated on his conceptual and interpersonal roles, which means using people working in the organization in order to achieve some goals. In other words, the essence of management is to take and drill decisions.

This rule, however, meets a lot of obstacles when it comes to the management practice. The obstacles not only cause that top level managers make crucial mistakes, which enable them to be successful in their work, but also badly influence the work of the subordinates and the way the whole organization works .

What kind of mistakes do the directors make? What are their causes? I will show you main “seven sins”, which are committed by the managers and because of which, the managers do not fulfill their functions in a proper way. In the second part of the article, I will show you a model example of a manager, who fulfills the role of a leader and achieve his aims by using the subordinates. That part of the analysis covers also the answers for the following questions: What kind of features and abilities should a manager has? In what way should managers fulfill their roles? How can a manager successfully make and later - drill the decisions? How can he create such conditions at work that will help to maintain the atmosphere of cooperation and later on – to solve the conflicts? All in all: how can one help his career?

1. MANAGERS` MISTAKES

1.1 UNPREDICTABILITY AND DISORGANIZATION

A lot of managers commit a sin of disorganization their work as well as the work of the whole company, they also abandon planned working. The top level manager should be able to predict future conditions of work not only when it comes to his company, but also his competition and further surrounding. Planning is a process, in which future conditions of work for the whole company are formed. The thing is that the company needs such kind of structural organization and strategy of action which will give it the

best chances in the market competition. Planning is a process where we make decisions, which lead to maintain or even upgrade the efficiency of the company in the future. The basic aim within the function of planning is creating and transforming the structure and the strategy of the organization. This aims belong to the long-term planning (strategy planning) and they belong to the top level managers' competences.

We have to remember, however, that the director of the organization is at the same time the direct supervisor of the lower level managers and experts. Therefore, another aspect of the director's function is make a short-term plan of action for his subordinates. The top level managers have to not only make decisions which shape the conditions of work for the organization in a long-term perspective, but also they have to influence their subordinate workers and experts in a direct way.

If we look at the director's role from the perspective of tripartite of his function, then his conceptual role (and abilities) must be mentioned at the first place, later one should add interpersonal skills. It means that director and his closest co-workers create a centre of decisions, which leads the whole company. It means necessity of intense and successful conceptual work and permanent looking at the organization as a uniform system, which is pointed at achieving strategic goals (profit, development/survival, improving position in the market, etc.). In other words, director has to see his company from the bird's eye view in order to be able to make proper decisions.

There are two crucial problems, when it comes to the way the 'centre of decisions' works. One of them is the atrophy of planning your own work. Planned activities take, usually, at most half of the time when director is working; very often planned activities take only 20% of director's time⁴. Therefore, director works only on operative problems or temporary issues, which should be solved at the lower levels of organization. The consequence of such a situation is that the manager's work day is being partitioned. Researches show that directors make from few dozen up to several hundred activities through their working day.

When the director is too busy with the operative issues, his conceptual work disappears. Researches show that directors spend only 5-13% of their time on their conceptual work. Everyday management practice is to throwing one activity over another and working under the pressure of time.

⁴ Kieżun, 1997, r.8

Another problem of the 'centre of decisions' is the hypertrophy of the collective work (I did not use the term 'team work' on purpose here). Permanent assemblies and conferences take time and they concentrate the attention of the director, managers and specialists of the company. Conferences are good opportunity for director to manifest his competence and omniscience.

From the one side, director gives in the pressure of the surrounding, and he or she becomes personally engaged into current problems of the company, from the other side – director try to handle operative actions, he or she wants to be irreplaceable and become an unchallenged leader.

1.2 IMAGE AT ALL COSTS

It is best to fulfill the role of a leader during the meetings, conferences and other forms of collective work, when there is no connection to the team work. In practice, it becomes a theater where only one actor performs - in that case it is the director (who is in the centre of attention).

Taking care of 'everything' and trying to control the biggest possible range of activities and problems are the symptoms of the authoritative style of managing. It appears when the directors are afraid about their careers and they suspect that their subordinates can be disloyal. It becomes then a defensive mechanism.

"All the world's a stage, and all the men and women merely players"⁵. If we observe the way the director-autocrat plays his role, we can notice that the possibilities coming from the team work and role of the leader are wasted in that case. Teams can take care of a wider range of problems than individual specialists, they make less mistakes, they can also take more risk than an individual. Teams' results are (usually) better, especially if we sum up results gained by a single worker and compare them with the ones achieved by the team. Those features suggest that teams may be used to solve especially difficult issues or when some hard, risky/unpopular decisions have to be made. Strength of the team is the crucial condition if the task is to be done correctly, as the right number of people assures wide range of knowledge on the one hand, and on the other – that knowledge will be fully and ably used. In the theory of the management and organization there is a rule, which says that there should be no more than a few people in a team.

5 Szekspir, 2001

While playing a role of a leader of a team, one cannot try to dominate the team and impose personal opinions. Director, who has the formal power, may easily do this and dominate all the members of a meeting. In such case, the role of the members will be limited to extras, who have to unconditionally accept his ideas and decisions.

Leader of the team should especially:

- listen to all opinions without judging them
- should not be competitive with others
- should not push, as the person who is being pushed cannot focus on the problem, because he or she tries to defend
- use all the members of the team
- make work goes smoothly, as it means that the time of the team is used effectively. W. Kieżun believes that 10-20% of working time should be dedicated to the team work. But in reality, directors and their co-workers spend on that half of their working day. Moreover, it does not meet any of the conditions, which are mentioned above, as it is based mainly on proving personal abilities.

The bad-played leader's role is not the only mistake the director makes. He does not create the right image of the leader of the organization. As a leader, director should be able to make impact on his subordinates.

Even if the directors cannot successfully manage the team, they can still have impact on their co-workers; this kind of impact becomes from the tradition and also from the legal authorities. This kind of impact is attributed to a position rather than to a person who holds it⁶.

Such kind of influence is gradually losing its importance, as the complexity of the organization and tasks executed by workers is rising. The better qualified the workers are, the less they are willing to fulfill the orders and recognize the prestige, which is connected only with the position.

Managers, who uses the central way of management and who do not want their subordinates to manage with them, are trying to petrify their power through fear. It is not only ineffective, but also immoral way of managing people.

Boss does not trust his people and is afraid of disloyalty. Director does not believe in the competence of the workers, which ends up with the disappearance of initiative and independence. As a consequence, work-

⁶ Webber, 1990, s. 144

ers tend to throw their problems and tasks on their director. As he does not want to become ineffective, he starts dealing with them and he feels responsible for the results.

Therefore, people who run the company have to engage personally in all problems and tasks, as their workers are lacking independence. Wrong played leader role becomes the second sin committed by managers.

1.3 FEAR OF CAREER

Fear of the future is another weakness of the managers. They do not fulfill their role as a leader in a proper way, because they are afraid of the failure, losing their influence and position and moreover, their motivation is negative. As a natural consequence of such situation, managers have strong need of security, which does not predestinate them to the leader's role. Being personally engaged into the technical problems, which should be resolved by subordinates, belongs to the lowest level of the management⁷ at most.

Fear of the future and position is caused by the remissness in the area of planning function. Top level of the authority in the company, which has the main role in long-term planning, commits three categories of mistakes because of the fear of the future.

As the managers want to achieve visible results, they will aspire to obtain the results of their actions and decisions as quickly as possible. Being focused on protecting their position, managers give too much attention to the presence and it effects the future.

Secondly, giving priority to the urgent issues causes that the top level manager, acting under the pressure of time, will handle them in a first place, at the expense of strategic problems, which are crucial for the future of the company.

The lack of faith in the future is the third problem. It is caused by the negative motivation among the managers, who will aspire, at most, to maintain their positions and achieve status quo. Managers treat changes as threats and they are afraid to confront with them.

Managers who work under the pressure of urgent issues have to work instantly and therefore, do not have time to prepare their orders concerning current problems and tasks. At the same time, they brings pressure on their subordinates, as they want tasks to be done effectively. Their instruc-

⁷ Barbachowska, 2007, r.4

tions are often changed, especially when the managers change their subjective attitude toward the problem or when the situation changes. Therefore, subordinates have to adjust to the situation, which changes any time the manager's point of view is changed. This type of nervous, chaotically way of working is contagious to all workers of the lower levels in the company. Directors, being under pressure, 'infect' their subordinates and at the same time – the whole company. As a result of such situation, the relations inside the company are getting worse, workers do not identify with the company as they used to before, and the quality of the executed tasks is lower. The level of workers' motivation is falling, they are more willing to avoid executing their tasks or they do them without showing any personal invention. The lack of predictability and permanent pressure creates more conflicts, which are caused directly or indirectly, by the director, who is working under the pressure of time and does not have a well-considered plan of working.

1.4 REDUNDANT PRESSURE

Feeling the threat and fear for the own career is associated with noticing surroundings as not-supporting, competitive or even hostile. In such situation, a personal tendency to exerting pressure to defensive purposes appears, which additionally (besides chaotic, nervous contacts with subordinates) has a destructive influence on internal attitudes is exerting in the organization and increases the number of conflicts.

Frequent conflicts can become a field of operation for the managers, as they perceive them as a threat for the realization of tasks and their own position. Fear and the confrontational attitude cause that out of the scope of techniques of affecting conflict, manager chooses "mutations" of dominance of the individual and the majority, which are set to exerting pressure. In the first case, the extreme form of reaction-dismissal may be overused for the workers which are involved in the conflict. However, more mature and effective method of transferring antagonism to the boss, who declares to solve the problem (and therefore, gains the prestige and resolving a conflict) is more rarely applied. Dismissal and other forms of punishment cause further worsening of the atmosphere in the organization.

In the situation of applying the dominance of the majority, the policy of the defending practice consists in concentrating the dominating number of employees involved in the conflict around the person of the boss;

recruiting supporters willing to help the boss in order to exert pressure instead of integrating subordinates around joint setting in accordance with the best practice in this respect.

Tendency in solving conflicts, which bases on using the pressure in order to defend one's position is moving "down". Subordinates participating in conflict are resorting to the method of the pressure - of imposing own solutions with cost of the other side or on the contrary, of avoiding or adapting. First from defensive techniques consists in ignoring conflict, second appears if one gives the priority to the purposes of other sides of the conflict over his own benefits. Subordinates infected with methods of the pressure applied by the director do not apply methods of the compromise or the cooperation turned for achieving the benefit by both sides by the give-and-take or treating conflict like a problem towards the common solution in their organizational life.

Another problem associated with worsening internal relationships in the company regards the functioning of informal groups. Being afraid of their own position, the directors do not want to make any kind of coalition apart from one in which they are alone in participating (one that is "safe", under control). Weakening the density of groups causes their defensive reaction, which leads to the boomerang effect and reduces all positive effects of their functioning, in it above all:

- positive attitude of employees for the company and the realization of its purposes
- improvement in the discipline of the work if the defence against the management is more important
- practical training and help for the group members, which lead not only to the growth of independence in execution of the task, but also creates the need of being co-dependent in making decisions
- representing interests of members, also perceived by the executive committee as threat for their position.

Exerting the unjustified pressure in the course of carrying out is other scene of described interpersonal problems of control function. The exaggerated rigorism associated with the orientation on tasks (rather than for people and their proper motivating), is leading to the instability of day-to-day issues in evaluation criteria applied by the superior who is acting under pressure. The orientation on tasks causes, that they can be particularly excessive and the tendency to manifest professionalism, as it was described

above, increases the range of control.

The managers, who treat their subordinates as their competition or threat, are aspiring to find and punish those, who are guilty of the shortcomings, rather than to make the diagnose of the problem. Instead of conclusions which can lead to the correction of mistakes and the improvement of the quality of the execution of tasks, the motivation is disappearing. The only things that are left in such situation are the aversion to work and managers.

It is clear that leading the defensive policy of exerting pressure causes bad results for the social subsystem of the organization, influencing both to internal relationships and to the quality of the execution of tasks in a destructive manner. That kind of policy is ineffective, because it has at most immediate influence on the subordinates. When the supervisor leads the 'win-defeat' kind of game, the workers try to change their situation and therefore, they concentrate on defending their own interest rather than on organizational aims. As a result, the human resources of the company cannot be used in a proper way.

1.5 LACK OF THE EFFECTIVENESS

Ineffectiveness is the fifth sin committed by the managers. A destructive influence on the staff of the company, described above, is only one part of the problem. The director who disrupts the work, plays the part of the leader instead of fulfilling it, who is afraid of subordinates and exerts the permanent pressure cannot effectively manage the organization. Mistakes created in the process of making decisions are another aspect of his ineffectiveness.

First of all, as the managers have a tendency to manifest their professionalism, they often become engaged into decisions which lies in the the scope of powers of their subordinates. As the result, they do not give themselves enough amount of time, which is necessary to make crucial decisions or to solve difficult problems, which belong to the area of the highest, strategic level of the management. Dealing with trivial problems causes that the managers are drowning in details.

Secondly, the exaggerated tendency to control and exert influence causes, that the director is interfering in all problems – both actual and potential ones. The principle of manifesting the activity causes, that the possibility of seeking another, better solutions or adopting the alternative

in the form of the omission are rejected. Problems have their hierarchy in the same as the organization has, the director cannot take care of every single problem.

Thirdly, one should answer the following question: “Who should make that decision?” It is best to solve the problems if one is as close as possible to the place, where they were born. But “omnipresent” boss is aspiring to the direct interference, even if he or she does not have enough information and/or sufficient experience.

In such situation, the common problem of the limited rationality, which appears while making decisions, becomes sharpened, because the more problems appears, the more limited the scope of information and experience in solving them is. Facing excessive load, the managers agrees on the first solution, which seems to be sensible in his opinion⁸.

1.6 INCOMPETENCE

Limited competences become another problem of the management practice. In addition, it has to be underlined that they are an effect of exaggerated and unnecessary requirements, which director gives to herself or himself. It is possible to assume that the promotion in hierarchy is sort of a trap in the manager’s career. The manager finally achieves the level, when the requirements of the position are starting to outgrow him or her. It is, of course, possible for one to imagine the position, where he or she cannot handle the duties, but there is no reason to do such thing on one’s own wish. Director, who thinks that his current position differs than lower/current with only a growing number of matters which have to be done; decisions which should be made or issues posing a direct challenge, is crossing border of incompetence of one’s own free will.

The weakness of such an unreflective, extensive attitude toward the position that one holds, is the lack of quality changes in the way of fulfilling that person’s role.

History knows a lot of examples of the people, whose careers developed or got stuck in place thanks to using the possibility or throwing it away, because they had no idea how to develop it. Alfred Sloan, the legendary chairman of the General Motors, used to manage his empire by using his closest co-workers’ competencies. He used to analyse the crucial problems with his subordinates and later on, he formulated the concepts

⁸ Stoner, 2011, r. 9

of solving them. Harry Truman, by becoming the president, achieved the level of incompetence, but thanks to his work on the conceptual skills (especially in the area of foreign policy), he became an outstanding president. Lyndon Johnson could not handle with the requirements of his role in the way his charismatic precursor did (who was supported by advisors), because he did not manage to seize all the problems⁹.

1.7 INABILITY OF MANAGEMENT

First of all, incompetence on the position of the director of a company means inability of management. Presented deliberations show weaknesses in fulfilling all the functions that the director has. Lack of planning and organization his work is a common sin, which appears on the level of the director's and his subordinates own work. The tendency to disruption, unpredictability of action and making decisions under pressure of time - all that move to the bottom rungs of the company. Filling the function of managing the subordinates comes down to overusing one's formal position and pushing own arguments and solutions through. Abusing the authoritarian style is burdened also with exerting pressure on subordinate employees in fear of their disloyalty and one's own career. Another result of such style of management is control, which is adjusted on looking for the people who may have caused the problem, instead of diagnosing and creating solutions. Exerting pressure is strengthening (still natural) dislike for the inspection and is worsening the social atmosphere in the organization.

Another problem is remissness in the case of headwork, and as a consequence – in creating and changes of the organization strategy. The director interested in manifesting his omnipotence is using his time for numerous decisions and action from the scope of powers of the subordinates.

Mistakes in performing the interpersonal function, treating subordinates like the competition or ascribing them incompetence or irresponsibility, collide with the role of the manager, and achieving goals by using other people.

2. RECOMMENDATIONS FOR THE MANAGER'S CAREER

2.1 CONDITIONING AND ALTERNATIVES OF THE MANAGER'S CAREER

Above paragraphs describe basic mistakes made by the top level managers during their practice of managing. Let us now analyse how it should

⁹ Drucker, 2000, r. 6

be, how one can successfully achieve his goals by using other people for the sake of the organization he or she is managing and one's own career. First of all, we should define what are the conditions that allow to realize one's career. What are the features, which are essential in order of realizing the career? What are the alternatives of performing the role of the manager?

One of the attractive alternatives of the vertical promotion (at times, even up to the level of incompetence) is career based on enterprise, which can be carried out by people, who are operative, initiative and have some ideas. Such kind of people do not have to count only on their own, individual business work. They can play essential roles in the corporations. It is so because in big corporation, such type of worker can be promoted in a horizontal way from one organizational unit to the other and because of that, the worker can gain rights to act and solve the problems independently. People, who realize themselves with such "business spirit" need to have the liberty in the scope of planning their working time and the way they execute their tasks. Such career (and role) is characterized by the big tendency to innovations, experimenting in a brave manner, independent way of thinking and introducing changes. Presented independence is the basic reason why workers decide to choose this way of professional realization. The analogy to the manager's career consists on the role of the conceptual work needed to fulfilling the tasks in an independent way¹⁰. The significant difference lies most of all in aiming to the goal individually, contrary to the situation of the director, who achieves his goals by using other people.

It is worth mentioning here that all the sins mentioned above, which are committed by the managers, are caused by one "original sin" – fulfilling the interpersonal function in a wrong way. Lack of the scheduled and of structured cooperation with subordinates, exerting the unnecessary pressure, mistakes in deciding, conducting and controlling and crossing border of incompetence - these are effects of improper performing of the political role.

Improper performance of the latter weakens achieving crucial aims of every organization, both the universal ones as well as those placed by economic organizations. The identification of purposes and needs of subordinates with aims of the organization, providing the co-management and the harmonious cooperation at minimizing conflicts are the priorities of all organizations, which result from psychosocial conditioning of activity.

Priorities of the economic organizations, such as profitability, efficien-

¹⁰ Kostera, 1998, s. 100-102

cy of action, productivity, position on the market and innovation are compound, difficult problems, which can be solved in cooperation with linear and functional managers and specialists. Therefore, political competence (interpersonal) states for the factor of the manager`s success. Conceptual abilities are the second condition when it comes to the realization of the mentioned aims. Technical skills are the least useful, because it is objectively impossible to grasp interdisciplinary, folded issues of the contemporary organization and the necessary participation of subordinates.

In the situation of having interests and high competence in specific field, the best alternative for the manager`s career would be a career of the specialist, which leads to achieve the position of the expert or the advisor in the specific field or the function of the company. Worker who realizes alternative career develops his qualifications in order to get the title of the expert of all kinds. The possibility of having a job, that is consistent with one`s interests and predispositions, as well as the independence of action, can be a significant motivation for choosing such path of career.

The diagnosis of managerial predispositions may be useful for a manager who wants to choose his path of career. It comes down to defining the positive and negative features of the manager and his role in the team (company). Kieżun suggests the set of 15 positive and negative features of the manager.

Chart 1. A model presentation of positive and negative characteristics of the manager

Positive features	Negative features
1. A leader of each team should be emotionally stable. It is important for the sake of the good atmosphere if the manager`s attitude is predictable.	1. Instability: subordinates cannot be sure when it comes to the attitude of their manager. Lability of the boss has a destructive influence on internal relations in the organization.
2. Being consequent when it comes to defend the interests of both the company and subordinates.	2. Criteria of proceedings are: opportunism, conformism, yielding to pressures, the unconditional popularity

3. Thruthfulness: the boss should not manipulate with information. It does not reject the usage of the sociotechnics for the sake of the team and the quality of the tasks.	3. Manipulating with information and subordinates. Tendency to create intrigues.
4. Objectivity, which leads to understanding and using the opinion of subordinates.	4. The manager lets to be guided by stereotypes and prejudice. He is unwilling to verify his personal opinions.
5. Personal approach, which enables influencing the subordinates in effective way in the direct span of the management (at least) and their involvement in the decision making.	5. Treating all subordinates in a schematic way. People want to be treated individually.
6. Leader listens carefully to his subordinates and draws conclusions from their statements.	6. He does not give attention to the opinion of his subordinates.
7. The manager maintains his relations with the subordinates in a natural and friendly way. Bluntness without familiarity.	7. Being too formal and too concern about creating the distance between the boss and employees cause aversion and mistrust among the subordinates..
8. He or she applies fair sanctions directly after the reprehensible behaviour of the employee.	8. Lack of consequence and applying the sanction after too long time from the incident, which effects that sanction loses its emotional connection.
9. The manager supports his subordinates. Moreover, he or she creates the atmosphere of the mutual loyalty and identification	9. The boss who is disloyal to his subordinates cannot count that they will be respectful and fully engaged into their tasks.
10. The competent manager appreciates and shows off the contribution made by his subordinates, and also appreciates their service for the company.	10. Bad boss claims all the credits for himself. He does not appreciate the contribution of his employees and therefore, he destroys their motivation and initiative.
11. A boss wants his employees to develop their qualifications.	11. The manager treats the well-qualified workers as a threat and his competition.
12. The director appreciates team working. He leads his team successfully and uses its potential. He feels good also as a member of the team.	12. The manager is an individualist who is not able to cooperate or compromise.

13. He appreciates if the task was done correctly and individually. He expresses deserved recognition.	13. He avoids praises and rewarding. He does not miss a chance to point out the mistakes, which are at times attributed arbitrarily.
14. Opened, positively predisposed to the new concepts of his subordinates. He is motivating and creates good atmosphere for the innovation and adaptations of companies.	14. He is sceptical when it comes to the ideas of his subordinates, he often rejects them beforehand only because he did not make them up first. He is also afraid of the competition of his subordinates.
15. He is also creative on his own, he shows initiative in executing new solutions.	15. The manager is a conservative, who multiplies the schemes.

Source: Own study on the bases of Kieżun W.,
Sprawne zarządzanie organizacją, SGH, Warszawa 1997.

It has to be noticed that first two features concern the personality of the manager, whereas the rest of them characterize his relations with subordinates and because of that, they become an analytical diagnose of his interpersonal skills. Moreover, the last three features describe the character of technical abilities, which are desired on such position. Elements such as: openness to new ideas, the creativity or the positive attitude toward the innovation, are strictly connected with the conceptual and interpersonal abilities of the manager. The twelfth characteristic shows off significance of both roles - the leader and the team member, as they are particularly useful to realize the participating style of management and solving peculiarly compound, difficult problems.

The above presentation of characteristics of the manager may be treated as an element (stage) of diagnoses of the manager's practice and the tool used for verification.

The second step of the diagnose of one's predispositions for a manager, would be to answer the following question: What do you like better – working alone or as a part of a team? What kind of values lead us in our professional work?

Everyone who chooses team work has to decide about the role (position) would be best for him or her. Some people fulfill in the roles of subordinates – you do not have to aspire for the highest position in hierarchy uncritically. Others feel better in a role of advisors or experts – someone, who supports and mobilize to undertake action, and also prepare the back-

ground, essential for making crucial decisions in the future. Such people are valuable because of their expert knowledge and intellectual predispositions. However, they should not cross the barrier of bearing final responsibility of the important decisions. In practice, the problem appears when a consultant, thanks to his knowledge, is promoted to a managerial position and they do not find themselves in a role of decision-maker. In such case, it is better to dedicate oneself to the horizontal career, choosing one of the mentioned before path of career.

When it comes to the values, which lead us through our professional career, we have to decide what would be a reference to us (ethical values do not count here). I will use my own example in order to explain. I used to work as a manager of the economic section, later I became the main economist in a big company, which employed 1000 workers. I decided that achieving higher and higher positions is not motivating for me and I lost my interest. I admitted that my values are: authentic, satisfying relations with people and developing in the area, which actually interested me.

My personal diagnose changed my professional path completely. In the beginning of the 90's I started researching the processes of economical transformation. After achieving doctor's degree, I started working as a professor of management.

In case of the managerial career, conceptual and interpersonal skills should be used achieve the goals of the organization, and also – as a tool to make and execute decisions.

Third step of setting the conditions for the manager's career would be defining the individual sense of control. In the model, extreme perspective one may speak about the outside or internal locus of control. In first case, we agree that achieving goals depends on extrinsic factors: of surroundings, partners, the competition, unpredictable conditions, the force majeure or also a fate. Such a situation causes that people are unwilling to act, and their motivation is paralyzed. Leader cannot manage people effectively in such case.

In the second case the dominating belief that everything depends only on our will and actions, the only things which are important are our time and intentions, we can shape the surrounding accurately to our will, our achievements depend on our acknowledgement. Such an extreme may suggest “the God complex”, which was popular among several dictators, who did not count with the opinion of other people. Napoleon, by claim-

ing that France is a *mâîtresse*, which would give him as many soldiers as he was willing to send to the death, became a historical example of the leader with the internal locus of control. The leader, who is rational and effective (in a long stretch) has to be convinced that his actions are effective, that he has influence on reality that surrounds him and that he is able to manage the organization in the successful way. He cannot, however, disregard the influence of outside conditioning and the need of adaptation¹¹.

In conclusion, it has to be stated that in order to define the conditions of manager's career the most important issues are:

1. Determining positive and negative features, which determine or collide with performing the role of the manager.
2. Evaluation of individual predispositions to fill exposed position in the team, which is conditioned by the ability of making decisions. As the leader bears responsibility for executing the decision, the rest of the team has to support and advise him.
3. Locating control in the internal position along with understanding and the competent ability to adopt to restrictions and conditions of organizations, which are lying in the inner and outside environment of the company.

2.2 FULFILLING THE ROLE

If predispositions to the role of the leader are verified positively, one should ask the question – what are the typical problems connected with filling the leader's role?

One of the essential problems concerning the senior managers is the case of disagreement of managing styles between those practiced by themselves and those applied by junior managers, who are subordinate to them. In case when criteria of achievements are not strictly shaped, those workers who are similar to their supervisors usually have better results. Differences, however, should not be fought against, but rather used for achieving goals. When the senior manager uses the authoritative style and his subordinate is a democrat – the subordinate should not be limited by controlling, discipline or constant intervention. The authoritarian superior should allow some autonomy of his subordinate when it comes to the way of executing the task or the relations with his subordinates, by determining his own criteria of performing a task and the mode of announcing prog-

¹¹ Webber, 1990

ress while accomplishing them. Avoiding giving orders in a simple way is necessary for filling up the interpersonal function. By making adequate decision, supervisor should prove his qualifications and rights. If the supervisor has need of participation, he will not be satisfied with a supervisor, whose power is only formal. In that case, subordinate would not get involved into executing tasks.

In case when the superior is a democrat and junior manager represents the directive style, then according to his principles, he should delegate tasks for the subordinate; however, the method of mutual arrangements should be replaced by justification why the task should be executed. Because of that, the superior affects the need of approval and competency of the subordinate. At the same time, the junior manager who is used to the hierarchy, is expecting firm instructions instead of a discussion about the task. What's more, if only not to lose the authority convincing, according to one's style, the subordinate whether asking his about the opinion (what the subordinate can recognize as the incompetence of the boss) the superior should show that he has suitable qualifications for performing his role (accuracy of decision, manner of the communication, formal certificates and so on).

Another problem is connected with the rising complexity of decisions, which have to be made by the manager. Incompatibility between decision powers and responsibility is connected with the above issue, especially since the specialists, who interfere into performing a task have more and more entitlements. What is more, the incompatibility results from the aspiration of the manager to achieve the goals of the organization, while the specialist is loyal above all for rules of field which he is representing. For example, when the manager of the company will aspire to achieve maximum use from the manufacturing capacity to reduce unit costs, specialists of the marketing from that corporation will be aspiring to diversify the assortment, as their main goal is to win the customers from the different segments of the market. Such kind of disturbing the territory can be justified or on the contrary: caused by particularistic aspirations of the experts, who want to increase the influence and by doing so, they hamper the action of the manager by destabilizing it. In such cases, the manager should appoint a team, which will decide whether the solution would be useful for the company. Team should create a coalition, which would introduce solutions beneficial for the company.

In conditions of the complexity of technical problems, cooperation

between managers and specialists have to lead to achieve the goals of the organization, and managers should have the leading role in this process.

The harmonious cooperation between subordinates and specialists verify in a positive way if the latter can achieve goals by managing other people and therefore, if they are capable of being a leader.

While formulating further recommendations for the practice of performing this role one should pay attention to the specificity of the manager's situation when it comes to the pressure from the subordinates and superiors and surrounding of the organization. One should prepare the alteration of these requirements in the same manner as solution for a technical problem is prepared. If the modification will be taken in the form of conversation with using rational arguments and the respect of the partner, it will bring no damage at least. The probability of the success is bigger when we take care of the positive image and relation.

Also a change of expectations, which consists in resignation from the goal, when we do not have influence on it, may be beneficial. Perfectionism and a lack of understanding are a frequent mistake made by the senior staff, as well as keeping distance towards the mistakes made by subordinates. One should not expect that people will not make mistakes. One should remember that a success in executing tasks depends on the atmosphere and the participation of partners. The tightly-knit team will do the task better than permanently reprimanded employees.

One should not also require the infallibility from itself. An unconditional defence is a universal reaction to the criticism. It is better to exploit it to modify one's action by using the surrounding as a mirror for our actions. Fear for the career, described in the first part of the article, causes that one starts to avoid the criticism, which is (de facto) helpful in development of the career (let us add that whether a negative opinion will be admitted openly depends on the specific situation).

It is also useful to retire from those conditions of role which are especially burdening, if one wants to fulfill the role successfully. One person cannot take care of everything, because nothing will be accomplished. That is why, first of all, problems and tasks which belong to the competence of subordinates should be delegate to them. Secondly, some manager's tasks may be done only if it is really necessary. Control, treated negatively because of its repressive character, may be one of the examples of such tasks. Therefore, it is necessary to apply it only in the essential scope and only

in the form, which will support the motivation of the employees. A form of the current control set to diagnose and solve problems can be advantageous.

Developing individual rules can be helpful in the manager's practice, especially when one observes to them, which helps avoiding the dilemma: what should I do now. For example: he functional director deals with issues from his scope on the one side, whereas on the other he is the boss of the numerous team. That is why, as a part of sorting the requirements associated with the performed role, the director should establish dates, when he will be dealing with problems of his employees (pays, conflicts, professional development, etc.), and when with issues from his scope, and also, when he will be dealing with other matters like communication (banks, contracting parties, other organisations).

Presented ways of dealing with typical everyday requirements of the role of the manager will help him in formulating and achieving goals of the organisation and let us add – of his own career.

2.3 MAKING DECISIONS

In the managing practice, the special role falls to the decision making – to the process of recognition of the problem and establishing such way of action, which will lead to solving it. Perception of the problem is subjective for at least two reasons. On the one hand, it depends on the formal position of the manager, for example: the boss of the marketing section prefers the higher level of supplies, but the director for financial is afraid that too much supplies will cause a problem for him¹². But on the other hand, the evaluation of a situation depends on an individual system of values, experience and criteria applied in practice by the director¹³. If the fear for career, described in the first part of the article, is the weakness of the director, and that fear states for the subjective criterion of his action, then he will engage into solving problems which belong to the scope of his subordinates' competence. What is more, it is possible that he start seeing problems, which do not exist in reality, and he will do this only to manifest his professionalism (and significance of his role). It is a simple way to in order to drown in details, instead of achieving essential objectives of the organisation.

¹² De Witt, Dearborn, Simon, 1958, s. 20-22

¹³ Guth, Tagiuri, 1965, s.123-132

It has to be decided – what kind of problems should be handled? What are the things that manager should really take care of?

In order to answer the above questions, one should answer one more question, which is: can the problem be solved easily? Does it belong to the routine issues from scope of competence of the subordinates? If it does, then problem should be delegated to the lower levels of managers, according to the principle, which says that problems should be solved close as possible to the place where they begun, because there is the biggest amount of information and practice in that case.

Another issue appears when it comes to decide if the problem should be handled at all. For that purpose one should establish a hierarchy of the importance of problems. Those at the bottom should be passed to the subordinates. It may turn out that interference is not necessary at all.

Third dilemma is the question about individual responsibility of the manager in the area of solving the problem. To shape that area, we need to ask ourselves further questions. Firstly, one should settle whether the problem regards organizational units, which are not managed by the director. Another question: does the decision lie in the scope of manager's competence and duties? Does he have information which are sufficient in order to solve the problem? And the last one: does the budget let him to solve the problem? If the answer is "no" for any of these question, then the decision should be passed to the higher level of the management¹⁴.

Therefore, answering a question for the scope of the decision making (and of problem solving), or, colloquially - what should concern the manager, one should notice the dichotomous attempt to delegating. The leading rule in this respect says, that the problems should be solved as close as possible to the place, in which they came into existence, which means the area, where there are the greatest abilities to untie them. It is not always about passing them "into the bottom", but practice shows that this is what happens most often.

Every rational action is proceeding according to the specific scheme. The process of the decision making consists of four stages¹⁵. Most of all, it is necessary to define the problem, and decide, by using all the principles mentioned before, whether indeed the manager should be personally engaged into it. If the answer is positive, the essence and aim of the decision have to be settled (for example, to make the company profitable).

¹⁴ Stoner, 2011, s. 244

¹⁵ Archer, 1977, s. 43-47

Another stage of making decisions is to seek for the possible solutions of the problem. For that purpose it's good to use some of well-known methods of the team decision making, for example: brainstorming or the expert method. This is how the set of possible solutions of the problem is formed.

In the third stage we judge the solutions and we choose the best one. At the same time, we have to be aware if the chosen one is possible and satisfactory.

The process of decision making is finished by drilling it and later, by monitoring the effects; in case of any interruptions, the solution should be adapted.

Limited rationality and accepting the first possible solution, which seems to satisfy the director, are the two most common mistakes. In first case, making decisions is impoverished by limited skills and other personal restrictions, as well as the incomplete information. Second case appears when the director has a tendency to accept first satisfactory solution and giving up looking for the optimal one¹⁶.

Neglecting the last stage, which often appears in practice, is another limitation connected with making decisions. At times, directors consider that their role ends, when they make the decision. In order to solve the problem or achieve the goal, one cannot forget that implementation is also crucial.

Catholic Church, the organization with the tradition embracing two millennia, uses the effective method of minimizing the limitations of the decision making. During the process of canonization, "the devil's advocate" is searching for the defects in the résumé of a person, who candidates to become saint. Any defects which were found, might have been used against the future saint. One may act similarly, when it comes to making decisions, especially the crucial ones. Co-workers and advisors should seek for the weak sides of the solution, verify them and eliminate the mistakes, which result from the natural limitations of the decision-maker.

Making decisions and, therefore, creating and implementing conceptions, which will help the company in achieving its goals, is not a one-person process. The director has of course the main role in it. However, his subordinates, who lighten him by making operative decisions on their own, and provide higher quality of the implemented conceptions, are also very important.

2.4 IMPLEMENTATION OF THE STRATEGIC DECISIONS

Strategic planning may be described as making decisions, which lead to rise or maintain the efficiency of the company. The top level managers

¹⁶ Simon, 1983, s. 12-23

have a special role when it comes to creating the strategy of the organization. Such strategy includes two elements: planning and making decisions, that is actions, which lead to implementation of the plan¹⁷. Strategic plans, in the contrary to the operational ones, which belong to the competence of the lower level management, guarantee the success of the organization. The essence of the role, which the management board plays for the perspectives of the company, may be described well by the following statement: "Running business is at one point similar to running war. If the general strategy is right, then no matter how many mistakes would be made, the venture still would be successful"¹⁸. It is important, however, to integrate operational plans with strategic ones (long-term), which will ensure that the strategy is executed successfully.

Therefore, it is crucial for the managers of the medium and lower levels to know strategic plans of their company. Their ability to plan and realize their own tasks will be bigger, if the tasks are strictly connected with the strategy. Moreover, the direct superior will have higher prestige and influence on his subordinates if he realizes the strategy of the company in effective way. The same happens if the supervisor not only passes the tasks from the higher level of the management, but also let his subordinates to become aware participants of the action.

Effective communication is a necessary condition in order to integrate the strategic plan from the board management with the operational intentions of the lower level managers. Communication in this case becomes another way, how a manager can fill the interpersonal function¹⁹.

External symptoms of diversity of the position might be also important element when it comes to the communication with subordinates. The image of the superior and the place, where the conversation is held both have influence on the way subordinates receive the content passed by director.

The art of persuasion deserves recommendation. Especially if one complies with three rules:

Firstly: the superior has to have reliability, based on knowledge and skills.

Secondly: his opinions, personal features and image should be accepted by the subordinates. It should not be the image of an omniscient leader, because if subordinates notice any weakness, then the boss could easily lost

17 Gilbert i in., 1988

18 Chandler, 1962, s.325

19 Pocztowski, 1998, s.111

his authority and influence.

Thirdly: it should be underlined if the piece of information is particularly valuable or intended only for chosen people.

Influencing through persuasion is effective, because, as I wrote above, the superior explains to his works why the task should be done, what kind of importance it has for the organization, when it comes to achieving goals of the team or the company. Such kind of activity influences on the need of approval and competence that every worker has.

It has to be said that his kind of influence is effective in relation to the subordinates, who aim to satisfy the needs of approval and competence. When it comes to the subordinates of the higher level of management, other managers and specialists – such situation is common.

Common decisions including realization of the strategy of the company should allow using the competence of workers in executing the decision. Co – determination in the scope of their competences favors identification with tasks. Given autonomy favors realization of the rule, which says that problems should be solved in the place where they exist.

2.5 TECHNICAL AND PARTNER CONTROL

Controlling is a management function which leads to define at what stage the assumptions of the plan are fulfilled and if any corrections of the strategy are needed. When it comes to practice, this type of function causes the most problem in the area of interior relations in the organization. Usually, controlling is received as a repressive action, which effects in negative consequences, punishment for the imperfections (which are often unaware). Such perception of control causes that it violets the feeling of safety and evokes the fear for negative assessment among the workers.

The manager should remember that if subordinates fear for destabilization, they could lose their motivation for action, apart from such kind of action which would bring the safety and the good atmosphere at work back.

Animosity toward control is especially strong when the tasks were excessive. Unrealistic tasks cause only negative feelings and lack of motivation, because they make the subordinates look incompetent. In such case, task stops being a challenge and becomes even a provocation. One has to remember that giving tasks, which are too easy and beyond the employees' qualifications, is not right either. Such an approach causes frustration and is a happening with time self-confirming prophecy concerning lowering

the level of filling up tasks by employees “disaccustomed” by the superior from the interesting and motivating work. When the aims are placed higher and they are at the same time reachable, they can motivate the workers.

Unclear or unstable criteria of assessment are another reason why control evokes frustration. The employee has to know the criteria of the assessment in order to adjust his action and to avoid doing extra work, which may be assessed negatively. What is more, the criteria should be stable. One cannot change the rules in the middle of the game, because the subordinates would not be able to comply with the rules.

Tension and animosity may occur also in case when there is disagreement between the style of managing and the way the control function is fulfilled. If a manager declares to be a democrat and a friend, but while controlling he will act like a slave driver, it will evoke nothing more but the dislike toward him and the tasks that he orders. If the reaction is too violent and emotional, it may create a conflict and waste the possibility of diagnosing a problem, as well as improving the action.

Control cannot outgrow the real needs and cost more than it is worth. If a manager does feel well in his role, is afraid of incompetence and disloyalty of his subordinates, he will manifest excessive tendency toward controlling.

So how should one effectively and peacefully control subordinates? How to provide the usefulness for the control function for achieving future purposes?

Problems with control, which were described above, can be limited if one changes his approach from repressive to technical. For the manager, who fills the controlling function it should be a priority to diagnose a problem, not looking for guilty and punishing. Subordinates present their propositions of executing goals and they negotiate them with the superior. The superior modifies the solution and adjust to the strategy of the organization of the company. Superior and subordinates work out together common regulations regarding the task and the way it would be assessed. If the co-dependence is guaranteed, then control may occur during the current cooperation.

A boss has to remember that subordinates are responsible only for issues they can influence and therefore, he should treat them properly. That is why it is important to remember that rights should be delegated along with the responsibility²⁰.

20 Webber, 1990, r. 9

Moving the point of gravity from repressive to technical attitude toward the control function will influence on the improvement of the quality of tasks, which are realized and also – internal relations in the company. It will also rise the prestige and popularity of the boss, who can create good atmosphere.

2.6 CONFLICTS AS OPPORTUNITIES

Conflicts which are connected with the correlation of the people in the companies, can be a good chance for a manager to introduce advantageous changes and strengthen his own position. Conflicts inform about the problems and stimulate activeness and engagement. By managing the conflict in a proper way, a manger can influence his career.

In his work, Webber recommends a method called as “domination of the unit, condition or majority”. In first case, the superior may suggest his subordinates to move their antagonism on him and promise to solve the problem. When the superior release his workers from the problem, which is emotionally absorbing for them, he gains respect. At the same time, he can solve the problem easier, as the strong engagement that usually evokes conflicts, is gone.

Coalition with one or more supporters, are desired. When the conflict appears, even one supporter may significantly strengthen the boss's position. Coalitions between protector- protégé are the most common. One has to remember, however, not to make a clique out of coalition. In that case, coalition could evoke some extra animosity, what would destroy the aspiration for extinguishing the conflict. One should treat it as the problem and create possible solutions in cooperation with coalition partners or at least to convince them to one's concept before it will be confronted with subordinates brought into conflict.

Another way of influencing the conflict by domination happens when we achieve agreement between the majority, and therefore, the protesting minority can be omitted. The manager integrates the subordinates by giving them common goal (task). Those, who do not agree, are risking that they would be rejected, put out of the main stream, in which the team functions.

What is more, the position of the high level manager gives one the possibility to be an arbitrator in case when the employees or managers of different organizational units which are subordinate to him, are the sides of

the conflict. High level manager can lead mediations between the sides of the conflict. In that case, each side should be encouraged to admit that it did some damage to the other side (hostile is understandable here). When subordinates understand the essence of the conflict (and they soften their emotions), boss has to propose the possible solution.

Manager can be a part of a conflict himself. He may then give way to temptation of using his formal position and push the opponents. However, it is much favorable for him to use the cooperation method. By using the rule “won-won”, one should aspire to achieve the maximization of the common effect. However, it should be recommended to a manager to distance himself to the emotions and treat conflict as an opportunity to work out solutions, which would be suitable for all sides of the conflict²¹.

Having a successful influence on the conflict supports the boss in creating his positive image – of the one, who takes care of a good atmosphere in the company and who treat antagonisms as opportunities to introduce the possible changes.

2.7 COMPETENCE AND EFFECTIVENESS

In order to have a successful career, the manager has to have the right predispositions and, moreover, he has to know how to use them (check paragraphs 2.1 and 2.2). It is recommended to segregate different requirements connected with a position, as it helps to decide what to do in a particular day, without feeling constant pressure about the priorities. This useful technique leads to the better way of organization manager’s own work, who “infects” lower levels with good practice. Moreover, thought-out relation with subordinates, which consists in modifying their expectations in a deliberate way, can also help with spreading that good practice. Also, one’s own expectations should be verified, so that the boss would not become frustrated, if they do not fulfill.

Effectiveness of the manager manifests especially when it comes to making decisions. The decision making process, which ensures that a company will work efficient in the future, is one of the crucial element of the manager’s role, as it combines the planning function with the conceptual skills.

What is more, limiting mistakes committed while making decisions, for example, by using method of “devil’s advocate”, recommended in this

²¹ There, r.13

article, requires interpersonal competences, which are necessary for a harmonious cooperation between the subordinates and manager.

Cooperation is also an important condition when it comes to implementing decisions in a successful way. Political skills become then a tool to lead the subordinates, as they realize following intentions: effective communication, influencing technique, regarding needs of higher level, persuasion and making common decisions – these are the factors, which can make a manager to be successful.

Cooperation and technical approach toward fulfilling the control function, instead of exerting pressure and looking for guilty, enables the boss to find the reason for deficiency in a peaceful way. It also gives him knowledge, which is necessary in order to create another plan.

Competent superior can out distant himself from emotions, which help him to treat the conflict in his company as a demanding problem. For a successful manager, when the interior conditions get worse, it is a good opportunity for him to renew the situation in the company. It may also be a chance for him to improve his own image and position, thanks to his successful and thought-out way of influencing on the antagonisms between workers.

Successful way of filling the political function is therefore a tool to influence one's subordinates when it comes to make and implement decisions, peaceful controlling and solving the conflicts. Being a partner to his co-workers, using their qualifications and participation, help the manager to achieve goals and be effective.

CONCLUSIONS

Presented analyses lead to answer the questions set in the introduction.

1. Mistakes made by managers are: lack of organization and planning their own work, which cause that action of the lower levels becomes random and unpredictable. Ineffective directors yield to pressure of the current problems. They also engage themselves into the operational issues and, therefore, they cannot fulfill the managing function as well as creating the strategy of the organization.

Replacing the team work with a “monodrama”, where the manager, manifesting his professionalism plays the main role; making and executing decisions without using the competences of his subordinates, causing pressure in case of the conflict and controlling – there all

are sins, which may cause a break in one's career. Manager does not achieve his goals by using his subordinates and, because of that – he does not fulfill his role.

2. The basic reason of the mistakes is lack of trust to the subordinates, fear for position and career of one's own, insecurity in filling the role. Perceiving subordinates as competition or opponents cause making pressure, pretending to be omniscient, and as a result – filling the interpersonal function in the wrong way.

3. The basic predisposition for a manager to achieve goals is making decisions and interpersonal skills, thanks to which he uses his subordinates' qualifications and fills his role.

4. While fulfilling the role of a manager, one should, first of all, have in mind the style of work of employees, in order to shape the relations harmoniously. Secondly, define individual rules of filling the work, in order to avoid the permanent dilemma: "what to do now?" Thirdly, it is important to modify expectations of not only oneself, but also his co-workers.

5. Making decisions, the essence of the manager's practice, should take into consideration:

- answers to the questions of the sense of making decisions,
- described, rational scheme of making decisions,
- personal limitations and need of verification of decisions, which are taken. I recommend here the "devil's advocate" method and participation of the co-workers.

Cooperation is also necessary when it comes to implement decisions. It may be ensured by using political skills in a proper way: communication, making decisions along with subordinates.

6. Shared arrangements concerning performed tasks and the technical approach towards the control will limit the negative attitude associated with the frequently coercive attempt to this function and the exaggerated aspiration to extending its scope.

Also, conflict should be treated as a technical issue, an opportunity to improve internal relations and one's image.

7. Using recommendation which results from the presented analysis can help in the practice of achieving goals by using other people, and therefore, it can improve the career of the manager.

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National security - definition, character and determinants. Studies on the quality of security

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INNOVATIONS IN SMALL AND MEDIUM-SIZED ENTERPRISES IN POLAND¹

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ABSTRACT

Innovative activity constitutes the grounds for development of modern enterprises. It is a main factor influencing the increase of the enterprise's value and keeping its competing position.

The goal of this article is to present the problems related to the innovative activity in small and medium-sized enterprises in Poland and to indicate some innovative operations in implementations of innovations in these entities. In the article was used statistical data of the Central Statistical Office (GUS) regarding the innovative activity from years 2004-2006; 2006-2008; 2008-2010, as well as the results of the innovative activity analyses in a medium-sized company from a group of industrial enterprises. .

KEY WORDS:

innovations, innovative enterprises

1. INTRODUCTION

Small and medium-sized enterprises play a vital role in the country's economic development. They are an important source of employment and they generate almost half of GDP in Poland (in 2009 the gross weight of added value in a sector of enterprises hiring up to 10 people amounted to 21,1%, from 10 to 49 people – 11,5%, from 50 to 249 – 21,4% and for en-

¹ Act of 2 July 2004 on Freedom of Economic Activity (Journal of Laws No 220 from 2010, item 1447, art. 105-106) defines that a small entrepreneur is the one who, in at least one of two previous financial years, hired less than 50 employees (it is one of criteria of qualification of enterprises), and a medium entrepreneur is this one who, in at least one of two previous financial years, hired less than 250 employees (it is as well one of criteria of qualification of).

terprises hiring over 249 people - 46%.²

So that the enterprises could keep on developing and play even a greater role in the economy, it is necessary to ground their activity on knowledge and innovations. To this extent small and medium-sized enterprises are facing a great challenge since they are forced to compete with large enterprises which have at their disposal incomparably larger financial resources and opportunities of influencing the market, shaping supply or undertaking any activities in the area of competition. This being the case, are small and medium-sized enterprises doomed to the failure, or are they having some chances in competing with a much stronger opponent? This problem isn't an easy one to solve, for sure, and it requires from the managing body lots of determination and willing to fight for survival and development of the enterprise.

One of important components of a competitive struggle is the ability to notice any changes occurring inside and outside an enterprise, adjust to them, as well as using them to improve functioning of a company. The innovative changes have the particular significance, and they should be made in every aspect of functioning of an enterprise. In literature on a subject it is often pointed out that introducing innovations is a base of development of enterprises, enables them to achieve market success and acquire permanent competitive advantage, is a condition for maintaining and growing the enterprises' value.

However, what kind of changes can small and medium-sized enterprises afford, considering the fact that very often they have limited resources at their disposal? And how can they get indispensable information on these new, innovative solutions? Well, the grounds for any innovations are constituted by knowledge. J. J. Brdulak points out that knowledge is the key component of a managing system in a modern enterprise, it is a base for creating and learning processes (inventions and innovations).³ Therefore, it is important that people interested in making innovations have a quick, non-expensive and easy access to the considerable amount of knowledge.⁴ Acquisition and use of knowledge rarely implies large expenses, and the effects of using it can be incomparably bigger than potential costs. Small

2 <http://www.parp.gov.pl/files/74/81/469/12554.pdf>, Report on a sector of small and medium-sized enterprises in Poland, PARP 2001 [20.02.2012].

3 J. J. Brdulak, *Zarządzanie wiedzą w procesie innowacji produktu. Budowa przewagi konkurencyjnej firmy*, Szkoła Główna Handlowa w Warszawie, Warszawa 2005, p. 159.

4 J. Baruk, *Zarządzanie wiedzą i innowacjami*, Wydawnictwo Adam Marszałek, Toruń 2006, p. 82.

and medium-sized enterprises should be open to any new, innovative solutions and should implement them, to the extent possible, in every area of their activity.

2. THE ESSENCE AND CLASSIFICATION OF INNOVATIONS

The issue of innovations is extensive, but it's also differently put depending on a scientific discipline within which it is considered. Basically, innovations are most often associated with technical novelties. In a polish dictionary innovation is defined as introducing something new, the process by which an idea or invention is translated into a good or service, or something that results from this process, a reform, a novelty.⁵ The classic definition proposed by I. Schumpeter defines innovations as discontinuous performing new combinations in five following cases:

1. introduction of a new good – the one that consumers aren't familiar with yet – or a new kind of a good;
2. introduction of a new method of production, not used before in any branch of an industry;
3. opening of new market, where a branch of an industry wasn't presented yet, regardless of whether the market existed before;
4. conquest of a new source of supply of raw materials or half-manufactured goods – once again, irrespective of the fact whether the source existed before or just had to be created;

wprowadzanie nowej metody produkcji, jeszcze nie wypróbowanej praktycznie w danej gałęzi przemysłu;

5. implementation of a new form of organization, for example creating a monopoly situation or breaking a monopoly position.⁶

In order to get a complex look on the issue of innovations in an enterprise one may assume (in reference to the definition of management, existing in a literature on a subject), that it is the entirety of activities connected to introducing any improvements regarding managing, to the extent defined as planning and decision making, organizing, motivating and controlling, directed to the material, financial, human and informative resources.⁷ This definition covers the issue of innovations in any area of

⁵ Mały Słownik Języka Polskiego, Wydawnictwo Naukowe PWN, Warsaw 1994, p.266.

⁶ J. Schumpeter, *Teoria rozwoju gospodarczego*, PWN, Warsaw 1960, p. 104.

⁷ R.W.Griffin defines management as a combination of actions (including planning and decisions making, organizing, leading, i.e., managing and controlling

activity of an enterprise.

In the available information and statistics innovation is defined as implementing a new or a significantly improved product (a good, a service) or a process, a new organizational method or a new marketing method in an economic practice, workplace organization or environmental relations.⁸ Whereas the innovative activity is the entirety of scientific, technical, organizational, financial and commercial actions which lead (or are supposed to lead) to implementing innovations. Some of these activities have the innovative nature, but aren't a novelty, although they are crucial for implementing innovations. The innovative activity also includes research and development work (R+D), which is directly connected to creating a specific innovation. Products, processes and organizational and marketing methods don't have to be a novelty on the market within which an enterprises functions, but they have to be a novelty at least for the enterprise itself. Products, processes and methods don't have to be prepared by the enterprise, they can be developed by another one, or by a unit of a different nature (a research/ development institute, a higher education institution, etc).⁹

W. M. Grudzewski and I. K. Hajduk believe that innovativeness is the most important driving force behind the development of economy not only in Poland but in the entire world. This is a very specific form of entrepreneurship which is expressed in constant search of using new combinations of productive resources for gaining and increasing the capital, and mainly the profit.¹⁰ M. Kleiber defines innovativeness as a synergy of knowledge, entrepreneurship, though-out regulations and the general culture of creativity.¹¹

In order to get to know the issue of innovations there should be performed analysis of already existing classifications of innovations. In the literature on the subject the innovations are divided according to different criteria. With respect to the originality of changes innovations are divided into:

people), referring to human, financial, material and informational organizational resources and performed for achieving goals of an organization in quick and effective ways. – look R.W.Griffin, *Podstawy zarządzania organizacjami*, PWN, Warsaw 2004, p. 6.

8 *Działalność Innowacyjna przedsiębiorstw w latach 2006 – 2009*. Informacje i opracowania statystyczne, GUS, Central Statistical Office, Warsaw 2010, p. 6.

9 *Ibidem*, p. 6.

10 W. M. Grudzewski i I. K. Hajduk, *Zarządzanie wiedzą w przedsiębiorstwie*, Difin, Warsaw 2004, p. 16.

11 Report on Innovativity of Polish, Memoteza 2011. <http://madra-polska.pl/raport/Raport-o-innowacyjnosci-polskiej-gospodarki.pdf> [20.02.2012]

1. creative innovations (original, pioneer) which were introduced to the particular economy for the first time, they play a decisive role in its development;
2. imitative innovations (reproductive, secondary) consisting in reproducing original changes which give certain effect in particular place and time.

With respect to personal and institutional linkage criteria:

1. dependent/conjugated innovations – changes are the effect of joint effort of certain number of people and institutions; they are a basic form of innovative activities in modern economy;
2. independent/nonconjugated innovations – changes are made by one author in an isolated system; they are displayed in rationalization activities.

With respect to an innovation stimulating mechanism:

1. innovations of supply – they are consequence of inventions, discoveries and ideas stimulated by scientific and technical development; functioning of the supply innovation stimulating mechanism consists in scientists – creators of new techniques – discover and invent things because of their scientific inquisitiveness, creativity predispositions and individual need of achievements (self-realization);
2. innovations of the demand – they are stimulated by a need for appearing on the market or outside the market. A path to innovations leads then to carrying out proper research, creating an invention or searching for a completed solution (possibly its development).

In the area of a subject of an innovation and different types of effects attached to them:

1. product innovations – they consist in creating new products or improving the ones already created; they give a chance to increase the income, mainly because of taking into account so-called profitability in prices;
2. procedural (technological) innovations – they apply to changes in production process, they lead to the cost reduction, decreasing processes of resources involvement, increasing industrial safety, etc.¹²

In statistics based on their analyses on methodology of innovativeness research by Oslo Manual prepared by OECD¹³, in a group of innovations divided due to a subject, besides procedural and product innovations there are also organizational and marketing innovations. Product innovations

¹² *Podstawy nauki o zarządzaniu*, collective work edited by J. Lichtarski, Wyd. AE im. Oskara Langego we Wrocławiu, Wrocław 1997, p. 149.

¹³ Look: Działalność innowacyjna przedsiębiorstw w latach 2006-2009, op. cit. p. 18

according to the above methodology, consist in introducing into the market a service or a product which is new or significantly improved in the area of its features or use. Product innovations regarding services involve implementing important improvements in providing services or introducing completely new services.¹⁴

Procedural innovations involve implementation of new or significantly improved methods of production, distribution and supporting activities in respect of services and products. Procedural innovations include new or significantly improved methods of creating or providing services. To the procedural innovations there are also included new or significantly improved techniques, devices and software in supporting activities, such as the supply, accounting, IT service and maintenance.¹⁵

Organizational innovations consist in implementation of new organizational methods into accepted by an enterprise principles (including in the area of knowledge management), workplace organization or environmental relations, whereas that method wasn't applied in the enterprise before. Organizational innovations must be a result of strategic decisions made by a managing body. That doesn't include mergers and takeovers, even if executed for the first time.¹⁶ These innovations may contribute to the significant extent to improving the functioning of an enterprise.

A marketing innovation involves implementing a new concept or a marketing strategy differing markedly from the marketing methods so far applied in enterprise data. Marketing innovations include significant changes in the project/structure of products (product design), the packaging, distribution of products, the promotion of products and forming of prices. Seasonal, regular and other routine changes aren't recognized as innovations in marketing methods. Satisfying the needs of customers is an aim of marketing innovations, as well as opening new markets or the new positioning products of an enterprise on the market in order to increasing sales.¹⁷

In years 2006-2008 CSO for the first time also implemented issues of innovations benefitting the environment (eco-innovations) in examining the innovative activity of enterprises. Innovation benefitting the environ-

¹⁴ Ibidem, p.12.

¹⁵ Ibidem, p. 12.

¹⁶ Działalność innowacyjna przedsiębiorstw w latach 2008-2010, Główny Urząd Statystyczny. Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 34.

¹⁷ Ibidem, p. 42.

ment (eco-innovation) is a new or significantly improved product (or a service), process, organizational or marketing method which benefit the environment compared with alternative solutions.¹⁸

3. ASSESSMENT OF THE LEVEL OF INNOVATIVE ACTIVITIES OF INDUSTRIAL ENTERPRISES IN POLAND IN YEARS 2004-2010

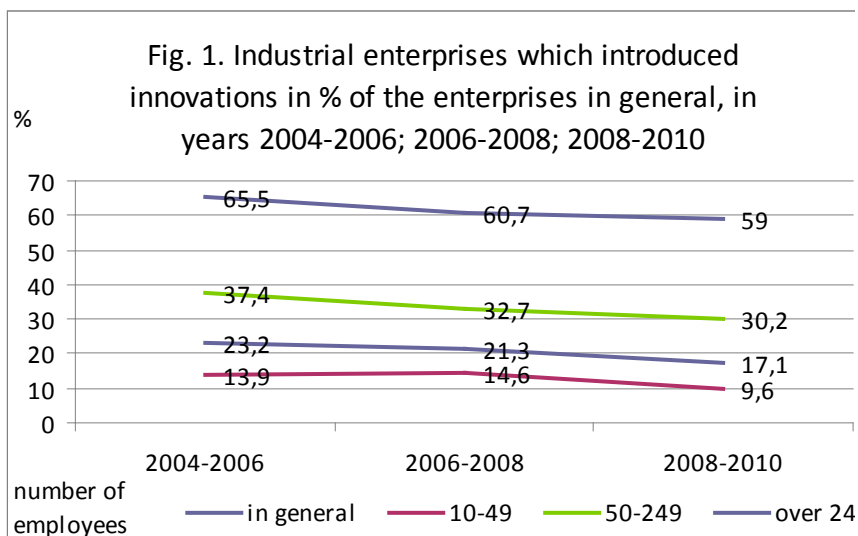
Bringing up issues of undertaking the innovative activity in small and medium-sized enterprises, it is worth to conduct an analysis and an evaluation of the existing state in this area. Conclusions drawn from this analysis can be a guideline for setting the directions of future actions. To make such an evaluation in the article were used statistical data from three periods regarding the following years: 2004-2006; 2006-2008; 2008-2010. In the analyzed period the data - concerning the percentage share of innovative enterprises introducing product, procedural, organizational and marketing innovations – were put together and analyzed.

For the period 2006-2008 there was also made an analysis of the innovation in the area of environmental protection. Moreover, there were also put together information concerning obstacles of undertaking innovative activities. Data concerning small and medium-sized enterprises was compared to information concerning large enterprises.

Research conducted by the CSO show that in the period from 2006 to 2010 the number of innovative enterprises in Poland, either small or medium-sized as well as large ones, was decreased (fig. 1).¹⁹

¹⁸ Działalność innowacyjna przedsiębiorstw w latach 2006-2009, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2010, p. 48.

¹⁹ An innovative enterprise — in accordance to the Oslo methodology, which was taken to the research by the CSO - is an enterprise which in the analyzed period (most often 3 years) implemented to the market at least one technological innovation (a new or significantly improved product or a significantly improved technological process) - look: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 25.



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 52, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80;

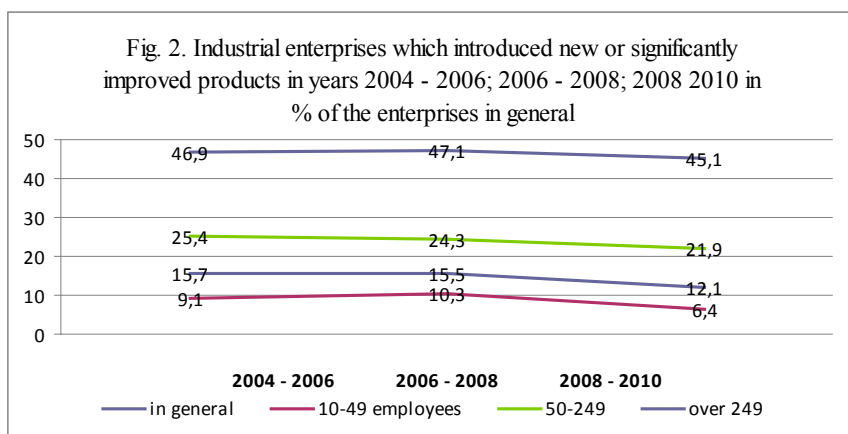
Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111.

In years 2008-2010 only 17,1% of generally analyzed enterprises implemented innovations, whereas in years 2004-2006 there were 23,2% of this kind of companies. The situation is particularly unfavorable for small enterprises, of which only 13,9% introduced innovations in the period 2004-2006.

The share among the enterprises covered by a survey increased slightly within the next period, just to fall down to the lever lower than in 2004-2006, that is 9,6%. Although among medium-sized enterprises the share of the ones introducing innovations is much bigger than in small ones, still the difference compared to enterprises hiring over 249 people is large, because almost a half smaller number of medium-sized enterprises introduced innovations, compared to large companies.

The analysis of particular kinds of innovations also indicates that as

regards the situation of small and medium-sized enterprises seems to be disadvantageous. In case of product innovations the percentage share of small enterprises implementing innovations is much lower than in medium-sized and large enterprises. (fig. 2). Only small number of small and medium-sized enterprises introduced new or distinctively improved products. In 2004-2006 the share of small enterprises introducing such products was 9,1% of total respondents. (fig. 3), while products new to the market were introduced only by 4,3% of enterprises fig. 4). In the next survey there was noticed a small decrease of given numbers, just to drop to respectively 6,4% and 3,5% in period 2008-2010. Medium-sized enterprises introduced much more new or distinctively improved products in this period (25,4% in 2004-2006) but in following periods a tendency of this indicator was also declining.

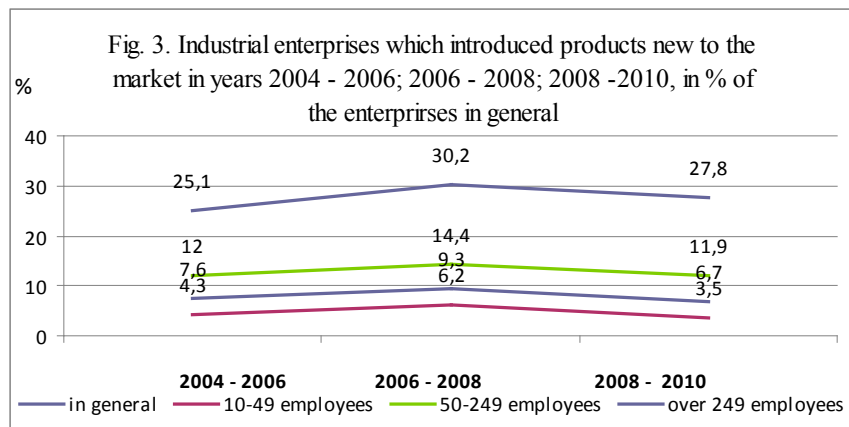


Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 52, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111.

The share of products new to the market introduced by medium-sized enterprises also wasn't significant and amounted to 12% in the pe-

riod 2004-2006, in the subsequent period, rose to 14,4% and decreased to 11,9% in 2008-2010.

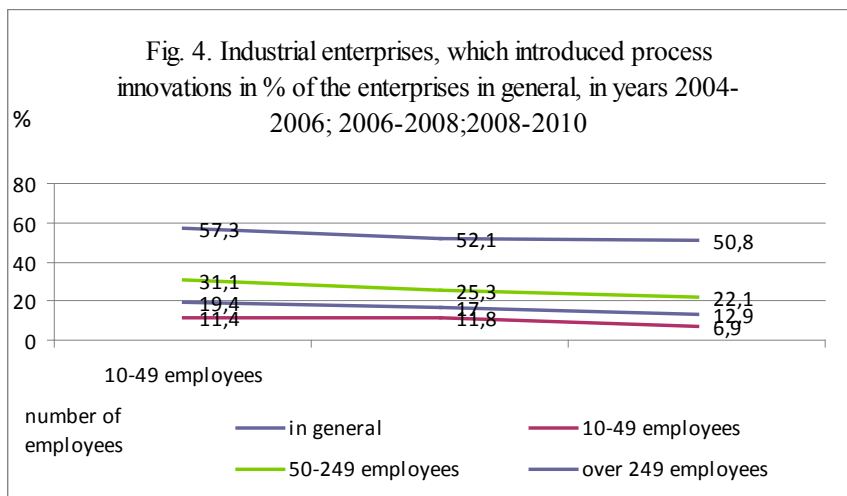


Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 52, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111.

Much higher number of large enterprises introduced products new to the market, in comparison to small and medium-sized enterprises, but in the analyzed period the tendency was declining as well.

Compared to large enterprises, the situation in small and medium-sized enterprises isn't favorable. While analyzing the data it may be noticed that the bigger an enterprise is, the bigger its possibilities in the field of introducing new, innovative products are. However, the situation of all analyzed enterprises in the range of innovations isn't improving, which is confirmed by all the given decreasing indicators.



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 52, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111.

The share of enterprises introducing process innovations (Fig. 6) also indicates declining tendencies in the analyzed periods, and the percentage share of small enterprises introducing these innovations is distinctively lower than of large and medium-sized ones. Only 11,4% of enterprises hiring from 10 to 49 people introduced these innovations in 2004-2006, and in the following period this indicator slightly rose, just to drop to 6,9% in years 2008-2010.

Not many small enterprises introduced innovations regarding methods of manufacturing the product (Tab.1), moreover this number was decreasing from period to period and in years 2008-2010 their share was 5,3% of total number of small enterprises introducing these innovations.

Tab. 1. The share of industrial enterprises which introduced process innovations to the industry in years 2004 – 2006; 2006 – 2008; 2008 – 2010

Specification	periods	in general	Enterprises hiring		
			10-49 employees	50-249 employees	over 249 employees
Methods of manufacturing a product, including:	2004-2006	15,1	9	23,9	44,2
	2006-2008	13,1	8,9	19,5	42,3
	2008-2010	10	5,3	17,3	40,8
Methods in the area of logistics or methods of supply and distribution	2004-2006	5,2	2,9	7,3	21,7
	2006-2008	5,3	3,8	6,5	19,5
	2008-2010	3,3	1,5	4,9	21,2
Methods supporting the process	2004-2006	9,8	4,7	16,3	38,1
	2006-2008	9,2	5,9	13,8	34,8
	2008-2010	6,4	2,8	11,1	33,6

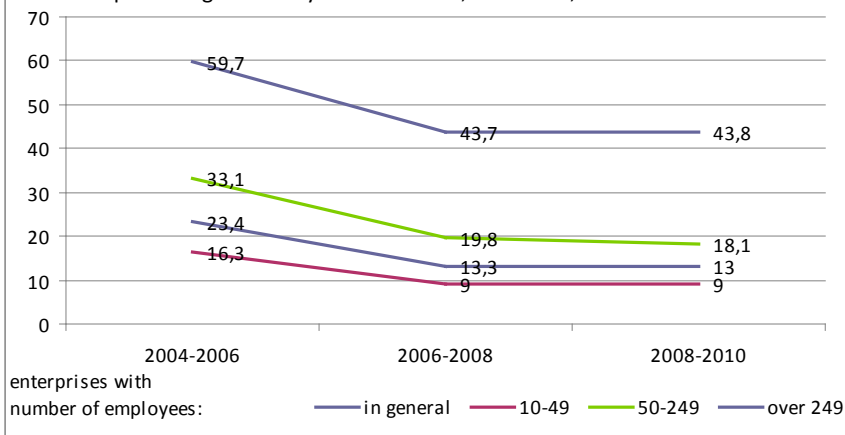
Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 52, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111.

Among the innovations in the field of producing, either small enterprises or medium-sized and large ones more willingly introduced methods supporting processes than methods regarding logistics or methods of supply and distribution.

A very important group of innovations affecting improvement of functioning of a company are organizational innovations. In the analyzed period the number of enterprises introducing this kind of innovations was dropping from period to period. In addition, the number of small and medium-sized enterprises introducing organizational enterprises is much lower than in large enterprises. In 2008-2010 the share of small enterprises introducing organizational innovations in total amount of companies was 9%, in medium-sized ones – 18,1% and in large enterprises – 43,8%.

Fig. 5. Industrial enterprises which introduced organizational innovations in % of the enterprises in general in years 2004-2006, 2006-2008, 2008-2010



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 173, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 200;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 345.

In the area of organizational innovations in 2004-2006 the enterprises were analyzed in terms of introducing new or significantly improved systems of knowledge management, significant changes in work organizing and new or significantly changed relations with other companies or public institutions. (Tab. 2).

Tab. 2. Enterprises which introduced organizational innovations in years 2004-2006, in %, with division into types of innovations

Specifications	periods	In general	Enterprises with:		
			10-49 employees	50-249 employees	over 249 employees
New or significantly improved systems of knowledge management	2004-2006	16,2%	11,5	22,3	42,2
Significant changes in work organizing	2004-2006	13,9	7,9	21,6	46,9
New or significantly changed relations with other companies or public institutions	2004-2006	8,6	5,5	11,7	30,2

Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 173.

In these three areas, the share of small and medium-sized enterprises was rather low in comparison to large enterprises, while small enterprises (as well as medium-sized ones) more willingly introduced new or significantly improved systems of knowledge management than new or significantly changed relations with other companies or public institutions.

In the periods 2006-2008 and 2008-2010 regarded such issues as: introducing new methods in terms of operation, new methods of division of tasks and decisive rights and new methods in the area of relations with surroundings. In respect of these innovations small and medium-sized enterprises the most willingly introduced new methods of task division and division of decisive rights (Tab. 3), while large ones – besides new methods of task division and division of decisive rights, also new methods in terms of operation. It should also be noticed that the number of small and medium-sized enterprises introducing all given groups of innovations was much lower than the number of large enterprises.

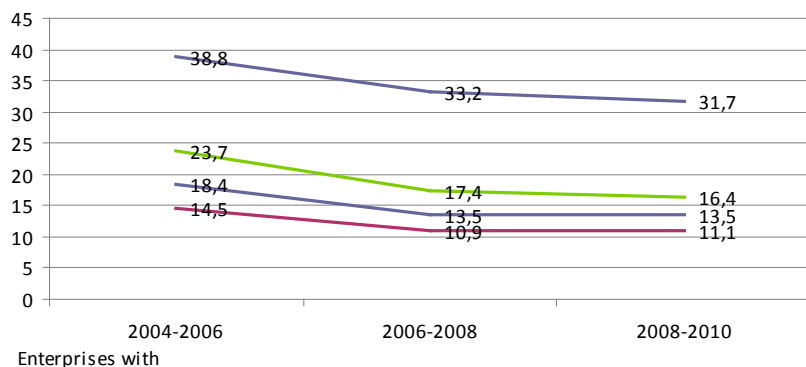
Tab. 3. Enterprises which introduced organizational innovations in years 2006-2008; 2008-2010, in %, with division into types

Specifications	periods	In general	Enterprises with:		
			10-49 employees	50-249 employees	over 249 employees
New methods in terms of operation	2006-2008	8,3	5,1	12,9	32,4
	2008-2010	8	4,7	12,3	34
New methods of task division and division of decisive rights	2006-2008	9,2	6,2	13,1	31,5
	2008-2010	9,5	6,7	12,7	32,5
New methods in the area of relations with surroundings	2006-2008	5,1	3,2	6,9	23,9
	2008-2010	4,8	2,9	6,3	23,3

Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. Główny the CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 200; Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 345.

The great significance for achieving market success of companies make marketing innovations. The overall trend of these innovations show the decrease in 2006-2008 compared to previous period, but in following years is formed at the same level as in years 2006-2008 (Tab. 8). In case of large and medium-sized enterprises the number of these innovations was dropping from period to period, although the share of enterprises introducing them was still much higher than the share of small ones. The number of enterprises employing between 10 and 50 people decreased in years 2006-2008 compared to the previous year, while in the following period it increased up to 11, 1%.

Rys. 6. Industrial enterprises which introduced marketing innovations in % of the enterprises in general in years 2004-2006, 2006-2008, 2008-2010



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 173, Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 200;

Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 345.

In 2004-2006 all types of enterprises more willingly introduced innovations in the area of significant changes in appearance, form, shape or packaging of the products than new or significantly changed sale methods or distribution channels.

Tab. 4. Enterprises which introduced marketing innovations in years 2004-2006, in %, with division into different types of innovations

Specifications	periods	in general	Enterprises with:		
			10-49 employees	50-249 employees	over 249 employees
Significant changes in appearance, form, shape or packaging of the products	2004-2006	14,9	11,9	19,7	33,2

New or significantly changed sale methods or distribution channels	2004-2006	9,3	7,4	11,4	20,8
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Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 173

Tab. 5. Enterprises which introduced marketing innovations in years 2006-2008; 2008-2010, in %, with division into types

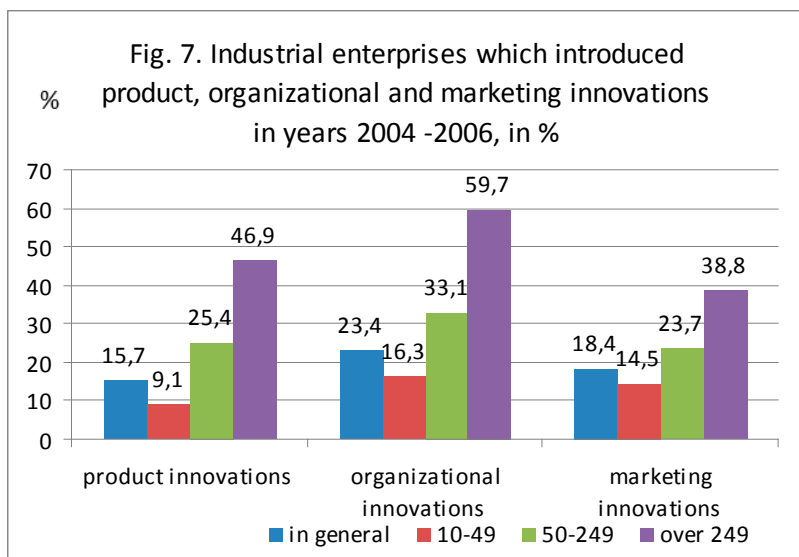
Specifications	periods	In general	Enterprises with:		
			10-49 employees	50-249 employees	over 249 employees
New methods of distributing products	2006-2008	4,1	3	5,3	13,2
	2008-2010	4	2,9	5,4	13,5
New media or techniques of product promotion	2006-2008	6,6	5,2	8	20,2
	2008-2010	6,6	5,2	8	19,8
Significant changes in a project/ construction or a packaging of products or services	2006-2008	6,2	4,3	8,6	20,8
	2008-2010	5,4	3,6	7,8	19,9
New methods of shaping prices of products or services	2006-2008	8,1	6,6	10,4	18,6
	2008-2010	8	6,8	9,4	17,5

Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. the CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 200; Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 345.

In years 2006-2008 and 2008-2010 the biggest share in small and medium-sized enterprises made these which implemented new methods of shaping prices of products and services (small enterprises 8,1% in 2006-2008 and 8% in 2008-2010, while medium-sized ones accordingly 6,6% in 2006-2008 and 6,8 in 2008-2010), while in large enterprises prevailed those which made significant changes in a project, construction or packaging of products and services (20,8% in 2006-2008 and 19,9% in 2008-2010). In case of marketing innovations there is observed slightly lower disproportion between small, medium-sized and large enterprises in the area of introducing them, in comparison to product and organizational innovations.

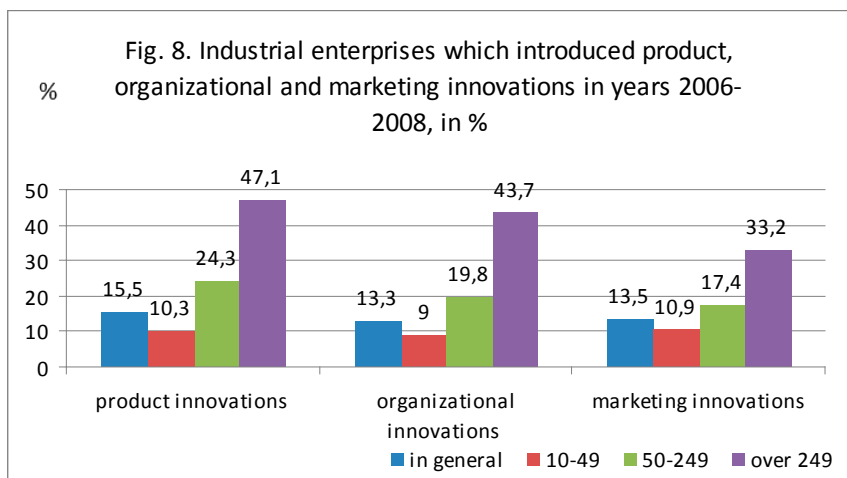
While analyzing innovative activity of enterprises, attention should be paid to preferences of enterprises in the area of implementing certain kinds of innovations during analyzed period.

To summarize the kinds of innovations implemented in the enterprises in general in years 2004-2006, organizational innovations were implemented more often (23,4%) than marketing innovations (18,4%). This tendency appeared in every group of enterprises. The smallest share amongst the enterprises in general had those enterprises which introduced product innovations (15,7%). It should be noticed that product innovations were implemented at the least in the enterprises hiring 10-49 people – 9,1% generally (Fig. 9).



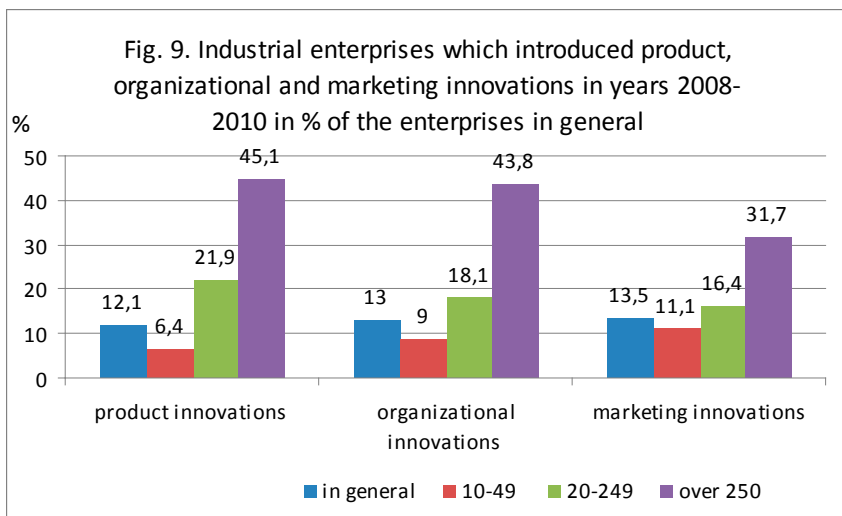
Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 52, 173.

In years 2006-2008 product innovations slightly prevailed in the group of generally analyzed enterprises. This kind of innovations were introduced by 15,5% of enterprises, while marketing and organizational innovations were introduced by 13,3% (Fig. 10). Product innovations prevailed in large and middle-sized enterprises. In this period small enterprises were more concentrated on marketing innovations (introduced by 10,9% of small enterprises).



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 80; 200-201.

In 2008-2010 in the enterprises in general, the share of enterprises implementing marketing innovations was 13,5% and was bigger than of enterprises implementing organizational innovations (13%) or product innovations (12,1%). This tendency remained this way only in small enterprises. In large and medium-sized enterprises product innovations prevailed.

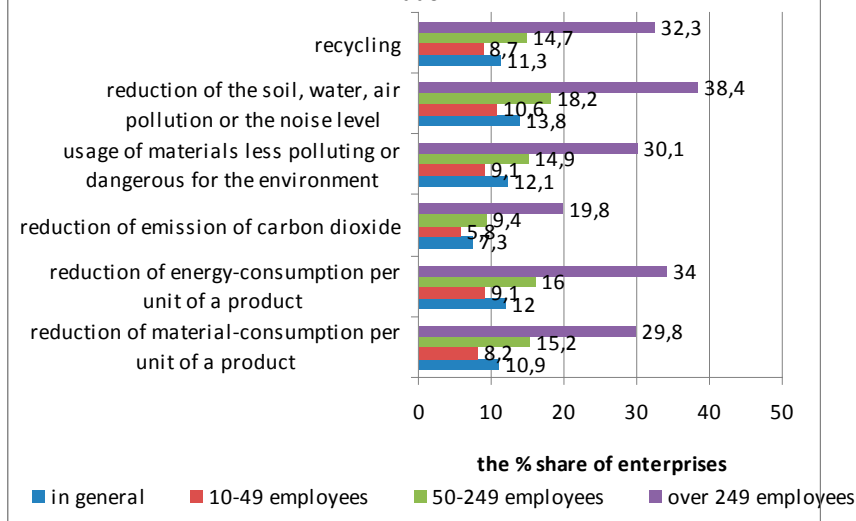


Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 111, 345.

From social and economical point of view, innovations in the area of environmental protection are extremely important. For years 2006-2009 the CSO carried out research regarding the share of enterprises introducing innovations profiting the environment in a period of manufacturing a product or a service and in a period of usage of a purchased product or usage of a service by end-users according to types of benefits.

As the results of research indicate, all groups of enterprises took actions for the benefit of implementing innovations in the area of environmental protection, nevertheless the number of large enterprises introducing these innovations was much higher than the number of small and medium-sized ones (Fig. 12). The biggest share in group of small enterprises implementing innovations in period of manufacturing a product or a service concerned these which implemented innovations reducing the pollution of soil, water, air or the noise level (10,6%), lowering energy per unit of a product (9,1%) and usage of materials less polluting or dangerous to the environment (9,1%). In case of large and medium-sized enterprises the tendency remained similar.

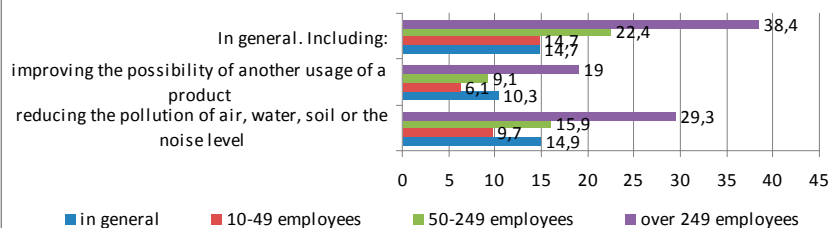
Fig. 10. Enterprises which introduced innovations beneficial to the environment in a period of manufacturing a product or a service according to the types of benefits in years 2006 - 2008



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 421.

In a group of innovations beneficial to the environment in a period of usage of a purchased product or a service by end-users, small and medium-sized enterprises also introduced innovations reducing the pollution of soil, water, air or the noise level (correspondingly 9,7% and medium-sized – 9,1%)

Fig. 11. Industrial enterprises which introduced innovations beneficial to the environment in a period of usage of a product or a service according to the types of benefits and size classifications in years 2006-2008



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2006-2009. The CSO. Urząd Statystyczny w Szczecinie. Informacje i opracowania statystyczne. Warsaw 2010, p. 436

The information mentioned above about introducing innovative activities by enterprises indicates that not only small but also medium-sized enterprises are much less likely to undertake such activity compared to large companies. This applies to innovations in all enterprises analyzed in groups by their size. It also proves the rule that the larger the enterprise, the more often it introduces new and innovative solutions.

In the last period there is also observed a change in the type of innovations introduced to large and medium-sized enterprises. Those enterprises are more willing to introduce product innovations. The number of small enterprises implementing this type of innovations is low and also decreasing.

Analysis of these statistics allows to conclude that in the following years the number of implementing innovations is to be significantly reduced. This applies particularly to small enterprises, hiring between 10 and 49 people. It indicates deteriorating conditions of functioning of enterprises, and the enterprises themselves do not want that much to improve their efficiency through innovations. The important question is, what are the reasons for such attitude of enterprises.

3. BARRIERS TO THE IMPLEMENTATION OF INNOVATIONS

Analyzing the barriers regarding innovations, there were used statistical data on the obstacles to innovative activities of industrial enterprises

surveyed in years 2004-2006 and 2008-2010. In connection with the statistical data there are presented obstacles in the enterprise "X" belonging to this group of companies.

In a study conducted by the CSO regarding the obstacles, factors hampering innovative activities or influencing the decision for enterprises not to take them are:²⁰

1. Economical :

- lack of financial means in an enterprise;
- lack of financial means from outside sources;
- too high costs of innovations;

2. Connected with knowledge :

- lack of qualified staff;
- lack of information regarding technology;
- lack of information regarding markets;
- difficulties in finding partners for cooperation in the area of innovative activities;

3. Market-wise :

- the market took over by dominant companies;
- uncertain demand for innovative products;

4. Other :

- no need for pursuit of innovative activities due to introducing innovations in previous years;
- lack of demand for innovations.

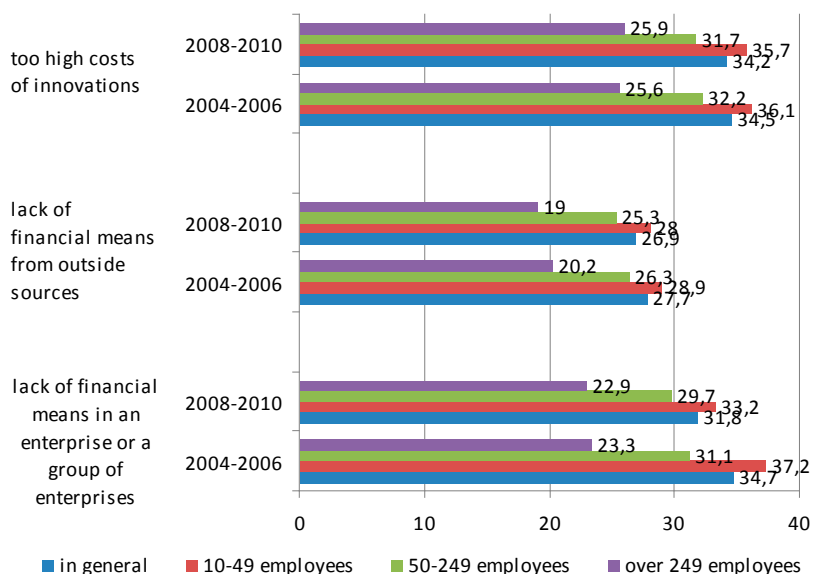
Each of the factors listed above was evaluated by four degrees of importance.

In 2004-2006 the biggest obstacle in implementing innovative activities in small enterprises was lack of financial means in an enterprise or a group of enterprises (37,2% of companies evaluated importance of this factor as "high"), while in medium-sized enterprises – too high costs of innovations (36,1%). The smallest barrier in implementing innovations in every group of enterprises was lack of financial means from outside sources.

In 2008-2010, in comparison to 2006-2010, there was a small improvement in the area of access to all analyzed sources of financing.

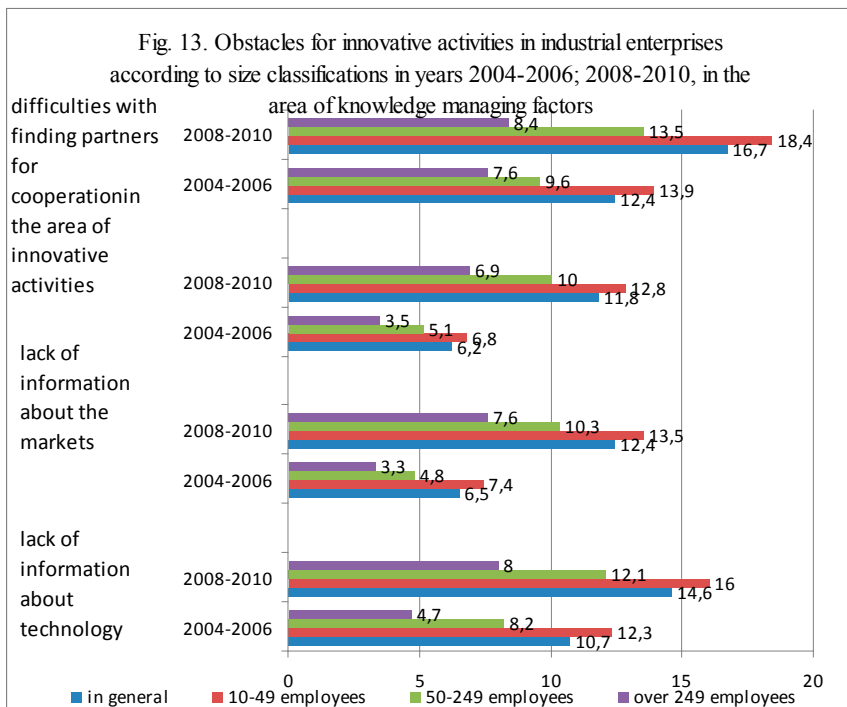
20 Działalność innowacyjna przedsiębiorstw w latach 2006-2009, op. cit., p. 78

Fig. 12. Obstacles for innovative activities in industrial enterprises according to size classifications in years 2004-2006; 2008-2010, in the area of economic factors

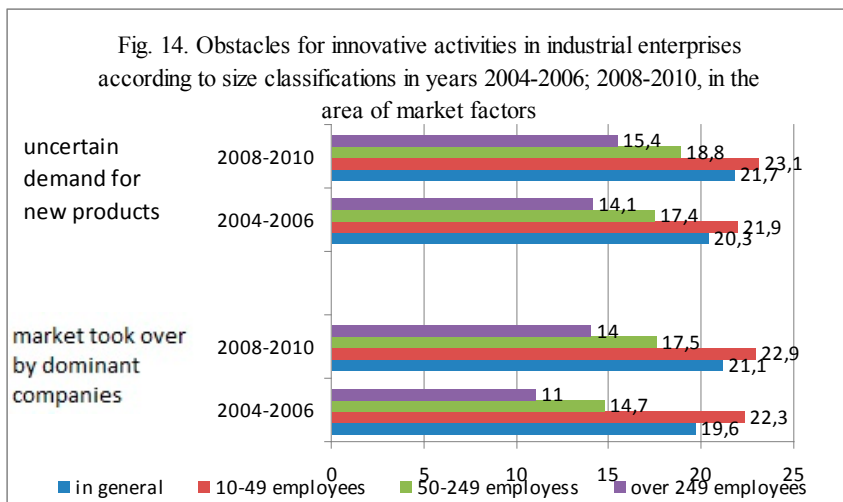


Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 153, Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 327.

In the period 2008-2010 the importance of factors connected to knowledge slightly decreased in comparison to years 2004-2006 (Fig. 13). The factor interfering the most with innovative activities in small and medium-sized enterprises was a difficulty with finding partners for cooperation in the area of innovative activities (correspondingly 18,4% and 13,5% in 2008-2010) as well as lack of qualified staff (16% and 12,1% in 2008-2010).

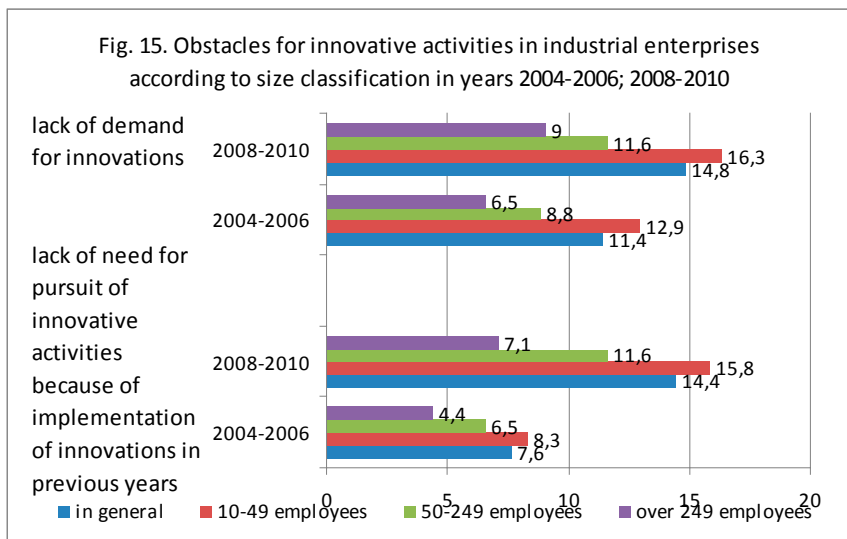


Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 153, Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 327.



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 153, Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 327.

For small and medium-sized enterprises the market factors such as uncertain demand for new products and market took over by dominant companies make a huge barrier for innovative activities (Fig. 14). Moreover, in the analyzed period, there was a small increase in the number of enterprises considering these factors as “high”. Small enterprises most often claimed that the main obstacle in innovative activities is lack of demand for innovations, while 16,3% of surveyed enterprises in 2008-2010 didn’t feel need for pursuit of innovative activities.



Source: Own analyses based on: Działalność innowacyjna przedsiębiorstw w latach 2004-2006, the CSO, Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2008, p. 153, Działalność innowacyjna przedsiębiorstw w latach 2008-2010, the CSO Urząd Statystyczny w Szczecinie, Informacje i Opracowania Statystyczne, Warsaw 2012, p. 327.

4. INNOVATIVE ACTIVITY IN THE ENTERPRISE X

The analysis presented above let to get information about the level of innovativeness in Polish enterprises. The alarming fact is the decreasing number of enterprises implementing innovations analyzed in subsequent periods and increasing number of enterprises indicating “high” meaning of majority of obstacles in innovative activities. There is a particularly unfavorable situation in a group of small enterprises which hire a major part of society and influence in an important way country’s economic development. Those enterprises point out the difficulties connected to taking over the market by dominating companies, uncertain demand, lack of qualified staff or difficulties in finding a partner for cooperation. Lack of means for investments or high costs of innovations also play a major part.

The situation of medium-sized enterprises is slightly better than of small ones but all the indicators also differ from indicators in large enter-

prises, for the favor of the second ones.

Therefore, the question arises as to what actions should be taken and by whom to encourage small and medium-sized enterprises to innovative activities.

Conclusions and suggestions presented by the author are the result of careful analysis of innovative activity in the enterprise “X”, which is a medium-sized limited liability company, employing about 80 people. The company was established in 2001. Since its origin the Company “X” was developing dynamically, increasing the annual turnover from the sale. According to the accepted by the CSO rules of companies’ eligibility, the analyzed company is in a group of innovative companies, as it systematically implements product and process innovations. It is worth noting that introducing a innovative product at the time of establishing the Company “X” allowed it to appear on the local market. In the period since founding the Company “X” to the mid-2011 there were not implemented any organizational or marketing innovations or those regarding environmental protection.

For the introduction of new products and processes the Company received no external funding because of difficulties with obtaining such financial means. Implemented innovations were financed in this area with bank loans.

The Company has conducted small-scale research and development but due to the limited funds they weren’t sufficient.

The enterprise decided to introduce product and process innovations so that the results derived from them were quite large and rapidly noticeable. Since mid-2011 the Company has taken efforts to implement organizational and marketing innovations.

Analysis of business activity helped to formulate the conclusion that the factors which affect the access to innovative activities the most are: knowledge, information and belief of the management of a very high importance of innovations in achieving a business success, as well as determination to implement accepted solutions.

To manage knowledge of issues related to the activity of the Company, both domestic and foreign markets should be observed. Therefore there are recommended foreign trips, participation in exhibitions, fairs and various symposia. The initiative associated with taking on new challenges will depend on knowledge and available information.

A necessary condition to make innovative changes in an enterprise is also commitment of all employees to innovative activities and proper organizations of works on them. Innovative activities can be defined as a separate process which will help in planning, realization and control. The management of an enterprise, working on a mission and a strategy of a company, should put in some records on an innovative character of an enterprise. It is an expression of sanctioning innovative activities of an enterprise, as well as its foundation and engine of any action taken in this area. In addition, certain principles regarding implementing innovations should be adopted. To ensure the effectiveness of innovative activities it is important to define the concept of “innovations” itself. For small and medium-sized enterprises it should be assumed that innovative solutions don’t need to be new to the market on which a company operates, but should be new for the company itself. This will allow to take actions on implementation of any innovative solutions, including those successfully introduced by other enterprises.

While undertaking innovative activities, there should be clearly defined goals we want to achieve and any financial outlay involved. The goals may be direct, i.e., those that lead to specific solutions and are possible to measure in relatively short time and the goals may be indirect. The effects of the second ones depend indirectly on the degree of realization of direct goals but are also the result of other factors related to achieving goals. It is quite important to determine the indirect goals, since their implementation is visible earlier.

Another problem when implementing innovations is to determine areas of activities of an enterprise where the innovations will be introduced and specifying people responsible for this process. One of the important factors taken into account when undertaking innovative activities should be the analysis of the markets. Introduced innovations should bring tangible benefits for the enterprise or society. Therefore, the implementation of innovations should be carried out with taking into account economic calculations which allow comparing effects with incurred expenses. The economic results will also help to determine need for financial means necessary to implementing innovations. Typically, enterprises have limited sources of financing innovations, although in case of significant benefits they can apply for foreign sources of financing, such as bank loans or co-financing from EU funds.

Innovative activities should be properly documented to allow supervi-

sion on works undertaken in this area and the settlement of people responsible for them. The analysis of departure from the norms or plans should also be a clue to determine the direction of further works.

5. CONCLUSION

In the current situation of enterprises, innovations play an important role in the efficient functioning of a company. They lead to increasing productivity, improving security, increasing value of an enterprise and maintaining its competitive position on the market.

However, during the analyzed period (2004-2010) the conditions for introducing innovations are getting worse. The share of innovative enterprise is falling, instead of rising. It applies particularly to small and medium-sized enterprises. Therefore there should be taken actions in this area on the enterprises level as well as on the central level. Enterprises must understand that on the level of innovations depends their existence and therefore they must establish reasonable rules for undertaking and introducing innovative activities.

Activities in the area of creating more favorable conditions for innovative activities should also be in the interest of the government. Especially innovations beneficial for society and economy should be applied. Enterprises, in their activities, usually follow economic calculations, therefore, they select those solutions that are the most effective – less profitable operations are postponed for later realization. This being the case, innovations such as environmental protection, which are extremely important to society, are put off and may not be realized at all. To mobilize enterprises to implement innovations which are less efficient but important for economy, there should be introduced various incentives, such as tax reduction.

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CHAPTER IV

EDUCATION AND UPBRINGING FOR SECURITY



**National security - definition, character and determinants.
Studies on the quality of security**

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PROFESSIONAL TRAININGS OF POLICE OFFICERS ACCORDING TO OPINION OF THEIR PARTICIPANTS

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INTRODUCTION

Life in the present-day society, full of dynamic transformations, requires constant updating of both the knowledge and the information. An integral part of the human life is his or her continuous development, including through supplementing of one's education meant to provide for given benefits and to satisfy the need of having one's knowledge and skills become enriched. Concept of the continual learning understood as an uninterrupted development of a man takes the assumption that the learning process concerns not only the children and youth, or is being connected with the school only, but spans all life of a man. The idea of continual learning signals an ability to gain and supplement the general knowledge and professional skills and qualifications through self-education or through concrete institutionalized organizational forms, including the off-school ones. Contemporary professional adults education system takes into account both the already existing working places and the skills required in given positions, as well as the needs of the labor market. Modern education system should offer to every man the conditions which are conducive to the uninterrupted, systematic improvement of one's qualifications, and updating of the knowledge gained so far. As a rule the education of adults at the public schools is financed by the State while the off-school forms of education are financed to a fundamental degree by the interested parties themselves. The exception here are the trainings organized by employers – they are financed from the own funds of the employer. It is the employers who often become stimulators of the professional development of their employees, and it is them who bear the obligation to motivate the latter for

the continual acquiring of knowledge and skills.

This paper is a presentation of results of the study implemented amongst police officers participating in the professional trainings organized within Policy by the specialized centers.

1. SCOPE AND PURPOSE OF STUDY

The main subject matter of this paper is an assessment of effectiveness of the professional trainings held by Police officers. What we were interested in were first of all the opinions on the subjective feeling of satisfaction resulting from participation in said trainings, and on their usefulness in the continued service. In addition the scope of the study was made cover organizational and substansive elements of the trainings.

The area of the study were two Police units: Polish Central Bureau of Investigation and Metropolitan Police Headquarters. Thus our attention was focused on people who worked in two different police structures.

Formulating subject matter of our study we decided to concentrate on the police officers training process in context of its effectiveness and satisfaction of participants resulting from the training courses they had. We decided also to learn if participation in the trainings is seen by policemen in the categories of benefits and satisfaction or in the categories of loss and no satisfaction. First of all we set forth the descriptive purpose. What we meant was a description of the phenomenon in the social-organizational context. The other objective provided for finding an answer to the question what decides seeing participation in the training by police officers this or other way.

2. STUDY QUESTIONS

To learn effectiveness of the trainings related to professional development of the police officers, and determine the main factors affecting standard of the trainings and appraisal of the events by the participants the following study questions were prepared:

1. What is the appraisal of professional trainings by Police officers?
And in particular:
 - 1.1. How they see usefulness of the trainings?
 - 1.2. How they assess satisfaction from the professional trainings?
2. How they see organizational aspects of the professional trainings?

3. How they judge the lecturers who conduct professional trainings?

And in particular:

3.1. How they see substantive qualifications of the lecturers who conduct trainings?

3.2. How they see didactic skills of the lecturers who conduct trainings?

4. How they see the practical classes held during trainings?

5. How they see standard of the trainings?

6. How they see agreement between content of the training and subject matter of the training?

7. How they use usefulness of the trainings in their continued service?

8. How they see usefulness of the trainings in one month after their completion?

Questions asked this way implied use of the quantitative method in the further stage of the study process – the diagnostic poll.

3. METHODS, TECHNIQUES AND RESEARCH TOOLS

The diagnostic poll method was applied in the study, combined with use of the survey technique. The main tool was the poll questionnaire. The method we used is a way of information gathering which is allowed and applied in the professional trainings effectiveness surveys. The poll was of an auditorial character – it was distributed on completion of training, and thus facilitated inclusion of a higher number of the officers subjected to training.

The questionnaire covered questions concerning facts, plus questions concerning appraisals. The fact-related questions were reduced to the ones concerning personal features like age, gender, education or period of service. Questions concerning appraisals were related to the subjective matters and referred to the subject matter of the Study. Closed questions were used to a major degree in the questionnaire.

4. ORGANIZATION AND COURSE OF STUDY

The Study sample was made up by officers of the Polish Central Bureau of Investigation and officers of the Metropolitan Police Headquarters who participated in the training which improved their professional knowledge

and developed their practical skills. The study covered two groups of Police officers. The first group was of 350 officers of the Polish Central Bureau of Investigation who work at various positions and have diverse education or periods of service. The other group covered 374 officers of the Metropolitan Police Headquarters. In total the study covered 724 Police officers participating in different types of training events organized in the line of the professional development.

Results of the study were based on analysis of the questionnaires distributed in two stages between officers employed at the Polish Central Bureau of Investigation of the Police Headquarters (stage I, in 2002) and at the Metropolitan Police Headquarters (stage II, in 2004).

In addition, in context of evaluation the participants were asked to decide their opinion if the training, training course, they participated in was useful as far as their continued service was concerned. That question was of a classic, five-degree scale, from “definitely not” through “rather not”, “neither not nor yes” to “rather yes” and “definitely yes”.

5. SOCIAL-DEMOGRAPHIC AND PROFESSIONAL CHARACTERISTICS OF STUDY PARTICIPANTS

To determine relationship between social variables and appraisal of the trainings there were closed questions separated in the questionnaire, referring to such personal features like gender, age, period of service, membership of corps or education of the respondents, offering five possible answer options.

Gender of Respondents

89% of all officers covered by the Study were men while 11% were women. Percentages of the gender of respondents in both above-mentioned police units were almost identical. This means that there is not statistically-significant difference between structures of both groups in terms of their women and men make-ups.

Age of Respondents

Taking into account age of the respondents it can be concluded that a definite minority of the officers covered by the Study were people of up to 30 (in total they accounted for 25% of all respondents). It should also be noted that that-age officers of the Polish Central Bureau of Investigation account only for 4.44% of that Police Unit. The formation is dominated by people of 30 to 40 and more than 40. On the other hand people of more than 40 con-

stitute a definite minority at the Municipal Police Headquarters.

Period of Service of Respondents

Analyzing period of service seen at the Police units one may find that both the Metropolitan Police Headquarters and the Polish Central Bureau of Investigation employ officers of a long period of service. As many as 62.70% of the respondents were officers of the period of service of in excess of 10 years. Only 9.3% were of the period of less than 3 years. It is also in this case that some diversity can be noted. As far as the Metropolitan Police Headquarters is concerned the officers are of diverse periods of service but in the Polish Central Bureau of Investigation the dominating group are officers of the period of service that exceeds 10 years (83%).

Respondents Membership of Corps

Police ranks are titles of the policemen which identify position of given officer in the police hierarchy. Police ranks are: constable, senior constable, sergeant, senior sergeant, master sergeant, junior warrant officer, warrant officer, senior warrant officer, staff warrant officer, undercommissioner, commissioner, chief commissioner, underinspector, assistant inspector, inspector, chief inspector, general inspector. In Polish Police officers of various rank are members of the Polish Corps. There are five corps in the Police organizing: constables, non-commissioned officers, warrant officers, commissioned officers and Police generals.

Analyzing corps-related structure of the sample subject to study it should be noted that disproportions can be seen in context of the service ranks held by the officers of the Polish Central Bureau of Investigation of the Polish Police Headquarters, and those of the officers of the Metropolitan Police Headquarters. Polish Central Bureau of Investigation is definitely dominated by commissioned officers (72% of the studied officers employed there) while the Metropolitan Police Headquarters is dominated by the non-commissioned officers (45% of the studied officers employed there).

On completion of the analyses concerning membership of the corps it was decided to see how this particular variable is spread at the two Police units, but taking into account an extra variable – gender or the officer subject to study. It was found that at the Polish Central Bureau of Investigation the female officers represent more numerously the corps of constables and non-commissioned officers while to a lesser degree the corps of the warrant officers and commissioned officers. On the other hand at the Metropolitan Police Headquarters women dominate not only in the corps

of constables but also in the corps of warrant officers and commissioned officers. When memberships of corps are compared not in terms of the internal relationship “unit-gender” but in terms of gender and then in terms membership of Police units it can be seen that officers of the Polish Central Bureau of Investigation are found in higher numbers in the “higher” corps than officers of the Metropolitan Police Headquarters.

Education of Respondents

Another variable that was subject to analysis was the education of the respondents. The biggest group – 54% – of the respondents were people of the secondary education. Every third respondent is the holder of the master’s degree while 16% of the respondents are of the academic-level professional education. People of master’s degree constitute majority at the Polish Central Bureau of Investigation, accounting for 48% of the officers covered by the study, while at the Municipal Police Headquarters 3/4ths of the studied people are of the secondary education. Their percentage is exactly 79%.

Period of service is also the factor that decides diversification of education of the police officers. The longer the period the higher the education. In all groups of the period of service the majority is of the secondary education. This education makes most of the cases in the groups of officers whose period of service is 1-3 years, 4-6 years and 7-9 years where the secondary education was held by some 70% of the studied officers. The situation is different when we study officers of the period of service of 10 and more years. In this group the people of secondary education account for just 43%. But the percentages of the officers of master’s degree – 36%, and academic professional education – 20%, are higher.

6. RESULTS OF STUDY

In this part of the paper we present appraisal of the professional trainings by officers covered by the study. The most important element of effect on appraisal of the trainings is their usefulness in the continued police work. Further important factors related to the trainings, being of effect on appraisal of the latter, is the organizational side of the training, and substantive knowledge and didactic skills of those who run the classes.

Appraisal of Professional Trainings Usability

Describing subject matters and form of the trainings the officers covered by the study appraised the same in context of their meeting expect-

tations of the officers related to participation in the trainings. Having in mind the fact that a significant number of the officers participated in a few trainings while some of them offered no appraisal the level of fulfillment of expectations of the participants was determined for the group of 256 officers of the Metropolitan Police Headquarters and 357 officers of the Polish Central Bureau of Investigation. In total 14% of the studied officers of the sample found that the training they participated in failed to meet their expectations while the remaining ones – 86% – saw their last training positively. Disparity between the two groups is small enough to prevent claiming that the location of service made the appraisal of the last training become different. Commissioned officers, warrant officers and constables decided negative opinion of the training at roughly the same level (15%) while non-commissioned officers declared a lower number of the negative opinions (12%). Officers of the periods of service of 4 to 6 years and more than 10 years showed the lowest degree of non-satisfaction from the training they held. 11% and 13%, resp., of such appraisals were noted in the two groups. In the remaining groups, i.e. up to 3 years and from 7 to 9 years the percentage of such responses is 18%. In the studied sample women respond less frequently than men with negative opinions about the last professional training they had. 12% of the studied policewomen found that the last training they participated in failed to meet their expectations while such an opinion was the case with 14% of men. Notice can also be drawn to the low number of negative opinions among two groups of officers - aged up to 25, and the eldest ones – more than 40. It was only 10% of the youngest officers and 11% of the eldest ones who saw negatively the training in terms of its meeting their expectations. Small disparities can be seen in appraisal of training from the point of view of the education of respondents. On an average from 14 to 15% of respondents (particularly in the individual education groups) claimed that the training they participated in failed to meet their expectations.

Appraisal of the Trainings Organizational Aspects

The officers under study appraised highly or very highly the organizational side of the training. Percentage of the above-average appraisals is 70%. Every fourth respondent sees this aspect of the training as an average one. Less than 4% of the respondents see the training at below the average – low or very low appraisal. The appraisals at below average were the case with the officers of the Metropolitan Police Headquarters. But the disparity is small – 1.2%. Policemen of the Metropolitan Police Headquarters were

more restrained in their deciding more positive appraisals. Policemen of the Polish Central Bureau of Investigation decided the highest appraisals almost twice as frequently. This means that the lotion of service diversifies appraisal of the organizational aspect of the training last held. Taking into account the police corps the studied officers are the members of it can be noted that every third constable sees organization of the training as “the average one”. This group is at the same time the one of the lowest percentage of the very high appraisals. Almost 2/3rds of the warrant officers sees the trainngs highly while opinion of every fifth commissioned officer is very high. With such disproportions between warrant officers and commissioned officers it should be assumed that the trainings for said corps were not held at the same level. In appraisal of organization of the trainings the two groups of the studied officers were more critical (appraisals “very low” and “low”), i.e. the officers of the period of employment from 7 do 9 years and more than 10 years. Analysis of the highest notes reveals that the most restrained ones were the officers of the shortest period of service and those working in the Police for 7 to 9 years. Almost every fifth officer working in the Police for 10 and more years appraised organization of the training “very highly”. Women of the studied group voice less frequently than men their negative opinions on the last professional training they held. Compared to men (3.4%) twice more studied policewomen (6.1%) declared low or very low appraisal of organizational aspects of the trainings. Every fourth policemen and every third policewomen saw organization of the training as the “average” one, and every eighth policeman and every sixth policewoman voiced the “very high” opinion. Attention is drawn by the very low number of negative opinions in two groups of officers: the youngest ones - aged up to 25 lat and the eldest - of in excess of 40 lat. It is only 10% of the youngest officers and 11% of the eldest ones who saw the training negatively in context of its meeting their expectations. Similar disparities can be seen with appraisals of trainings in terms of meeting of expectations from the point of view of education of the studied people. On an average from 14 to 15% of the respondents (in the individual education groups) claimed that the training they participated in failed to meet their expectations.

Opinions on Lecturers Who Conduct Trainings

In the course of the study it was also decided to see opinions on lecturers who conduct specialist trainings for the Police officers. To obtain the most honest appraisals of those who conduct the trainings two questions

concerning substantive qualifications and didactic skills of the lecturers were assigned to this matter.

As the first one I will present analysis of substantive qualifications of the people who conduct classes for the Police officers. The studied group is generally dominated by people who see qualifications of those who ran classes as at least “average” ones, and every third studied officer sees them “highly” while every fourth one – “very highly”. General appraisal of qualifications of the lecturers facilitates a claim that the training events were conducted by the properly prepared experts who had proper knowledge. This is generally confirmed that officers of the two Police units appraise highly the substantive qualifications of the lecturers. But still when we examine more closely the discussed data we can see that the officers of the Metropolitan Police Headquarters are prone to assign more frequently the “high” marks while those of the Polish Central Bureau of Investigation – the “very high” ones. Even though the disparities between the two groups are not excessively significant it can still be claimed that the location of service diversifies appraisal of the substantive qualifications of the lecturers who run the training. Membership of the concrete corps is also of diversifying effect concerning opinions on substantive qualifications of the lecturers. Attention should be drawn here to the fact that the “high” appraisals were assigned by most of the studied policemen who are members of individual corps. Most of the “highs” (77%) were decided by constables. The least percentage of them (54%) came from commissioned officers. “Very high” appraisals were decided by every eleventh constable and every third commissioned officer. This diversification of appraisals makes one be right to claim that the studied group expected delivery of knowledge by the top-class experts, particularly when the knowledge was delivered to the experienced policemen of the commissioned officer ranks. Evaluating trainings in terms of their meeting expectations in context of the period of service of the studied officers we deal with the noticeable disparities between individual period-of-service groups. The longer the period of service the lower percentage of “high” appraisals – they drop from 75% in the group of the shortest period of service to 56% in the group of the longest period of service. When it comes to the “very high” appraisals the disparity between the two extreme groups is threefold. Some 10% of the officers of the shortest period of service assigns the highest appraisals while in the longest-period group the same appraisals are assigned by three times more studied officers (31%). Irrespective of their period of service the officers of every group ap-

praise substantive qualifications of the lecturers as the “average” ones. The exception here are the officers of between 7 and 9 years of the service - the percentage of such appraisals is 17%. But still attention should be drawn to the fact that it is these disparities that facilitate claiming an importance of the period of service of the officers as the factor that diversifies appraisal of the substantive qualifications of the lecturers who conduct classes. It was in the study that of the demographic-social features like gender, age and education it was only the age that in the studies sample diversified significantly the appraisal of substantive qualifications of lecturers. The youngest officers of up to 25 saw most frequently the qualifications of the lecturers as the “high” ones (81%). Percentage of the “very high” appraisals grew with growth of the age.

The other part of appraisal of the lecturers who conduct the trainings concerned didactic skill of the training cadre. The sample under study is generally dominated by people who appraise qualifications of those who conduct the trainings as at least the “high” ones while almost two thirds of the officers go for “high” and every fifth officer delivers the “very high” opinion. General appraisal of didactic skills of those who run the trainings facilitates noting that in opinion of participants of the trainings the training events were conducted by specialists who were duly prepared in terms of didactics. Officers of both the Metropolitan Police Headquarters and the Polish Central Bureau of Investigation value equally high the didactic skills of the lecturers but those of the Metropolitan Police Headquarters decided “high” appraisals definitely more often. With the variables discussed here we can claim that location of the service diversifies appraisals of the didactic skill of the lecturers who conduct training. Membership of given corps diversified appraisal of the didactic skills of the lecturers. Most of the “high” opinions were the case with constables (74%). The least number was the case with policemen of commissioned officer ranks (51%). But still when we examine the “very high” appraisals we can see that the opinion like that was voiced by every eighth constable and every fourth warrant officer of commissioned officer. Such diversification of appraisals of the lecturers facilitates conclusion that in the group under study a desire can be seen that the knowledge was delivered during trainings by the experts of the top didactic skills. When appraisal of the didactic skill of the cadre is analyzed from the point of view of the period of service of the studied officers one can also see disparities between individual period-of-service groups. The longer the period of service the lower the percentage of the

“high” appraisals – from 72% in the group of the shortest period of service to 55% in the group of the longest one. However when it comes to the “very high” appraisals the disparity between the extreme groups is described by a factor of two-and-half (12 officers of the shortest period of service and 29% officer of the longest period). Every tenth officer remaining in the policy for 3 years sees didactic skills of the lecturers as “average”. This percentage grows with the growth of the period of service. In the group of the longest period of service the “average” here is the case with 7% of the officers. All these disparities facilitate claiming that the period of service of the officers is of a significant importance in appraisal of the didactic skills of the lecturers who conduct classes. In the studied sample it was also the age and education of the officers which diversified significantly the appraisals of the didactic skills of the lecturers. The youngest officers of up to 25 most often saw the skills of the lecturers as the “high” ones (74%). The percentage of such appraisals decreased with the growth of age. In the oldest-age group the percentage was exactly 50%. A reverse relationship can be seen when “average” appraisals are analyzed. Such percentage in the youngest officers was 9% while that of the eldest-ones group was 21%. Same relationship is seen when the “very high” appraisals are analyzed. Disparity of such appraisals between the youngest officers and the eldest ones is 1:2. Officers of the secondary education most often saw skills of the lecturers as the “high” ones (69%). The percentage decreased with the growth of education. In the group of officers of higher education the percentage dropped to below 50%. A reverse relationship can be seen when “average” appraisals are analyzed. In officers of secondary education the percentage of such appraisals is 11% while in those of the top education it is 21%. This makes almost a two-fold growth. Identical relationship can be seen when the “very high” appraisals are analyzed.

Appraisal of Practical Classes Conducted During Trainings

The next question of the study concerned appraisal of practical classes. With 93 persons the training provided for no such classes. Of all officers participating in the trainings and having practical classes (N=529) as many as 58% of the participants covered by the study (and participating in practical classes) saw the classes highly. 18% in turn appraised them very highly. Very low and low appraisals were the case with 3.5% of the studied participants who participated in practical classes. An average appraisal according to the scale from 1 – very low to 5 – very high was 3.91. To supplement the above-mentioned results by additional elements the correlation analyses

were performed: “appraisal of practical classes – social-professional variables”. Studying relationships between appraisal of the practical classes and location of work (location of service) it was found the officers of the Polish Central Bureau of Investigation think higher about practical classes they participated in than the officer of the Metropolitan Police Headquarters. Even though the disparity was low it was still statistically significant and it can be claimed here that the location of service diversifies appraisal of the practical classes. The lowest appraisals of practical classes in all corps subject to analysis constitute the minor percentages of the answers – from 1% to almost 5 per cent. It is also characteristic that warrant officers and commissioned officer produced more positive appraisals of the practical classes they had during trainings than the constables. With the highest appraisal the disparity between constables and commissioned officers was almost two-fold. Disparities in appraisal of practical classes from the point of view of membership of given corps are statistically significant, and it can be claimed here that membership of the corps diversifies appraisal of practical classes. With analysis of appraisal of practical classes from the point of view of the period of service of the studied officers we can see some major disparities between individual groups of the period of service. More than 2/3rds of officers of the period of service from 4 to 6 years are of a high opinion on practical classes while every ninth one comes with “very high”. This is the group of the studied policemen who are most satisfied with this type of classes. The second most satisfied group are the officers who work in the Police form 10 years or more. In the remaining two groups, i.e. up to 3 years and from 7 to 9 years, the percentage of such appraisals is 62%. Women of the studied sample are more restrained in their appraisal of the practical classes – 27% of the studied policewomen saw the practical classes as average or even below average. The same appraisals for the same type of classes were the case with 25% of the policemen. Higher appraisals were slightly more often voiced by men (76%) than women (72%). Disparity between appraisals of practical classes was minor. Analyzing age of the studied officers in context of the practical classes it can be noted that the younger the officer the lower are his or her appraisals of said classes. In the group of the elder officers it can be noted in turn that the appraisals of the practical classes become higher. The first thing that can be noticed in appraisal of practical classes from the point of view of education of the studied people is the lack of low appraisals in the eldest officers group. The second thing is that the appraisals like that do not exceed 5% in the remaining groups. Third, with the growing age the appraisals of the range

“high” - “very high” grow in number. From 61% in the youngest group to 87% of respondents of 41-45 years.

General Appraisal of Trainings Standard

To obtain information about general appraisal of training a synthetic index of satisfaction from training was developed. To this end answers of every respondent were summed up, as produced for five dependent variables (questions):

- appraisals of the substantive qualification of those who conducted training;
- appraisals of organization of the trainings;
- appraisals of didactic skills of those who conducted trainings;
- appraisals of the standard of practical classes;
- appraisal of usefulness of trainings in the continued service.

This way the result was produced where an average was 15.89 points (with the standard deviation 2.32) which is equivalent to a verbal mark B. The percentage of the officers who saw the training that way was 90%. Those who were not satisfied with the training accounted for 8% while those who could not decide their appraisal were 1%.

According to the obtained results it was found that officers of the Polish Central Bureau of Investigation felt less satisfied with the training than those of the Metropolitan Police Headquarters. Appraisals produced by the two groups of officers differed in a statistically significant way. But women were no different than men in their satisfaction of the training. Similar analysis performed for the period of service, membership of corps, age of the studied officers, and their education, proved that all these variables made the studied officer differ in their satisfaction of the training.

Appraisal of Agreement Between Content of Training and its Subject Matters

It is highly symptomatic that of officers responding to the question concerning agreement between content of the training program and subject matters of the training it was only 3 persons (0.5%) who said that the content of the program definitely fails to agree with the training subject matter. On the other hand almost 60% of the studied respondents found that the training they participated in definitely agreed in terms of its program content with the training subject matter. 99 of the studied officers evaded answer to this question. Evaluating appraisals of agreement be-

tween training program content and subject matters of the training, according to the breakdown of the respondents in terms of the Police units they served in it can be found that the lower appraisals were the case with officers of the Metropolitan Police Headquarters. With this group of the respondents the percentage of answers “rather yes” was higher by a factor of 1.5 than in the group of officers from the Polish Central Bureau of Investigation. Disparities seen in the two groups are significant enough to claim that the location of service diversifies appraisal of agreement between content and subject matters of the training. It is worth noticing here that commissioned officers, warrant officers and constables appraised agreement between the content of the training and the subject matters of the same roughly at the same level. Appraisals ranged from 95% of confirmations (commissioned officers) to 98% (non-commissioned officers and warrant officers). But the correlation analysis proved that membership of the corps does not diversify the sample under study. With evaluation of the effects of the period of service of the studied officers on their seeing of agreement between program content and subject matters of the study we deal with some minor disparities between individual period-of-service groups. In spite of their being minor the disparities facilitate still a conclusion that the period of work in the Police produces significant disparities in appraisal of the agreement between content of the training and its subject matter. Uttering their negative opinions on this matter, if decided to do so, the women of the studied sample were less categorical – 4% of the studied policewomen found that content of the training was “rather not” in agreement with the training subject matters, while such opinion was voiced by 2% of men. Disparity in appraisals of this matter is statistically insignificant. Appraisal of agreement between program content and subject matters of the training seen from the point of view of the age of the officers under study shows that this particular variable diversifies relevant opinions of the studied officers. The lowest number of the best appraisals was the case with the youngest officers (43% of “definitely yes”) while the highest number was recorded in the group of the eldest policemen (75% of “definitely yes” answers). Analysis of relationships between appraisal of agreement of the training subject matters and the education of the studied officers proved that the variable “education” does not cause any statistically significant diversification of the studied sample.

Appraisal of Usability of Trainings in Continued Service

A very important component of appraisal of any training is the ap-

praisal of its usability in the continued professional work of the participants. Analysis of the marginal distributions showed that more than two thirds of the studied officers appraised high or very high the usability of training in the continued service. Modal value of this variable is the “high” appraisal. And this appraisal constitutes at the same the median of this variable. Correlation analyses showing relationship between appraisal of usefulness of the training in the continued service of the officers subject to training, and the variables like: gender, age, education, location of service, period of service, membership of corps, proved that with this particular sample the age and education of the studied officers produced a significant diversification of the appraisal of usefulness of training in the continued service. Every other officer of up to 20 saw usability of the training in the continued service as the “high” one (50-52%). With growth of the age (group of 41-45 years) the percentage diminished but in the eldest age group it grew again to precisely 61%. Similar dependence can be seen in analysis of the “very high” category. Disparity between relevant appraisals of the youngest officers and the eldest ones is 1:2. A reverse relationship can be seen in turn in analysis of the “average” appraisals. In the youngest group the percentage of such appraisals is 36% while with the eldest group it is 7%. This is almost a two-fold drop. More than a half of the officers of secondary education went most often for appraisal “high” (55%). With the growth of the education level the percentage of such appraisals decreased. In both groups of officers having higher education (professional or master’s degrees) the percentage dropped down to below 50%. Similar dependence can be seen in analysis of the “average” appraisals. In officers of the secondary education the percentage of such appraisals is 31% while in the group of the officers of top-education it is 22%. This is a drop by almost a half. Reverse relationship can be noticed in evaluation of the “very high” appraisals. Relevant appraisals of the officers of secondary education and those of the master’s degree differ by a factor of 2.5. Usability of training in the continued service was correlated to the features of the police service like: location of service, period of service and membership of corps. It was found that all these three features produce significant diversification of the appraisal of usability in the continued service of the officers. From the obtained dependence of distribution of training usability in the continued service, taking into account location of service, it results that the officers of both police units voiced first of all the high and very high appraisals of usability of the training in the continued service in spite of all differences in the appraisals. Officers of the Metropolitan Police Headquarters voiced

more frequently the “high” appraisals while officers of the Polish Central Bureau of Investigation went for the “very high” appraisals. Disparities in the two groups are noticeable just in the analysis of the “average” appraisals which were more frequently the case with officers of the Metropolitan Police Headquarters. With usefulness of the training in the continued service seen in context of the period of service of the officers under study we see some noticeable disparities between individual period-of-service groups. With growing period of service the percentage of “high” appraisals decreases - from 54% in the group of the shortest period of service to 50% in the group of the longest period of service. But when it comes to the “very high” appraisals the disparity between the extreme groups is defined by a factor of three – the top appraisals are voiced by 7% of the officers of the shortest period of service and 22% of the ones of longest term of service. Every third officer of the period of service of up to 3 years and from 7 to 9 years sees usefulness of the training in the continued service as the “average” one. Generally the percentage of the “average” appraisals decreases with decrease of the period of service in the Police. In the group of the longest period of service the percentage of the “average” appraisals of this matter is 24%. Membership of given corps produced diversification of the appraisal of usefulness of the training in the continued service. “High” appraisals were the case with at least half of the studied policemen who were members of individual corps. Exception here were the policemen of the commissioned officer ranks – in this group the “high” appraisal was voiced by 47% of the studied officers. The highest number of the “high” appraisals is the case with warrant officers (74%). “Very high” appraisal was decided by every sixteenth constable and every eighth non-commissioned officer and warrant officer while the commissioned officers were the most numerous group that went for these appraisals – 27%. This is four times more than in the group of constables. This diversification concerning usefulness in the continued service facilitates conclusion that in all the groups under study one can feel a desire that the knowledge delivered in training, skills gained in the process, were correlated with what the officers do in the line of performance of their professional duties.

The measure of satisfaction from participation in the trainings, and appraisal of usefulness of trainings in the continued service are the declarations of participation in the next trainings. It was found that 86% of the respondents declares their will to participate in the similar trainings. It is worth noticing here that the declaration is not dependent on gender, age,

education or variables which describe character of the service. Declaration of participation in similar trainings is affected by appraisal of the training usefulness in the continued service. Officers whose appraisals of usefulness of the training in the continued service were the lowest or low ones more often declared their not will to participate in the similar trainings. On the other hand the officers who saw usefulness of the training high or very high declared in more than 90% their will to participate in the similar trainings.

Appraisal of Usefulness of Trainings in a Month After Their Completion

Evaluation of the trainings effectiveness performed right after trainings are completed was supplemented by a deferred study performed in a month after completion of the training. There the officers participation in stage I of the study were asked to re-appraise usability of the training they had in the continued professional work.

Collected responses facilitate a claim that in general the officers covered by the study voiced higher opinions about usefulness of their last training (an average appraisal of usefulness was **3.89** with the one directly after completion of the training being **3.81**). But still within individual independent variables there were different interdependences seen for certain values of said variables – groups of Police officers. It can be concluded however that the trainings the Police officers participated in were appraised higher in terms of their usefulness after one month. Thus with the studied officers the phenomenon of “the training discord” was not the case – the phenomenon which signals that with flow of time after completion of training the critical opinion about the same grows. This in turn facilitates conclusion that trainings of Police officers are both useful and correlated to requirements of the service.

SUMMARY

The purpose of this paper was presentation of the opinions of the officers of the Polish Central Bureau of Investigation and the Metropolitan Police Headquarters on the trainings related to professional development of the Police officers, and presentation of the main factors which affect standard of the trainings.

Many study questions were formulated at the conceptualization stage. They concerned degree of satisfaction of the participants from the proposed training programs which were offered to them, appraisal of prefer-

ences of the participants concerning type of the training, appraisal of the effect of the training on effectiveness of the professional work, appraisal of the trainings organization standard, appraisal of the preparation standard of the training cadres, appraisals of demand for the trainings and appraisal of the forms the trainings were conducted in.

According to the study results we can claim that participants of the trainings are in their most part satisfied with their participation in the trainings and with standard of the trainings. This concerns in particular those trainings which included practical classes in their programs. According to participants of the trainings it is only the classes like that which facilitate exchange of professional experience both in the province of the subject matters of the trainings and in the province of the subject matters of no relation to the conducted training but still being useful in the professional work. From the above-mentioned studies it can be concluded also that the trainings are organized in the Police units according to a high standard. This results from a good substantive preparation of the training cadre.

Level of satisfaction of the training participants is diversified. Part of the participants decreased their general appraisals of trainings having in mind the problems faced during trainings. According to the study all organizational and substantive aspects of the trainings are rated high. Respondents notice disparity between method of delivery of the knowledge and the level of said knowledge. According to participants the training cadre is generally well prepared substantively but it is not always that they know how to share their knowledge with participants of the trainings.

It can be concluded in the summary of the study that the trainings meet expectations of most of the respondents, are organized according to a high standard, their content agrees with the subject matters and are useful in the continued service. Participation in the trainings, in particular in those with the prevalent practical classes, is conducive to effectiveness of the work. And the very participation in the trainings and the acquired new skills affect positively the decisions of superiors taken on professional promotions. Acquired knowledge is conducive also to development of professional interests and planning of the continued carrier. This is of effect on the declared will of participation in the next trainings, and on the continued growth of one's knowledge.

Apart from appraisal of the trainings they participated in the respondents signaled shortcomings related to the trainings organized by the in-

tra-sector professional development units, identifying at the same time the trainings they would like to be the participants of.

Mosts often the signaled demand for computer, shooting and the latest-operating-technique trainings as well as the ones covering fighting of the organized crime, corruption, drug crimes, crimes committed in cyberspace and white-collar crimes.

Of the main problems related to organization of the trainings the respondents notice first of all disturbance of proportions between practical classes and the theoretical ones. In their opinion the practical classes are definitely scarce, and at times they are not the case at all. Classes on theory often are of no relation to reality, to practice, and are based to an excessive degree on historical issues.

It appears essential that there comes concentration on development of the professional competence and practical skills of the policemen working in concrete departments. In our opinion this would come feasible with involvement in organization of the trainings of people who feature a substantial knowledge and practical skills, including employees and officers of other government departments and experts coming from off the Police. Knowledge and skills acquired during training should be development and improved through continuation of the education at trainings organized at a higher level.

To summarize: it results from the conducted studies that the general appraisal of the system of trainings addressed to the Police officers is positive. Participation in the trainings affects positively both the professional work and the motivation and satisfaction with the work. Participants of the training value their usefulness but still are conscious of the shortcomings that appear in the training programs or in preparation of the lecturers, and thus they present concrete ideas concerning their solving.



National security - definition, character and determinants. Studies on the quality of security

PAWEŁ MIGAŁA

THE BEHAVIOURAL DISORDERS IN SCHOOL CHILDREN

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ABSTRACT

The behavioural disorders, seen as deviation from commonly acknowledged norms and values, are associated with the institution which a human being identifies itself with. Therefore, the school, the family home and various social groups that a school child belongs to, may affect the occurrence of behavioural disorders revealed at school. The aim of the research revealing the probable influence of various factors: pedagogical factors (organisational, psycho-social and pedagogical causes), biopsychological factors (factors forming the mental health status, the defects of the central nervous system, a lowered level of mental efficiency, somatic disorders, genetical factors), social and economical factors (family's economical conditions, child's situation in the family, disintegration of the family life, improper parental attitudes, pedagogical mistakes on the part of parents), which influence the behavioural disorders in school children of the 7th and 8th forms.

The hypothesis formed on the basis of the literature as well as introductory research enables to accept the assumption that the school, in an organised educational process, beside conscious positive pedagogical actions/activities, can be one of the areas, where behavioural disorders are originated or revealed, and can be one of the links, beside the family and social groups, in the complex educational process stimulating the formation of disorders which can be the carrier of pathological behaviour.

KEY WORDS:

behaviour, diagnostic survey, school children, inconsistency

The problem of behavioural disorders in school children of higher forms and not during their social grow-up period is not a new problem in the pedagogical literature.

Within the last two or three decades, the problem was dealt with by the following psychology specialists: J. Bafia (Warszawa, 1996), L. LERNELL (Warszawa, 1980), pedagogy specialists: M. Lipka (Warszawa, 1987), J. Melibruda (Kraków, 1999) and sociologists: A. Podgórecki (Warszawa, 1989), J. Wódcz (Wrocław, 1973). The following foreign authors should also be mentioned: R. Smith, W. MacKenzie. Recently such research in Poland was conducted in the 1980's and 1990's, yet that was the fragmentary one, the objective of which was to find certain dependences, for instance the dependence on the family environment conditions, the dependence on the interaction of different social groups, especially those which neighbour the subcultures.

However, so far too little complex research has been conducted which could state the power of the different factors affecting the ethiology of the disorders and biomenal and biophysiological conditions.

This problem has become the motif of my research in the complex conditions of the increase disorders in young people regardless their age and sex . The research was conducted in three different environments.

The problems associated with the technological and urbanistic processes in our country cause radical transformations in attitudes of the whole society and, most of all, of the youth in their social grow-up.

The unwanted phenomena of the increase in behavioural disorders can be observed in a part of the youth. Day in, day out massmedia inform us about increasing difficulties in the process of young people education .as well as stronger and more negative influence of peers on changes in attitudes towards certain values. The dissonance is increased by the fact that it is becoming a sign of our times that we have to face a most varied and even negative attitude of family, school, peers, and even social institutions to-

wards positive values such as: patriotism, honesty, social cooperation, etc.

The behavioural disorders, seen as deviation from commonly acknowledged norms and values, are associated with the institution which a human being identifies itself with. Therefore, the school, the family home and various social groups that a school child belongs to, may affect the occurrence of behavioural disorders revealed at school. The aim of the research revealing the probable influence of various factors: pedagogical factors (organisational, psycho-social and pedagogical causes), biopsychological factors (factors forming the mental health status, the defects of the central nervous system, a lowered level of mental efficiency, somatic disorders, genetical factors), social and economical factors (family's economical conditions, child's situation in the family, disintegration of the family life, improper parental attitudes, pedagogical mistakes on the part of parents), which influence the behavioural disorders in school children of the 7th and 8th forms.

The hypothesis formed on the basis of the literature as well as introductory research enables to accept the assumption that the school, in an organised educational process, beside conscious positive pedagogical actions/activities, can be one of the areas, where behavioural disorders are originated or revealed, and can be one of the links, beside the family and social groups, in the complex educational process stimulating the formation of disorders which can be the carrier of pathological behaviour.

On the basis of the general hypothesis, the following particular hypotheses have been formed:

- ✓ there exists an asymmetry between the declared by the school values and objectives.
- ✓ the occurrence of behavioural disorders in school children is probably conditioned by endogenic and exogenic factors such as: the styles of educational conduct, the didactic and pedagogic influence of the school, the social, economical and cultural conditions of the family,

the child's overall mental effectiveness, the educational coordination of the school and the family in the level of the school children's socialization and their social situation in their peer group.

- ✓ the level of pathological behaviours as revealed in the school life can be determined by the teacher's attitude, his or her qualifications and personality, the values acquired in his or her family, the level of the teacher's ambitions and the school children's attitude towards themselves and towards the external world.

The main research method applied was the method of diagnostic survey, which enabled to find out and state the factors affecting the behavioural disorders in school children which occur at school. Within this method a three-sided methodological approach was used, while taking into consideration the following factors in the description of the school system:

- ✓ the school child;
- ✓ the teacher;
- ✓ the local environment.

The applied approach enabled the negative and positive diagnosis of characteristic patterns of functioning the examined school children in the school system. The following factors were gathered and described as declared by the pupils and discerned by the other members of the school system:

- ✓ the patterns of interaction and the characteristics of the school child's transaction in relation with the teacher and the peers;
- ✓ the pupil's and the teacher's attitudes towards the school tasks and duties;
- ✓ the conditions of pathological behaviour of the youth which occur at school.

The partial numerical data found by means of the applied methods

and then counted on the basis of diagnostic keys and scales, helped in later statistical calculations, which made it possible to state the phenomena of correlation between the researched variables. The application of the diagnostic survey method enabled to encompass a great deal of population simultaneously and, what is important, it enabled to reach substantial global data, expressed as the variables.

The following research techniques were also used.:

- ✓ documents analysis,
- ✓ a survey.

In the realisation of the research the analysis of written documents was also used, it is the following documents were analysed: medical and psychological certifications, school register books, pupils' marks sheets, protocols of teachers' assemblies and the teachers' opinions.

In the conduct of the research the following research tools were used:

- ✓ a survey questionnaire,
- ✓ the Pupil's Behaviour Sheet by B. Markowska,
- ✓ directions for document analysis.

The representativeness of the researched population was stated on the basis of calculations of the *chi-square test*. For the sample's representativeness calculations the typological division was applied; the typological division was compatible with the typology published in the year-book of 1988 (page 300, Warsaw, GUS, 1989) - "Pupils at School". The research test underwent the representativeness evaluation by means of the accordance test as regards two essential criteria: the size of the researched population according the typology of schools, it is the school environment and the external environment.

The representativeness of the researched population of teachers was stated on the basis of the *chi-square test* calculations. . For the sample's representativeness calculations the typological division was applied; the

typological division was compatible with the typology published in the year-book of 1988 (page 300, Warsaw, GUS, 1989) - "Teachers at School".

The main objective defining the range of the research was to find out correlations between the environmental conditions in which school children live and act, and the occurrence of disorders in their behaviour.

According to the assumed hypotheses, the school children education does have an influence on the formation and intensification of disorders in the researched pupils.

Another objective of the research was to capture any possible means of preventing and counteracting these disorders, with a special focus on the school environment.

As revealed by the research, among the analysed social groups, the behavioural disorders in school children are definitely influenced by their family environment.

The verified factors of the family environment appeared to be as follows: the educational atmosphere in the family, the parents' attitude towards their child, the cultural level of the family, the economical and housing conditions of the family. The correlation coefficient was 0,06.

The other very important educational environment as regards the probable influence on behavioural disorders was the school. Also in this respect the research revealed a high level of correlation which was 0,02.

The research findings fully confirmed the hypothesis assuming a significant influence of the school children's social situation in the school environment on the appearance of the behavioural disorders and the psychological development. The decisive factors were as follows: the teacher-pupil relationship, the pupil's position in the class environment and the pupil's social situation in the peer group.

The factors, confirmed by the research findings, which in the author's opinion especially determine the behavioural disorders in school children are: the teacher's personality, his or her attitudes and prestige, the teacher's

educational mistakes, a diversified counteraction of the peer groups, particularly in association with the criminal groups. The association is rooted in subcultures based on systems of values other than those commonly acknowledged. The other factor is a negative, sometimes even depraving influence on the part of the parents, mainly caused by their disorganisation or their pedagogical ignorance in the educational process, and finally all the genetically passed diseases, mental handicaps, or at least lowered intellectual levels of the school children, which make them unable to rise over their short-sightedness and the hypertrophy of biological impulses especially the sexual impulse.

The research revealed also the fact that the school has also a great influence on behavioural disorders in school children.

On the basis of the literature and the research findings, it must be mentioned that there are three basic phases of the development of the teacher's prestige: the anomic phase, the heteronomic phase and the autonomic phase. In the first phase the child respects only the power pressure, since the notion of obligation or duty is unknown to him or her. This is the kind of power which he or she cannot oppose. The next level features the development of the sense of duty in a child. This sense enables the child to respect the necessity of the authority of law. At school the teacher's authority should derive from the fact that, while his or her being subject to the law equally with the school children, the teacher is its representative, its interpreter and its guardian. Finally, the last phase is the transformation of the authority of law into the authority of the carrier of the highest values. In this respect the authority cannot constrain the school child, suppress him or her with its power and thus deprive of his or her individuality and originality, on the contrary, while respecting the school child's personality it should indicate him or her the way to the full freedom. Simultaneously with the psychological and physical development of the child, the parents' and the teachers' authority undergoes some significant transformations. The parents' authority is on the decrease while the teachers' authority is

on the increase, yet the basic moral authority remains undivided and untouched.

Several examples of the most typical mistakes committed by the teachers which were presented in my research findings are:

- ✓ the lack of introduction the objectives and tasks of the education process to the students,
- ✓ the lack of adjustment of this information to the students' intellectual level and abilities, --
- ✓ limiting the analysis of characteristics to the analysis of the external characteristics, without trying to capture the essential properties,
- ✓ introducing too many notions at once,
- ✓ the generalisation of the subject's characteristics based on too few examples,
- ✓ the confrontation of subjects difficult to be compared.

In the process of consolidation of students' knowledge the most frequent mistakes are:

- ✓ the lack of directing the pupils to permanent memorisation,
- ✓ the lack of systematic control of education outcomes,
- ✓ the consolidation of false associations,
- ✓ consolidating of the material incomprehensible for pupils,
- ✓ the omission of the most important facts and generalisations in the consolidation process,
- ✓ too late a starting point for consolidation of the material,
- ✓ abusing the talk as a means of consolidation, without taking into account the students' individual work and without applying the knowledge into practice.

In the process of developing certain skills and habits the following factors are taken into consideration:

- ✓ omitting one or more stages of this process during the lesson,
- ✓ the improper realisation of particular stages as regards didactics,
- ✓ underestimating the role of this process or total resignation of developing skills and habits
- ✓ during the lesson.

As regards the control and evaluation of the teaching outcomes the most frequent mistakes are:

- ✓ the subjective evaluation of the outcomes of work,
- ✓ the lack of systematic individual control ,
- ✓ the lack of publicness of students' marks,
- ✓ the lack of an adequate commentary and
- ✓ the lack of informing the student about the reasons of his or her marks,
- ✓ creating the atmosphere of rush, nervous tension,
- ✓ the lack of the student-friendly attitude during testing the students' knowledge.

The peculiarity of conflicts between the students and the teachers derives from the asymmetry of relationships of both these groups, whereas the domination of the adults is clearly seen. According to the students, these conflicts, which result in negative emotional attitude towards the school and teachers, originate from the following:

- ✓ the problem of school marks and too high, groundless and unequal demands;
- ✓ tactless behaviour on the part of the teacher such as: laughing at the student, revealing the
- ✓ student's secrets and his or her personal problems;
- ✓ applying severe forms of punishment;
- ✓ the formalism and a rigorous approach in performing duties and in attitude towards the students;

- ✓ the teacher's vehemence, aggressiveness and irritability

The conflicts between the student and the teacher are highly harmful in respect of education, yet they occur chiefly in a latent way which is often kept in secret by the student. This causes the student's aggression or fear as a result of realizing his or her dependence. This leads to negativism, reduction of the student's motivation to learn, deterioration of his or her attitude towards the school, or resignation and apathy. The school very often underestimates the emotions, which play essential role in evaluation of difficulties and the role of a factor initialising the changes in activity, which may develop in two directions: the constructive one, in which the individual seeks the way out from difficulties and the destructive one, when the negative emotions lead to disorganisation of the objective activity or resignation from it. The activity objective changes then. Consequently, the emotional ties with the school are broken, since it damages the pupil's personality, his or her freedom and responsibility for the pupil's actions, which, caused by independent factors, cannot be completed.

Among the educational difficulties which the school has to face, the most important revealed by the research findings are:

- ✓ those resulting from the educational negligence and the negative effect of the family environment;
- ✓ those associated with the students' failures at school;
- ✓ those caused by the educational mistakes, mainly in the family environment;
- ✓ those resulting from the family malfunction;
- ✓ those associated with the psychophysical development of a child;
- ✓ those revealed in the context of discrepancy of the parents' aspirations, expectations and ambitions and the children's aspirations and interests.

The pupils can manifest behavioural disorders when the encountered difficulties and failures combine with other factors deepening this unfavourable situation. Some examples of this can be: the atmosphere of resentment and disqualification at school and at home, being neglected by the peers, developing the opinion about the pupils, featuring schematic treatment, conventionality, superficiality, and rashness. The last element constitutes the source of educational difficulties which is rooted in the school itself and contradicts the rule of giving a chance to every child.

Apart from the family and the school environments the student is greatly influenced by the peer groups, which beside the stratifying and protective function perform other functions, namely: the reduction of nervous tensions and frustration, connected with the lack of acceptability, the lack of safety, the lack of understanding on the part of the environment; seeking the individual's own place and the student's position in the society, manifestation of the student's self-realisation in various aspects of life, accompanied by visions and attempts to modify the world and the arranged status quo, although the last factor may be a manifestation of the lack of social adaptation and the peer groups can transform into the hooligan groups. Apart from the undoubtedly important role of school in the educational process, development of a socialised individual, who is equally important, or even more important than the role of peer societies, the role of the family is absolutely undeniable. It is the family that constitutes the first educational environment for the child. And it is the family's responsibility for inculcating the proper hierarchy of values, ideas and ideals. Meanwhile, even this sort of environment is not free from educational mistakes. The most frequent of them are:

- ✓ transfer of experiences acquired at home to one's own educational experience;
- ✓ mindless imitation of other persons' behavioural patterns;
- ✓ construction of educational conception based on the subjective image

of what is good for the overall development of a child;

- ✓ overcompensation in fulfilling the child's needs, the result of which can be the formation of defensive mechanisms in the form of telling lies; sometimes certain drastic forms of revolt can be observed, which lead to personality disorders, the young person loses the sense of his or her high self-esteem, they become passive; the needs, which the child may not be able to fulfil in its life, are here originated and multiplied;
- ✓ the excessive emotional concentration on a child; it can result in insufficiently developed social maturity, slower development, the stronger increase of consumer's attitude, the development of social parasitic attitude;
- ✓ too high ambitions for the child
- ✓ inconsistency in treating the child.

To sum up, the behavioural disorders in pupils are a very complex process. Putting the blame for its consequences on the school alone, as the educational institution would be a serious mistake. The formation of pupils education influenced by too many factors to simplify the problem so much. And how to prevent it? It is obviously not an easy question, as it holds the person conducting the process immensely responsible for having an effect on of a child. It so it should be. Only a human being aware of the burden of his role is able to authentically and with dedication get down to work. One cannot be under the illusion that only by means of mass-media propaganda and passing antipathological laws can the problem of behavioural disorders in school children be solved. Similarly, the institutions responsible for fighting the this problem will never solve it without participation of the whole society. The essence of the state policy should be formation of such social conditions and such development of the moral infrastructure that it could be possible to eliminate naturally the susceptibility to act pathologically. Simply, factors determining the undesired states should be eliminated so that the pathogenic behaviour may not have to

fulfil the essential needs of human's life.

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National security - definition, character and determinants. Studies on the quality of security

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DEVELOPMENT OR REGRESSION OF COMMUNICATION SKILLS IN THE INFORMATION SOCIETY

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ABSTRACT

Created recently the concept of digital communication refers to the verbal expression, in which the compound between name of the subject is purely random and arbitrary. It is used to transmit the communication between one and the other person. Logical Syntax of digital communications is complex and multifaceted, but it is widely acknowledged that their semantics is not sufficient to refer to the area of human relations. However, the practice shows that this is different - this type of communication is much more interactive than the daily communication, in a large degree obliterates the boundaries between the sender and the recipient (Internet online communication allows that anyone can be for other network users, both - the sender and recipient of information). Dynamics of contact significantly increase and, consequently, as a result increase the dynamics of interaction. It also increases the number of possible interactions, even in the same time. Thus, the area of interpersonal relationships is expanding. The interest of the younger generation traditional communication is reduced in favour of electronic communication.

KEY WORDS:

communication, information society, communication technology, communication skills

1. INTRODUCTION

Effective communication is more desirable now than before.¹ Contact with other people is a basis of social functioning. It has determined effectiveness of action and sense of social adequacy. In contact with other people is shaped valuing the world as well as man's self-esteem. Contact is

¹ Jacyno, 2007, s. 232.

an essential factor in sustainable emotions. It can be done either directly or indirectly. Communication is necessary for the contact. It may have direct or indirect nature. Development of information society causes very large changes in communication. The indirect communication have increased - technical conditions provide us with new and better tools. The specificity of these tools results in the formation of other mechanisms that govern the process of communication. The existing cultural norms has disappeared or has lost their relevance. This happens often to the detriment of good manners. The consequence of using abbreviations and simplifications is the decline in the quality and elegance of contact. In extreme cases we can observe that language has become primitive. Meanwhile, new technologies create new opportunities, which have been used properly can greatly assist a process of human communication. It help shorten a distance to each other. Computer mediation in interpersonal communication introduces a number of differences in the way of communication. These differences result from the characteristics of the medium. The network communication is doomed to verbalism, especially written verbalism. This is a huge impediment.

All these issues require researchers, as well as practitioners (teachers, psychologists and teachers) to respond. We must find solutions that will help you take advantage of educational value contributed by information and CCC. Environmental education ought to focus on anticipating negative effects of occurring processes in communication area and develop a proper model of education.² It should take into account the multiplicity of phenomena accompanying the evolution of communication in the information society.³

2. REGRESSIVE TREND CONDITIONS

The Internet communication language is peculiar. The technique decides its shape. The communication speed forced spelling and style simplifications. The need to save the content makes a process of exchanging ideas more slower. The record (message) that was sent is often late in relation to other content, which have been coming even though there were messages released in the meantime. In consequence we observe linguistic sloppiness.⁴ They have created the shortcuts that have littered everyday

² Migala, 1998, s. 249-254.

³ Lubina, 2007.

⁴ Chaciński, 2003, s.6.

language. It has formed an extensive system of letter abbreviations which is hermetic, and in consequence, incomprehensible for everybody outside that specific environment. The abbreviations were used for shortening the time of sending messages (Info), but at the same time they could change the sense of meaning which could not be understandable for others.⁵ There are very important implications – the environment gets more hermetic for others.⁶ We observe that unfamiliar people with this newly particular slang are becoming excluded from the community. It is worth to acknowledge (underline) that social implications of language phenomena in online communication are really developing.⁷

Another worrying phenomenon is that used language are becoming more primitive.⁸ Language is becoming primitive and much more simpler. Users do not seek to have correctness and elegance. There is no obligation to use elegance of written language and the rules of text composition learned at school. The written language is simple – the oral language has been changed by accident using repetition and various put in symbols.⁹ All these phenomena can be viewed on the Internet. They do not use grammatical rules (especially diacritical marks), and any spelling mistakes do not matter. Writing vulgar words becomes more often.

A greater freedom with words and emotional expression can be observed, sometimes on the border of aggression.¹⁰ This phenomenon is called “network flame”.¹¹ It is not difficult because in mostly cases the participant is not always being presenting in his own behalf.

A large group of Internet users are young people. They have the greatest impact on the shape of its language, and they initiate the largest number of changes. It seems that it has carried a high risk of cluttering up language, so we could note that the phenomena arising on the basis of the very quick Internet language has moved into the current language.

3. PREMISES DEVELOPMENTS

Internet is an excellent field of observation any public contacts, instant messaging and the ongoing conversations. By keeping traces of conver-

⁵ Bugajski, 2007.

⁶ Amodeo, Wentworth, 1986, s.259-264.

⁷ Lubina, 2005.

⁸ Zabawa, 2009, s. 64-66.

⁹ Chaciński, 2005.

¹⁰ Bauer, 2009, s.53-57.

¹¹ Juszczuk, 2002, s. 224.

sations we can notice considerable risks which have arisen. Popularity of phenomena such as synchronous chat rooms and instant messaging continues to grow. Something has to involve young and older people. Something encourages the use of these forms of communication.

This is achieved through interpersonal contact conversation.¹² The language is imperfect, burdened with a large number of limitations and errors, but lively and frequent. This is satisfactory and satisfies the needs of society. What advantages attract large groups of users in front of computer screens? Probably the speed, the relative cheapness and the reduction of space. You can talk a lot and every corner of the world. Although we do not see the caller, we sense his intentions and emotions. The need for emotional understanding created emoticons. They are not perfect, but they are a form of visual communication of feelings. More and more sites offer visual-auditory contact (audio and video). Because of low price of cameras and microphones, some members improve communication and comfort, so they can see and hear the caller. Such contact is satisfactory, although at a distance. The number of ways to communicate with the help of ICT is growing. Today's youth is looking for emotions associated with social contacts. Many types of contacting like communicating with peers, contact with other people, acquisition and exchange of obtained information excites them. This is a communication of a negotiation. In the modern world negotiations are peculiar emotional and intellectual sport.

4. REVEAL YOURSELF IN THE NETWORK - A FORM OF INTERPERSONAL CONTACT

Blogs are a special form of virtual communication.¹³ Blogs come from private websites. They have evolved into a virtual personal journal.¹⁴ This evolution was initiated by young artists trying their hand at writing and publishing their works on personal web pages. The tool proved to be great - you can show your achievements and get the response, interactive readers comments. The communication is of great value for specific sensitivity of artists. Everyone feels a great need to confront their visions and thoughts for the outside world.¹⁵ Often this need is so strong that it borders on emotional exhibitionism.¹⁶ Interactive websites allow you to obtain optimal

¹² Mortensen, 2006, s. 93.

¹³ Cywińska-Milonas, 2002.

¹⁴ Zabawa, 2009, s. 60-63.

¹⁵ McKay, Davis, Fanning, 2003, s. 268-270.

¹⁶ Głodowski, 2006, s.152.

and inconvenience to both sides in contact. The resonance can be observed that other people cause problems of the sender.¹⁷

The blogs formula is good to communicate not only the artists. Blogs stimulated activity which has been long forgotten – memoirs activity. It is a specific form of communication. It is believed that the main condition for an active communication is both, an active sender and active recipient.¹⁸ Meanwhile, the diary is a sender's announcement but without determining the addressee. Actually, it is directed to the collective and anonymous recipient.¹⁹

The diary author knows that his statement will be read by someone else.²⁰ This is his need. However, for various reasons he can not or does not want directed contact with the recipient. Blog-diary (log) is a way of communication between lonely people or people with a low sense of emotional security. You can even say that it is a good form of self-therapy.²¹ Thus, taking into account the specificity of the blog, you can use it to a wide range of creative and therapeutic interpersonal communication.

5. HIDING HIMSELF IN THE ANONYMITY OF THE WEB

The ICT Communication is risky because of the inability to confirm the identity of the interlocutor. This is not a new risk. Similarly, a contact telephone. However, the telephone communication can often determine and identify the caller by his voice. Such a possibility does not give verbal conversation.

Anonymity leads to the temptation of being someone else increases. The temptation have been always typical in man.²² One of the most cherished pastimes were masked balls, and the tradition has survived in the culture to this day (e.g. carnival in Venice). Dressing, anonymous friends, hiding behind a mask, trying to be someone else have been always popular. They have helped overcome the fear of interpersonal contacts.²³ They have allowed to play a role, experiment with different roles in order to seek their own identity.²⁴ Everything that the anonymity is considered a barrier or

17 Sobol, 2002, s. 43.

18 Wolska-Zogata, 2010, s.81.

19 Olcoń-Kubicka, 2006, s. 147-151.

20 Morreale, Spitzberg, Barge, 2007, s. 120-121.

21 Klimowicz, 2010, s.63-65.

22 Grzenia, 2007.

23 McKay, Davis, Fanning, 2003, s. 271.

24 Mazurek, 2006, s. 84-88.

defect, encourage young people. It gives new opportunities to test themselves in the community.

It can be very beneficial for the developing young participants of the virtual world. It helps to search for their identity. In this way the process of mediated interpersonal communication has become a therapeutic and growing function in a difficult adolescence age. But many matured and shaped people have hidden the longing for being someone else. Everyone wants to be better, more interesting and more free, going beyond his own moral scheme of the environment. Many people have low self-esteem and awareness of physical shortcomings. Often, not having the chance for different life, would like to put in a more satisfactory form. Interpersonal communication via electronic media gives you a chance. It also provides for the disabled an opportunity the multiplicity of contacts with people²⁵ without spatial barriers. For a large group of people with high levels of fear of personal exposure disadvantages of virtual communication may become advantages.

Emotions as a communication support

The most difficult part of communication is to recognize and name emotions. Emotions which accumulates in the process of communication, manifest themselves in different situations. They are often stronger than would result from the current context.²⁶ The same rules remains in effect for the distance as for the direct communication. It is therefore consciously to control emotional expression in such a way as to support interpersonal communication rather than harm it. This is an intentional action and requires skill. These kind of skills are acquired throughout the whole live. Network communication requires making better progress at skills recognition and naming their own and others emotions.

In the ordinary sense emotion is the common name of any subjective experience or affectively charged state.²⁷ Emotion reflects man's relationship to objects and phenomena in the surrounding world and the phenomena occurring in himself.

Emotions can also be treated as a fixed pattern of behavior in the communication process. Emotions appear in a broader context: the environment, other people as well as the relationships between them. It is an object of interest to educators and teachers. They explore emotions that ap-

25 Dziurzyński, Babiak, 2008.

26 Szlachta, 2004, s. 545-547.

27 Reber, 2002, s. 242.

pear in a web. It's about the emotions associated with building interaction and organization the cooperation at a distance. Emotions can also be the models of communication behaviors. They are then customized personal heuristics. There is a view that emotions are heuristics derived from the evolution of species and help decide how to proceed in a crisis situation.²⁸ It should therefore expect that also in the process of communicating human emotions will assist in achieving the goal. This context makes all the excitements are a very important component of communication. James R. Averill describes three different meanings of emotions:

- emotional syndrome,
- emotional state,
- emotional behavior.²⁹

Emotions are close to the third meaning as the practical heuristics. The electronic communication is useful to understanding, emphasizing the behavioral context of emotion. This aspect is particularly important for the teacher, because only he subjected to educational activities.

Emotions affect the processes of orientation in the community (also online). They perform different functions:

- indicative function - provide information about objects,
- feature activation - provide the necessary energy to launch and carry out various cognitive operations,
- the “modulation” function - provide energy, which provides optimum performance,
- metacognitive function - which is related to the orientation in their own cognitive processes and the choice of optimal operating procedures.³⁰

Robert W. Levenson simpler describes the functions of emotions:

- a) the intrapersonal functions (coordination and regulation),
- b) interpersonal functions (communication and control, establishing relationships with other people and objects).³¹

Cognitive emotion conception suggests more another function of emotions - managing the motives of human action, switch attention over from

²⁸ Oatley, Jenkins, 2003, s. 256.

²⁹ Averill, 1998, s. 227.

³⁰ Maruszewski, 2001, s.393.

³¹ Levenson, 1998, s. 112.

one issue to another. Emotions adapts human action to the circumstances.³²

As you can see the emotions has crucial for social functioning, and this also applies to the Web community.³³ The need of knowingly and intentionally starting an emotional game have seemed importance in the electronic communication. It is a form of communication between people replacing direct contact. Most of emotions are due to the relationship between subject and object. Emotions are mostly involved in human relationships with objects – “oriented at the object”.³⁴

You can manage emotions associated with interpersonal relations according to various criteria. *Encyklopedia pedagogiczna XXI* distinguishes four types of emotions: risks, limitations, deprivation or gratification. They can be positive or negative, stimulating or destructive.³⁵ Paul Ekman has proposed another classification of basic emotions like: joy, fear, anger, disgust and sadness.³⁶

The direct contact becomes limited and Internet influences on emotional reaction. Written verbalism communications and minimizing non-verbal communication (drawings, pictures, signs) spheres make the feedback has flow decreased. It is difficult to adjust emotions to the situation. Emotions are stimulated by the stimulus - the written-verbal message. It is limited to information derived from interlocutor observation. The intentions of the sender are often deformed. The emotion which was built upon this message is relevant to what the receiver thinks. The electronic communication is more disrupted than the traditional communications. The expression of emotions are all the indications which are emitted by a person.³⁷ They are an indication for others how to experience specific emotions. These signals may or may not be intentional. Sometimes they have appeared spontaneously, and sometimes they have been controlled by the sender. Intentionally expressed emotions can be read by other people.³⁸

Full presentation of emotion needs coding at three levels: pictorial, verbal and abstract. The level of electronic communication is dominated by imaging level - emoticons.³⁹ As its name they are the main tool to communicate emotion. They have implemented the process of symbolization,

32 Oatley, Jenkins, 2003, s. 250.

33 Lubina, 2008.

34 Frijda, 1998, s. 56.

35 *Encyklopedia pedagogiczna XXI wieku*, 2003, s. 1036.

36 Doliński, 2003, s. 367.

37 Morreale, Spitzberg, Barge, 2007, s.259.

38 Reber, 2002, s. 66.

39 Morreale, Spitzberg, Barge, 2007, s.254.

the transition from the figurative to the abstract code.⁴⁰ The ability to use different types of codes is particularly important for the Internet communication. It has allowed you to capture and convey the content in conditions of limited expression.

The emotion is seen as any anatomical, muscular, physiological or behavioral response.⁴¹ Verbalization (semantisation, naming) allows you to move from abstraction to determine the emotional state of the word.⁴² The direct communication of emotion expression is predominantly nonverbal.⁴³ The carriers of emotion is considered to facial muscles, the appearance of the eyes, the body, way of speaking, the speed of spoken words.⁴⁴ It all has no representation in electronic communication. The emotion mediated communication always is limited or does not exist. This view is not entirely true.

The emotions have gained a completely different representation - non-language communication dimension. Relay functions of emotions take over here:

- formulate messages in complete or incomplete sentences,
- the length of sentences, shortening sentences or use of the equivalents of the opinions,
- text placement (in email),
- clustering short and dynamic (or on the contrary developed and complicated) phrases,
- descriptive message (or a synthetic communication),
- selection phrasings marked by emotional expressions,
- the use of diminutives, lumps, vulgarisms,
- use environmental jargon, dialect,
- styling language to the characteristic form of expression,
- the frequency of sending messages (including silence - lack of communication), delayed reactions,⁴⁵
- breaks,
- a typo, the number of errors,

40 Fiske, 1999, s.104.

41 Reber, 2002, s. 242.

42 Doliński, 2003, s. 419-421.

43 Kurcz, 2005, s. 219-222.

44 Głodowski, 2006, s.232.

45 Knapp, Hall, 2000, s. 227.

- repetitions,
- lowering of words or their parts,
- inclusion of pictures and emoticons,
- putting drawings of punctuation marks,
- links and attach additional files, images, materials, mini-programs and other forms of illustrative,
- as well as others elements not directly related to the language.

Generally, a list of non-verbal conduct in electronic communication is consisted with similar behavior in personal communication.⁴⁶

CONCLUSIONS

The observation of processes occurring in the network communication have shown that emotions are the vital component of all action taken. There are in all the activities on the network, as well as during talking and silence. The same mechanisms and emotions have operated as well as in the Internet or in the traditional communication. Observing the process of developing the Internet communication there is need to trace the interaction between people. There is a necessary to examine the problem of Internet communication in order to be able to control it.

Both developing Internet communication and examining degradation of language and culture are essential to examine. The discussion is still going and still no clear-cut decisions. Besides, there is no need for such decisions at the moment. The process of changing is in progress. It is worth to watch and see to it that the cultural values contained in the language will not be destroyed by the simplicity and convenience, which have abused by modernity.

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⁴⁶ Knapp, Hall, 2000.

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CHAPTER V

VARIA



National security - definition, character and determinants. Studies on the quality of security

TOMASZ TUREK

COMMUNES AS ORGANIZERS OF COLLECTIVE PUBLIC TRANSPORT SERVICES IN THE LIGHT OF THE PROVISIONS OF THE ACT ON COLLECTIVE PUBLIC TRANSPORT

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ABSTRACT

Communes are the basic units of the territorial self-government, which task is to fulfill specific local needs. The aim of the article is to present legal regulations, which organizes functioning of commune budgetary units, mainly in the light of *Act on collective public transport* and *Act on public finances*. The goal of the article is also to characterize units legally responsible for organization and operation of regular passenger transport as a part of collective public transport operated in the territory of Poland.

KEY WORDS:

Commune budgetary units, collective public transport services, communes' municipal services, Commune budgetary enterprises

LOCAL COLLECTIVE TRANSPORT SERVICES AS COMMUNES' OWN TASK

Communes, which are the basic units of the territorial self government, as a part of their own tasks, are required to autonomously determine specific local needs and interests and to make autonomous decisions on the scope and forms of their fulfillment¹. Communes' own tasks defined in art. 7 (1) of the Act on commune-level self-government² (ACLSG) can be divided into four main categories of tasks which pertain to: technical infrastructure, social infrastructure, public order and security, and spatial and ecological order³.

1 J. Glumińska – Pawlic, *Samodzielność finansowa jednostek samorządu terytorialnego w Polsce. Studium finansowoprawne* [Financial autonomy of units of territorial self-government in Poland. A financial and legal study], Katowice 2003, p. 33.

2 Act of 8 March 1990 on commune-level self-government (consolidated text: Journal of Laws of 2001, no. 142, item 1591, as amended).

3 Cf.: Z. Niewiadomski, W. Grzelczak, *Ustawa o samorządzie terytorialnym z komentarzem* [The act on territorial self-government with a commentary], Warsaw 1990, p.12.

The principles of organization and operation of regular passenger transport as a part of collective public transport operated in the territory of Poland are governed by the Act on collective public transport⁴ (ACPT). The basic normative act on the Community level that governs the duty to provide public services in the area of passenger transport is Regulation no. 1370/2007/EC of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos. 1191/69 and 1107/70⁵.

It must be assumed that it is the commune, as the unit of territorial self-government that, in principle, is responsible for organizing and performing selected public services related to collective transport. When selecting the possible form of activities in the area of collective local transport services, communes must take into account economic factors and must strive to provide such services in an effective manner. One must also note that from the point of view of Community law, the member states are responsible for providing public passenger transport services through appropriate government- or privately-owned companies.

To the extent allowed by law, communes may also perform their tasks through other units of territorial self-government under an agreement or through an association of communes. The performance of local collective transport services by communes or associations of communes involves the formation of a budgetary unit, a self-government-owned budgetary enterprise, or a commercial company (the so-called municipal company) controlled by the unit of territorial self-government. Communes or association of communes may also entrust the performance of such tasks to third parties (companies) by signing appropriate civil-law contracts. The above-mentioned entities that are either entrusted by units of territorial self-government with the performance of public services or required to do so (in direct connection with the performance by units of territorial self-government of their own tasks) gain the status of the so-called operator.

In the meaning of the applicable laws, in particular the Act on collective public transport, communes gain the status of organizers of collective public transport, i.e. entities responsible for ensuring the operation of a universally accessible system for transport of persons performed regularly, with specific intervals and on specific routes or networks in certain areas

⁴ Act of 16 December 2010 on collective public transport (Journal of Laws no. 5, item 13).

⁵ OJ L 315 of 3 December 2007.

within the boundaries of the communes. Thus, communes are organizers of commune-level passenger transport within the administrative boundaries of one commune or a number of adjacent communes that have reached a relevant agreement or have formed an association.

According to art. 8 of the ACPT, the duties of communes as organizers of collective public transport include:

1. planning of development of the transport system;
2. organization of collective public transport; and
3. management of collective public transport.

COMMUNE BUDGETARY UNITS AS BUSINESS UNITS PERFORMING COMMUNES' TASKS RELATED TO LOCAL COLLECTIVE TRANSPORT SERVICES

Communes can perform their duties as organizers of passenger transport through their budgetary units. According to art. 11 of the Act on public finances, budgetary units are business units of the public finance sector that do not have the status of a legal person and that cover their expenditures directly from the budget and transfer their revenues into the budgetary accounts of the state or the respective unit of territorial self-government. Budgetary units conduct their activities based on their articles of association which define, in particular, their names, locations, and classification of their activities. Budgetary units are business units that function in accordance with the basic principle that the costs of their activities are covered directly from the budget and their revenues are transferred to the respective budget accounts. What this means is that budgetary units are fully accountable as a part of the budget, i.e. all the revenues and expenditures are qualified as a "gross" form of accounting. At the same time, this method of accounting precludes spending the money assigned under specific titles to finance the enumerated expenditures, which enables implementation of the so-called universality (completeness) principle⁶.

The essence of the financial management performed by commune budgetary units consists in that they cover their expenditures directly from the communes' budgets and transfers all their revenues into the communes' budget. Consequently, there are no direct relations between the revenues

⁶ P. J. Lewkowicz, "Komentarz do art.11" [Commentary to art. 11], in E. Ruśkowski, J. Salachna, eds., *Nowa ustawa o finansach publicznych wraz z ustawą wprowadzającą. Komentarz praktyczny* [The new Act on public finances with the introductory act. A practical commentary], Gdańsk 2010, p. 95.

and the expenditures of budgetary units since, in principle, they do not use their revenues⁷. What this also means is that the level of expenditures borne by budgetary units does not depend on the value of their revenues, there is no financial result and, consequently, no deficit or surplus. Budgetary units perform, to the fullest extent, the basic function of public finances, namely the redistribution function. Thus, there is a complete separation between the process of revenue collection and the payment of expenditures, as budgetary units cannot spend their revenues to cover their own needs, even if they have not reached the limits of their budgetary expenditures. The expenditures of budgetary units are not determined according to their revenues but rather to the revenue from other sources planned in the budget. The expenditures of budgetary units do not depend on their revenues also because most of the services provided by them are partly paid or gratuitous. Budgetary units do not have the status of separate legal entities and the scope of their financial independence is much narrower than that of other organizational and legal forms, for example budgetary enterprises. The financial freedom of budgetary units is also due to the principle of limitation of revenues and expenditures according to divisions, chapters, and sections of budgetary classification and the principle of approval of financial plans by supervisory bodies.

Commune budgetary units are established by commune councils which define their articles of association and define the assets the unit is to manage. The councils' competences also include liquidation, as well as mergers and liquidations. When liquidating a budgetary unit, the decision-making authority must define the intended use of the property that has been managed by the unit. The receivables and liabilities of liquidated communes' budgetary units are taken over by the commune's or city's office. In the case of liquidation of commune budgetary units, commune councils may decide to establish budgetary units with a different structure

⁷ More information can be found in: K. Sawicka, "Zakres budżetu gminy" [The scope of commune budgets], in: W. Miemiec, B. Cybulski, eds., *Samorządowy poradnik budżetowy na 1996 r. Zagadnienia ustrojowe i prawno – finansowe* [Self-government budget manual for 1996. Structural, legal, and financial issues], Warsaw 1996, p. 228; A. Borodo, *Samorząd terytorialny. System prawno – finansowy* [Territorial self-government. The legal and financial system], Warsaw 1997, p. 189; also cf.: Verdict of the Supreme Administrative Court in Krakow of 21 September 1995 (file no. SA/Kr 2741/94): *State budgetary entities cover their expenditures directly from the budget and transfer their revenue to the budget. Thus, they do not calculate their profits or losses. Consequently, it cannot be assumed that they act for profit. They do not conduct autonomous activities. Their activities are performed at the risk of the State Treasury, as it is the Treasury which receives their revenues and covers their expenditures.*

and legal form. In such a case, commune councils may also decide that the new units will take over the receivables and liabilities of the liquidated budgetary units.

The foundation for the financial management of budgetary units is the revenues and expenditures plan, often referred to as the “financial plan of the budgetary unit.” The principles that must be observed when preparing financial plans are defined in the regulation on the methods of financial management of budgetary units and budgetary enterprises owned by territorial self-government⁸. Managers of commune budgetary units are required to prepare financial plan drafts, using information on the values of budgetary revenues and expenditures provided by the commune head, town mayor, or city president. The financial plan drafts are divided into parts, divisions, chapters, and sections. Commune executive authorities verify the financial plan drafts submitted to them with regards to their compliance with the budget resolution draft; in the event of any discrepancies, they implement appropriate corrections and provide the relevant information to the managers of the budgetary units within dates defined in the resolution.

When performing their tasks related to organization of collective public transport, budgetary units must strive to effectively manage the quality of services in the local collective transport system and the traffic processes in the transport system.

Those activities must include:

- 1) implementation of the commune’s (city’s) budget with regards to financing of tasks related to transport, effective monitoring of financial flows, and proper selection of tools used to finance transport-related undertakings;
- 2) ensuring proper conditions for equal and balanced of access of operators (transport companies) to the rail and road infrastructure and to stops and stations in the local public transportation system, in conditions of regulated organization of transport services;
- 3) implementation of processes related to procurement of services that are optimized from the point of view of the organization and are economically justified, to include those pertaining to maintenance, repairs, and upgrade of track infrastructure, traction network, and cleanliness of stations and stops; and

⁸ Regulation of the Minister of Finance of 7 December 2010 on the way to conduct financial management of budgetary units and self-government-owned budgetary enterprises (Journal of Laws no. 241, item 1616).

4) implementation of investment processes in the area of the commune's transport infrastructure, to include those receiving financial support from the European Union.

The factors of significant importance to the organization of services in local collective transport systems are:

- 1) organization of transport services within the administrative area of the commune;
- 2) entrusting and contracting of transport services in public procurement procedures;
- 3) monitoring and accounting of contracts that have been concluded, in particular ones concluded with the commune's internal operator;
- 4) assessing the quality of the transport services provided by the operators;
- 5) analyzing the market for collective transport services to determine the transport-related needs of the commune's residents in order to balance the supply of and demand for services;
- 6) preparing the transport schedules for the local collective transport system organized by the commune and reconciling the schedules of non-public passenger transport;
- 7) possible emission and distribution of tickets; and
- 8) financial settlements related to the emission and distribution of tickets.

The duties of the organizer of collective public transport include, in particular, concluding the related service contracts. One must emphasize, however, that the term contract, in accordance with Regulation no. 1370/2007/EC, covers not only civil-law contracts in the meaning defined in relevant Polish laws, but also normative and administrative acts, even those of binding nature, that define the conditions that a given entity must observe when performing public services or when entrusting them to an internal operator. In principle, in accordance with art. 24 (1) of the ACPT, a contract for services related to collective public transport may pertain to:

1. a communication line or
2. several communication lines, or
3. a communication network.

Communes, as organizers of collective public transport, may organize collective public transport services by establishing a budgetary enterprise

or, in accordance with art. 19 (1) of the ACPT, may select the operator in accordance with:

1. the Act on public procurement⁹, or
2. the Act on concessions for construction works or services¹⁰, or
3. art. 22 (1) of the ACPT, by a direct award of a public service contract for collective public transport service in accordance with the principles given therein.

COMMUNE BUDGETARY ENTERPRISES AS AN INSTRUMENT TO PERFORM COMMUNES' MUNICIPAL SERVICES

Communes may perform their own tasks consisting in fulfilling the resident's needs related to collective transport by themselves, by establishing the legally permitted budgetary enterprises.

It must be emphasized that the Act of 27 August 2009 on public finances allows only budgetary enterprises owned by a unit of territorial self-government. According to art. 15 of the Act on public finances, budgetary enterprises owned by units of territorial self-government are those enterprises that perform those own tasks of units of territorial self-government that are defined in art. 14 of the Act on public finances and that:

- 1) perform the tasks for a fee;
- 2) cover the costs of their operation from their own revenues, provided that they may be subsidized in accordance with the principles defined in sub-sections 3 and 4 of the article.

Budgetary enterprises are separate both financially and organizationally, even though, like budgetary units, they do not have legal personality. Budgetary enterprises can be considered a specific form that has the characteristics of both an enterprise and a unit performing the tasks of units of territorial self-government. Commune budgetary enterprises can be established, merged, and liquidated by commune councils.

The financial separation of budgetary enterprises is manifested in the fact that they have their own bank accounts and conduct financial management based on yearly financial plans. The separate bank account of a budgetary enterprise can only be used to make payments that do not ex-

⁹ Act of 29 January 2004, Public procurement law (Journal of Laws of 2010, no. 113, item 759, as amended).

¹⁰ Act of 9 January 2009 on concessions for construction works or services (Journal of Laws no. 19, item 101, as amended).

ceed the amount of funds deposited in the account. In the event that a budgetary enterprise is liquidated, its bank account is closed and the funds remaining after the liquidation settlements are completed are transferred to the commune's budget. As far as the property used by the budgetary enterprise is concerned, the entity that established the enterprise decides on its further use. The receivables and liabilities of a liquidated budgetary enterprise are taken over by the entity that liquidated it. However, in the case of the specific mode of liquidation which is aimed to transform the enterprise into another organizational and legal entity, all the receivables and liabilities are assumed by the newly created unit (entity).

Budgetary enterprises have the status of business units without separate legal personality. Due to such a position of budgetary enterprises, they must be considered as "handicapped" legal persons, i.e. ones that can autonomously make legal transactions, but must act within the powers given to them by the authority on whose behalf they undertakes legal acts and which bear the legal responsibility for the enterprises' liabilities. According to art. 47 (1) of the Act on commune-level self-government, managers of communes' business units that do not have legal personality act individually under the powers of attorney given to them by the commune head, town mayor, or city president.

The reason for establishing municipal budgetary enterprises is to create economic stimuli that will result in an increase of the communes' own income and will reduce their expenditures. Selection of the form of budgetary enterprise is justified when the revenue from the operations covers a large part of the associated costs but may not be increased for social reasons, while full coverage of the costs requires a subsidy from the commune's budget.

Besides the powers to establish, merge, and liquidate budgetary enterprises, which are defined in the Act on public finances, commune councils may, by way of a resolution, transform budgetary enterprises into companies. This is regulated in art. 22 of the Act on municipal services. It must be emphasized that a resolution of the commune council does not automatically transfer a budgetary enterprise into a company owned by the commune. A resolution only authorizes the executive authority that manages the municipal property to take specific measures related to such a transformation. The final act of such measures is an entry of the established company in the register of entrepreneurs of the National Court Register. The process of transformation of a budgetary enterprise into a company

involves universal succession, as the company assumes all the rights and duties of the budgetary enterprise. Moreover, components of the property of the budgetary enterprise become the property of the company and the budgetary enterprise's right to manage the land on which it is located becomes the new company's right of perpetual usufruct.

The practical operation of budgetary enterprises demonstrates a number of shortcomings of this form of performance of communes' services. These include:

- 1) low effectiveness of management due to the lack of natural mechanisms for increasing efficiency and a tendency to lower efficiency and to hide reserves;
- 2) limited development opportunities due to lack of own development funds and, consequently, decapitalization of their property;
- 3) a privileged position in the area of provision of municipal services, which is due among others to the close-to-monopoly position of the enterprises in the market for municipal services;
- 4) preference given to budgetary enterprises by communes by awarding orders and exclusion from the public procurement mode of orders awarded to budgetary enterprises for ongoing services provided to the communes.

COMMUNE BUDGETARY ENTERPRISES AS OPERATORS PROVIDING COLLECTIVE PUBLIC TRANSPORT SERVICES

When establishing a commune budgetary enterprise for the purpose of providing public passenger transport services, the commune's decision-making authority must make the following provisions in the enterprise's articles of association:

1. the name and the location of its registered office;
2. the classification of its activities;
3. the sources of its own revenue;
4. the value of the current assets and the property provided for the use by the budgetary enterprise; and
5. the dates and methods of determination of the advance payments of excess current assets to be made by the enterprise to the commune's budget, as well as the dates and methods of yearly settlements and payments to the commune's budget (art. 16 (2) of the Act on public finances).

Thus, the relevant duty to provide public services is imposed on budgetary enterprises through the inclusion in their articles of association of certain provisions that must define their objectives and classification of their activities. If the duty to provide public services is to be imposed on a new budgetary enterprise established for this particular purpose, the commune's decision-making authority must define in the enterprise's articles of association that the objective of the budgetary enterprise is to satisfy the residents' needs related to collective transport by providing the relevant public services. According to art. 15 (5) of the Act on public finances, a newly established budgetary enterprise may receive a one-time subsidy from the commune's budget to be spent on fixed assets.

The duty to provide public services may also be imposed on budgetary entities that have existed before. In such cases, if it is necessary, the commune's decision-making authority should make appropriate changes in the articles of association of the budgetary enterprise. The modified articles of association must contain relevant provisions regarding the objective, i.e. to satisfy the needs of the residents pertaining to collective transport by providing the relevant public services. No changes to the articles of association of the budgetary enterprise are required if they already contain the relevant information.

Budgetary enterprises perform their financial management based on their yearly financial plans which cover the revenues, to include subsidies from the commune budgets, the costs and other liabilities, the value of the current assets, the value of receivables and liabilities at the beginning and end of the period, and the settlements with the commune budget. Changes to the financial plan may be implemented in the course of the budget year. Such changes may be implemented in the event that the revenues and costs that are greater than planned, provided that the changes do not result in reduced payments to the budget or increased subsidies from the budget.

Budgetary enterprises may receive from the commune budget subsidies for specific purposes, designated subsidies for partial coverage of the costs of projects, or designated subsidies for ongoing tasks that are partly financed from the funds mentioned in art. 5 (1) (2 and 3) of the Act on public finances. In areas defined in separate regulations, budgetary enterprises may receive general subsidies (recipient-specific). The legislator has expressly limited the value of subsidies granted to budgetary enterprises. According to art. 15 (6) of the Act on public finances, subsidies to budgetary enterprises may not be greater than 50% of the costs of their op-

erations. However, this limit does not apply to investment subsidies and subsidies granted in connection with the performance of projects or tasks that are co-financed from funds defined in art. 5 (1) (2 and 3) of the Act on public finances.

As has been mentioned, the detailed scope of duties of commune budgetary enterprises related to the provision of public services is defined in their articles of association by the commune decision-making bodies. It also appears that a detailed definition of such duties may also be provided in the by-laws document which should also be adopted by the commune council. As an alternative, the commune decision-making authority may require the executive authority to define the detailed scope of the budgetary entity's duties pertaining to the provision of public services.

From the point of view of the provisions of Regulation no. 1370/2007/EC, it should be assumed that the adoption of articles of association or by-laws of the commune budgetary entity, which define the scope of its duties related to the provision of public passenger transport services, constitutes an internal regulation. The aforementioned Regulation no. 1370/2007/EC contains a very broad definition of the term public service contract. According to this definition, such a contract means “one or more legally binding acts confirming the agreement between a competent authority and a public service operator to entrust to that public service operator the management and operation of public passenger transport services subject to public service obligations; depending on the law of the Member State, the contract may also consist of a decision adopted by the competent authority taking the form of an individual legislative or regulatory act, or containing conditions under which the competent authority itself provides the services or entrusts the provision of such services to an internal operator.” An analysis of the above definition leads to the conclusion that such contracts may be not only civil-law contracts in the meaning defined in relevant Polish laws, but also normative and administrative acts, even those of binding nature, that define the conditions to be observed by the relevant authority when performing public services on its own or when entrusting them to an internal operator (art. 2 (i)).

The contents of the internal regulation in question must define, in particular, for a period that is not shorter than one year:

- 1) the scope of the duty to provide the service, its duration, and the relevant territory;

- 2) the principles of calculation of the compensation;
- 3) the travel routes;
- 4) the frequency of each route;
- 5) the level of the fees for each type of transport service on each route, taking into account the discounts granted to eligible persons based on relevant regulations;
- 6) the duties of the budgetary enterprise towards the customers and the rules of the use of the services provided by the enterprise.

According to the provisions of the Community laws, it is recommended that a relevant internal regulation also contain the elements required by art. 4 (1-4) and (6-7) of Regulation no. 1370/2007/EC. According to art. 4 of the aforementioned regulation, an internal regulation must comprise the following elements:

- 1) a definition of the obligation related to the provision of services and the geographic area related to the obligation;
- 2) a definition (objective and transparent) of the parameters to be used to calculate possible compensation and the type and scope of possible exclusive rights (the compensation must not be excessive);
- 3) a definition of the principles of division of the costs connected with the provision of the services;
- 4) a definition of the principles of division of the revenues from the sales of tickets (whether they are to be kept by the operator or the unit of territorial self-government, or whether they are to be divided between those entities);
- 5) a definition of the standards of quality of the services;
- 6) indication of whether and to what extent the services can be subcontracted; and
- 7) indication of the owner of the assets involved in the performance of the transport services, to include in particular the vehicles and the infrastructure.

COMMUNE BUDGETARY ENTERPRISES AS INTERNAL OPERATORS

It must also be emphasized that, in the light of the provisions of Regulation no. 1370/2007/EC, commune budgetary enterprises, as entities providing public passenger transport services, are considered as the so-called

internal operators. The institution of in-house entities is defined in art. 2 (j) of the above-mentioned Regulation. According to the Regulation, the institution of internal operator is defined “ a legally distinct entity over which a competent local authority, or in the case of a group of authorities at least one competent local authority, exercises control similar to that exercised over its own departments.”

The conditions that an entity must meet to be considered as an internal operator are defined in art. 5 (2) (a–c) of Regulation no. 1370/2007/EC. It must be mentioned that the very definition of an internal operator and the conditions that must be met by an entity to be considered as an internal operator in the meaning of the aforementioned Regulation pertain only to situations defined in art. 5 (2), i.e. to situations where provision of collective public transport services is not considered as public procurement in the meaning of Directive 2004/17/EC or Directive 2004/18/EC. This is stated expressly in art. 5 (1) of the Regulation.

According to art. 5 (2), “unless prohibited by national law, any competent local authority, whether or not it is an individual authority or a group of authorities providing integrated public passenger transport services, may decide to provide public passenger transport services itself or to award public service contracts directly to a legally distinct entity. Where a competent local authority takes such a decision, the following shall apply:

a) for the purposes of determining whether the competent local authority exercises control, factors such as the degree of representation on administrative, management or supervisory bodies, specifications relating thereto in the articles of association, ownership, effective influence and control over strategic decisions and individual management decisions shall be taken into consideration. In accordance with Community law, 100 % ownership by the competent public authority, in particular in the case of public-private partnerships, is not a mandatory requirement for establishing control within the meaning of this paragraph, provided that there is a dominant public influence and that control can be established on the basis of other criteria;

b) the condition for applying this paragraph is that the internal operator and any entity over which this operator exerts even a minimal influence perform their public passenger transport activity within the territory of the competent local authority, notwithstanding any outgoing lines or other ancillary elements of that activity which enter the territory of neighboring competent local authorities, and do not take part in competitive tenders

concerning the provision of public passenger transport services organized outside the territory of the competent local authority;

c) notwithstanding point (b), an internal operator may participate in fair competitive tenders as from two years before the end of its directly awarded public service contract under the condition that a final decision has been taken to submit the public passenger transport services covered by the internal operator contract to fair competitive tender and that the internal operator has not concluded any other directly awarded public service contract.”

Thus, an internal operator may be entrusted with the performance of services in the general economic interest only if the operator meets the conditions defined by the Court of Justice of the European Union (CJEU).

According to the case law of the CJEU, in-house contracts are defined as situations where, under certain conditions, the ordering party is not required to observe the regulations governing public procurement, even though it entrusts certain services to a separate, at least formally, entity. According to the Court, even in situations where two legal persons are involved, entrusting an entity with performance of a certain service may, as an exception, be considered as an in-house transaction. In such situations, both of the following conditions must be met:

- the ordering party must exercise control over the entity entrusted with the performance of the service that is analogous to the control it exercises over its own departments/divisions and
- the entity must perform most of its activities to the benefit of the ordering party/parties who control it.

When a commune budgetary enterprise is the operator of a transport system, the commune is required to provide adequate equipment that will enable the enterprise to perform public passenger transport services. The basic requirement in this case is to provide appropriate vehicles, such as buses, trolleybuses, or trams, or to give adequate funds to purchase (upgrade) the assets needed for providing collective transport services. Thus, fixed assets (vehicles) intended for the provision of public services can be:

1. purchased directly by the unit of the territorial self-government and handed over to the operator or
2. purchased by the operator directly.

In the former situation, if a commune as a unit of territorial self-government imposes on a budgetary enterprise the duty to provide public services, the commune can provide to the enterprise its own vehicles for the purpose of providing such services. In such a case, the vehicles, as municipal property, are transferred to the budgetary enterprise to be managed by it. The transfer of property, to include vehicles, to be managed by the budgetary enterprise, is effected pursuant to a decision of the unit of territorial self-government - in this case a resolution of the commune decision-making authority.

In the latter situation, the vehicles are purchased by the operator. Given their unique nature, the purchase of assets by budgetary enterprises in practice lead to analogous situations as that described above. Consequently, assets that are necessary for the provision of public passenger transport services and are purchased by the budgetary enterprise acting as the operator of a transport system constitute, in fact, property of the commune.

It must be emphasized that if the commune cannot provide the budgetary enterprise with vehicles that are needed for the performance of transport services, the commune may purchase such vehicles using funds available from various Operational Programmes.

Both communes as units of territorial self-government and operators, i.e. commune budgetary entities, can apply for financing from operational programmes to purchase or upgrade assets that are needed to provide passenger transport services. Unless the terms of a given Operational Programme provides otherwise, the expenditure eligibility period mentioned in art. 56 (1) of Regulation no. 1083/06 starts on 1 January 2007 and ends on 31 December 2015. The term expenditure eligibility period is defined as the period when the eligible expenditures to be financed from the Operational Programmes can be made. Expenditures made outside of the expenditure eligibility period are not considered as eligible expenditures. The adopted expenditure eligibility period does not affect the principles of payment of compensation under Regulation no. 1191/69 or Regulation no. 1370/2007/EC (payments to entrepreneurs of compensation, to include financing from operational programmes, may be made only on the basis and after conclusion of a valid public service contract).

If the public passenger transport service operator is a commune budgetary enterprise, then the financing application must be signed by the commune's executive authority. The application can be signed and then submitted only provided that the commune council has expressed its con-

sent in an appropriate resolution.

If the entity applying for the financing is a commune that intends to perform public services through a budgetary enterprise, the commune must supply with the financing application the articles of association of the budgetary enterprise, together with relevant internal regulations defining the detailed principles governing the provision of public services by the enterprise and the financial model demonstrating that if the enterprise receives funds from the specific Operational Programme, the compensation will not exceed the permitted value calculated in accordance with the Appendix to Regulation no. 1370/2007/EC.

COMMUNE-OWNED COMPANIES AS OPERATORS PERFORMING COLLECTIVE PUBLIC TRANSPORT SERVICES

The legislator has not adopted a rigid principle that units of territorial self-government must always perform public tasks by forming their own business units connected with the budget by gross or net accounting methods. Units of territorial self-government and associations of communes may entrust the performance of municipal services to both natural and legal persons, as well as to business units without legal personality by concluding relevant contracts in accordance with general principles or in accordance with the principles defined in the Act on public finances, the Act on public-private partnership¹¹, the Act on concessions for construction works or services, the Public procurement law, the Act on public benefit activities and on voluntary services¹², and the Act on collective public transport.

When analyzing the status of municipal companies, one must emphasize the fact that the provisions of both the acts pertaining to territorial self-government and the Act on municipal services do not include a legal definition of the term municipal company. Only the title of chapter 3 of the Act on municipal services, as well as art. 10a of this act include references to the term company partly owned by a unit of territorial self-government. The question that needs to be answered is, In what situations companies partly owned by units of territorial self-government can be regarded as municipal companies with the status of municipal legal persons.

¹¹ Act of 19 December 2008 on public-private partnership (Journal of Laws no. 19, item 100, as amended).

¹² Act of 24 April 2003 on public benefit activities and voluntary services (Journal of Laws no. 234, item 1530).

In order to determine the nature of a company that is considered a municipal legal person, one must first point at various links between limited liability companies and joint-stock companies as legal persons and units of territorial self-government. The first type of links is functional links, i.e. the performance of services aimed to fulfill the collective needs of local communities. Another type of links is organizational links, which consist in the supervisory role of units of territorial self-government or associations of communes over the companies considered to be municipal legal persons. The last type of links, i.e. property links, consists in the fact that the legal persons are users of the property that has been transferred to them by units of territorial self-government. The property links are of key importance to the determination of a company's status as a municipal legal person, due to the fact that property contributed by one or more units of territorial self-government (i.e. communes or associations of communes) does not lose its status of property owned by the units of self-government. Thus, communes can provide collective transport services to the residents through limited liability companies or joint-stock companies. In such a case, the duty to perform collective transport services should be expressly stated in the deed of incorporation or the articles of association of the municipal companies. The objective of the municipal companies should be reflected in the detailed description of the classification of their activities. A detailed definition of the scope of a municipal company's duty to perform public services must be included in a resolution of the decision-making authority, the company's deed of incorporation or articles of association, a relevant internal regulation of the company (plan or strategy) adopted by the municipal company's shareholders' meeting, or in a contract for the performance of public services.

Communes may entrust the performance of their tasks to third parties by way of public service contracts. An entrepreneur who has accepted the obligation to perform public services by signing a contract for performance of services related to the fulfillment of the residents collective transport needs must receive appropriate compensation. The detailed scope of the third party's duty to perform public services is given in the public service contract which must also contain provisions on the method of calculation of the compensation.

With the exception of cases where collective transport services are performed by a self-government-owned budgetary enterprise, the performance of such services is entrusted to municipal companies or third par-

ties in accordance with the principles defined in the aforementioned 19 (1) of the ACPT. The detailed description of the way contracts must be signed is given in art. 22 (1) of the ACPT.

In the case of municipal companies, communes as the organizers may conclude contracts for public transport services with such companies if the companies have the status of internal operator in the meaning of Regulation no. 1370/2007. In such cases public services are provided in the commune's area of activity without the need to conduct procedures ensuring fair competition in the market for transport services. However, in the area of bus and tram transport services, Regulation no. 1370/2007/EC limits this possibility to cases where a contract transfers onto the company the risks associated with the contract, which gains the status of a concession in the meaning of European law.

It must be pointed out that the necessary condition for entrusting collective public transport services to municipal companies without observing the competition procedures defined in art. 19 (1) (1 and 2) of the ACPT is that the company must have the status of an internal operator. The institution of an internal operator, which in the EU case-law and doctrine refers to as an in-house operator, is defined in art. 2 (j) of Regulation no. 1370/2007. According to the Regulation, the institution of internal operator is defined “ a legally distinct entity over which a competent local authority, or in the case of a group of authorities at least one competent local authority, exercises control similar to that exercised over its own departments.”

The concept of internal operator functions mostly as a result of the interpretation of the Community law by the Court of Justice of the European Union and its definition may be different depending on the form of implementation of specific services. In the opinion of the Public Procurement Office, the definition of internal operator leaves a lot of room for interpretation and exposes certain units of territorial self-government to legal uncertainty. The conditions that an entity must meet to be considered as an internal operator are defined in art. 5 (2) (a–c) of Regulation no. 1370/2007/EC.

It must be emphasized that municipal companies must not, in accordance with art. 7 (1) (1 and 2) of the ACPT, perform public services in geographic areas of units of territorial self-government other than their own units, unless such services are based on an agreement between units of territorial self-government, a law, or a decision of a competent association

of communes to entrust the performance of collective public transport services to such a company. According to art. 2 of the Act on municipal services, the purpose of municipal companies is to support the provision of municipal services by the units of territorial self-government that established them. Performance of public services outside of the home unit of territorial self-government cannot be considered to be a part of municipal services, unless it can be demonstrated that performance outside of the home unit is necessary to ensure proper performance of such services in the unit's own territory. A municipal company that undertakes the performance of public services in other units of territorial self-government will, with the exception of the aforementioned situations, lose the status of an internal operator. This will mean that the municipal company will need to be regarded as a third party operator.

In the case of collective public transport services provided by a third party operator, the general principle is that the operator must be selected in observance of the competition laws, i.e. in accordance with the Public procurement law or the Act on concessions for construction works or services. The associated procedure must lead to the selection by the commune, acting as the operator, of the most advantageous bid and conclusion of a contract whose contents must meet the requirements defined in art. 25 (3) of the ACPT. It must also be mentioned that a contract can be concluded without a public tender procedure with any operator in three types of situations defined in art. 22 (1) (1, 3, and 4) in connection with art. 22 (4) of the ACPT.

CONCLUSION

In the performance of their own tasks, communes must act within the applicable legal framework. Communes may perform their tasks through budgetary entities, which are responsible for the actual actions performed by the communes.

Collective public transport services, as communes' own task, may also be performed by commune budgetary enterprises which, from the point of view of the Act on public finances, are business units of the public finance sector that use the net method in their settlements with the communes' budgets. Communes may also perform their tasks through limited liability companies or joint-stock companies which have the status of municipal companies.

In order to perform services, budgetary enterprises must be provided with funds and assets, to include possible funds from operational programmes, that are adequate for their operations. In the event that it is necessary to balance the revenues and costs of their operations, communes are required to grant subsidies to budgetary enterprises. The aforementioned forms of financing of services, in the light of European laws, constitute compensation aimed to cover the costs associated with the performance of relevant services. Expenditures on financing communes' budgetary enterprises must be qualified most of all as investment and asset outlays. Communes entrusting performance of services to budgetary enterprises maintain full control of their activities, which means that they directly influence the scope and quality of the services performed.

On the other hand, entrusting the performance of public services to a municipal company may be effected through the conclusion of a civil-law contract or a decision, i.e. a resolution of the decision-making authority on the establishment of a company, provided that such a resolution clearly defines that the purpose of the municipal company is to perform the tasks of the unit of territorial self-government pertaining to the fulfillment of the needs of the residents related to collective transport. This duty must be expressly stated in the related contract or in the articles of association of the municipal company. The purpose of municipal companies should be reflected in the detailed description of the classification of their activities.

If collective public transport services are entrusted to a company by way of a civil-law contract, such a contract must regulate the principles of responsibility of the municipal company to the unit of territorial self-government for potential failures to perform or for inadequate performance of the duties enumerated in the contract. The contract may also define in detail the principles of payment to the municipal company of compensation to cover the losses borne in connection with the performance of public services.

The status of a commune-owned company as a self-government-owned legal person is very important to the evaluation of the performance of collective passenger transport services. If a commune-owned company has the status of an internal (in-house) operator, it may be selected as the operator providing public-law services related to collective public transport in the home commune without a tender procedure.

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National security - definition, character and determinants. Studies on the quality of security

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SUSTAINABLE TOURISM AND DEVELOPMENT IN SUB-SAHARAN AFRICA

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“We all belong to Africa... It is a cradle of humanity, where we learned how to walk, speak and love. Although the tie with our African ancestors lasts for generations, it still touches our hearts, when we admire African landscape, wildernesses and people”.

John Reader, citation from the Peter Godwin's article
- *Without Borders: Uniting Africa's Wildlife Reserves*,
National Geographic, October 2001 (Polish version)

ABSTRACT

The aim of sustainable tourism is to ensure that development brings a positive experience for local people, tourism companies and the tourists themselves with as low impact on the environment and local culture as possible. The goal of the article is to present problems related to the African tourism development (especially in Sub-Saharan Africa), its promotion and directing tourists movement to world's second-largest and second-most-populous continent.

KEY WORDS:

Sustainable tourism, African tourism, world tourists movement, touristic regions, ecology tourism

Although this sentence seems to be well-tough-out, deep and touching, after deeper analyze, questions, sometimes cynic, arise. The first one is, which hearts are touched by Africa, since world has turned around from that continent, leaving behind its economical underdevelopment, together with poverty, lack of capital for investments, ethnic antagonisms, armed conflicts and environment degradation problems? There is no need to

convince anyone that, this is the way it is – it's enough to study statistical data showing economical, socio-political and environmental issues. It is also enough to follow TV programs, most of which are natural scientific ones, to see how little time is spend on African issues. Of course we should remember about exceptions on the news, which from time to time inform us about famine disaster, drought or political upheavals happening in Africa.

The second question, which arise from the cited sentence at the begging of this article is, who are those admiring African landscape, wildernesses and people (beyond those delighted when watching TV programs about nature of Africa), since so little tourists visit that place? To the Africa arrive only 5% of people involved in international tourism movement. According to UNWTO data it is less than 50 million people per year. To compare this figure with other continents it is worth to say that to Europe arrive nearly 500 million of international tourists, to Asia and Pacific 200 million, and to North and South America 150 million¹. African benefit from tourism is also modest. International tourism receipts in Africa are equal to only 31,2 billion of USD (it is about 3% of world's receipts from tourism). Let's look at the tables beyond, showing world's and African tourist movement.

Tab.1. The world tourists movement by UNWTO regions in 2010.

Region	Number of foreign tourists (millions)	Share (%)	Income from tourism (billions of USD)
Europe	471,5	50,4	406,3
Asia and Pacific	203,8	21,8	248,7
North and South America	151,2	16,2	182,2
Africa*	49,4	5,2	31,2
Middle East	60,0	6,4	50,3
*without Egypt and Libya, which are allocated to the Middle East			

Source: World Tourism Organization, Data as collected by UNWTO, January – June 2011

http://85.62.13.114/media/news/en/press_det.php?id=7331&idioma=E

http://mkt.unwto.org/sites/all/files/docpdf/unwtohighlights11enlr_1.pdf

¹ <http://unwto.org>

Tab.2. International tourists movement in Africa in 2010.

Major destinations	International Tourist Arrivals						International Tourism Receipts			
	(1000)			Change (%)		Share (%)	(US \$ million)			Share (%)
	2008	2009	2010	09/08	10/09	2010	2008	2009	2010	2010
Africa	44,380	46,021	49,376	3,7	7,3	100	30,316	28,780	31,677	100
Algeria	1,772	1,912	..	7,9	..	..	324	267	..	..
Angola	294	366	425	24,3	16,2	0,9	285	534	..	..
Botswana	1,500	1,553	..	3,5	..	..	553	452	..	..
Cape Verde	285	287	336	0,7	17,1	0,7	350	292	289	0,9
Ethiopia	330	..	..	..	..	..	377	329	..	..
Gambia	147	142	91	-3,5	-35,7	0,2	81	63	..	..
Ghana	698	803	..	15,0	..	..	919	968	..	..
Kenya	1,141	1,392	..	22,0	..	..	752	690	756	2,4
Lesotho	285	320	..	12,3	..	..	24	40	..	..
Madagascar	375	163	196	-56,6	20,5	0,4	351	308	..	..
Malawi	742	755	..	1,7	..	..	43	43	..	..
Mauritius	930	871	935	-6,4	7,3	1,9	1,449	1,117	1,282	4,0
Morocco	7,879	8,341	9,288	5,9	11,4	18,8	7,168	6,557	6,720	21,2
Mozambique	1,815	2,224	..	22,5	..	..	190	196	197	0,6
Namibia	931	980	..	5,3	..	..	378	398	438	1,4
Nigeria	1,313	1,414	..	7,7	..	..	573	608	..	..
Reunion	396	422	421	6,4	-0,3	0,9	448	425	..	..
Rwanda	731	699	..	-4,4	..	..	186	174	202	0,6
Senegal	..	..	..	..	..	..	543	463	..	..
Seychelles	159	158	175	-0,9	10,8	0,4	258	209	..	..
South Africa	9,592	7,012	8,074	..	15,1	16,4	7,925	7,543	9,070	28,7
Sudan	441	420	..	-4,6	..	..	331	299	..	..
Swaziland	754	909	..	20,4	..	..	26	40	..	..
Tanzania	750	714	794	-4,8	11,1	1,6	1,289	1,160	1,303	4,1
Tunisia	7,050	6,901	6,902	-2,1	0,0	14,0	2,953	2,773	2,654	8,4
Uganda	844	817	..	-3,2	..	..	498	667	730	2,3
Zambia	812	710	..	-12,6	..	..	148	98	..	..
Zimbabwe	1,956	2,017	2,239	3,2	11,0	4,5	294	523	634	2,0

Source: World Tourism Organization, Data as collected by UNWTO,
June 2011

http://mkt.unwto.org/sites/all/files/docpdf/unwtohighlights11enlr_1.pdf

Africa (especially Sub-Saharan Africa), as a touristic region, receives a smallest number of foreign tourists. Among countries with the highest number of visitors is Morocco (9,3 million of tourists), South Africa (8,1), and Tunisia (6,9). Those three countries hold nearly 50% of the foreign tourist movement in Africa. And what apart from them? Further positions are taken by Zimbabwe, Mozambique, Botswana, and Algeria. The number of visitors in those countries is between 1,5 to 2 million people, but what should be remembered is that tourists from outside Africa account only for 10 to 30% of the total number of foreign tourists². It is worth to emphasize that less than 3% of European tourists choose each year Africa for a holiday place. So – in this moment a simply question arises – why Europeans (or generally speaking – people from the North) do not visit Sub-Saharan Africa that much? It seems that the answer is multilateral:

- because the average European does not know anything about Africa, since beyond admiring its wildernesses on Animal Planet or National Geographic TV channels, usually hears only about AIDS, poverty, famine and wars,
- because plane tickets are too expensive (in relation to the prices of plane tickets to the other parts of the world),
- because African's tourist infrastructure is poor (except for few countries, which already are being visited),
- because of the armed conflicts on that continent,
- because of the tropical diseases threat.

The direct consequence of a small interest of Sub-Saharan Africa is a little number of intercontinental air flights. This influences high prices of air tickets. For example a ticket for New York from Warsaw costs around 1,5 thousand polish zloty, while a ticket for Nairobi (approximately it is the same distance) costs 3,5 thousand. Average air tickets prices to different towns located on other continents are: for New Delhi 2 thousand, for Bangkok 2,8 thousand, and for Mexico City 3 thousand polish zloty. In this case an average tourist from Europe asks himself – what for is to go to Africa since at the same price I can visit India and USA? So he/she does not go and does not live his/her money there.

Sub-Saharan infrastructure is poorly developed. This region attracts people very much with its landscape, vegetation and wild animals, but to have real visitors there is a need to have a road network – in other words

² <http://www.world-tourism.org>

– to have an access to its touristic attractions. In this region a density of roads is for example 10 times lower than in Poland (except to South Africa and some insular states, as Seychelles and Comoros Islands). But this is not only a question of total length of all roads, but also their quality. In Sub-Saharan countries only 13 per cent of all roads are asphalted ones, but for example in Chad they constitute only 0,8 per cent, in Republic of Central Africa – 2,7, and in Tanzania – 8,6 per cent of all roads³. Because of that to the famous national parks tourists go very often by plane, which rises very much the total costs of safari.

In Sub-Saharan Africa, apart from a few countries, such as South Africa, Kenya, and maybe Tanzania, there are only few middle class hotels. In each other country of this region there are several luxury hotels, where stay politicians, diplomats, and businessmen, and many hotels which offer rooms for 5-10 USD. The last ones efficiently scare away so called middle class tourists who need not only a bed and mosquito net.

Wars and armed conflicts also constitute an affective barrier for tourists from Europe. Liberia, Sierra Leone, Sudan, Somalia, Congo, Rwanda, Burundi, Angola – these are the most prominent examples. The reasons of those conflicts are incomprehensible for Europeans, who – it seems - completely forgot the fact, that their grandfathers had stimulated tensions among indigenous tribes when dividing African territory during Berlin Conference in 1884-1885. Before the Independence Europeans kept obedience among African countries by power. In their colonies lived many tribes differentiated by their language, culture, tradition, and religion, but they had to live together in an “artificial” state. But the worst was the fact, that some of these tribes were divided by new, incomprehensible, political borders. They become citizens of different countries. In Europe states have been evolving during centuries, or better say – during millennia’s. This process was associated by long-lasting wars. In Africa states were created by Europeans during only one conference. After the Independence old hates, animosities, arguments, and tribe wars still are coming back to live in many “young” African countries.

Tropical diseases don’t invite tourists to Africa. Tourists are scared first of all of malaria which, in comparison to other continents, is very common in Africa. The other, infamous diseases are coma (which occurs only in Africa), yellow fever, bilharzia, filarirose, amebosa, bleeding fever. Apart of tropical diseases there is also HIV, which efficiently scare away people

³ Human Development Report, 2006

from Europe. According to the data of Human Development Report (2006) around 6 per cent of Sub-Saharan population is seropositive. The highest rate is in Botswana (24%), Malawi, Zambia, and Madagascar (15%). Infected people live mostly in towns. Awareness of this fact also does not encourage tourists to come to Africa.

Another barrier is poverty. Who would like, during holidays, to look at poor children asking for money, at dirty streets, and piles of rubbish? Not many. Sub-Saharan Africa is the poorest region of the world. Here are located 29 among 31 countries, where Human Development Index (HDI) does not exceed 0,5⁴. In turn, among 13 countries of the world, where Gross Domestic Product (in purchasing power) is lower than 1000 USD, only one – Nepal – is located beyond Sub-Saharan Africa.

All that influence small tourist movement in Sub-Saharan Africa (about 2 million of tourist visit Zimbabwe each year, 700-800 thousand visit Tanzania or Zambia, 1,1-1,4 million visit Kenya, but only 300 thousand visit Ethiopia or 100-150 thousand Gambia). That's why income from tourism is also small – for example Tanzania (with its famous Mt Kilimanjaro, Zanzibar, and Serengeti National Park) gets only 1,3 billion USD per year, Kenya (with Indian Ocean, Masai Mara and Tsavo National Parks) gets 750 million USD, and Uganda (with Lake Victoria, River Nile, Queen Elisabeth and Bwindi National Parks) – 730 million US dollars. By the contrast Poland gets 9,4 billions USD, but Spain – 52,5, Italy – 39,0 France – 46,3⁵.

Armed conflicts, poor touristic infrastructure, poverty, and diseases (to enumerate just a few factors) don't attract tourist to Africa, and – as a consequence – small benefit from tourism industry does not allow a development of touristic infrastructure. Generally speaking – tourism doesn't awake economic activity in Sub-Saharan Africa. However the situation in other sectors of African economy is much more worse - traditional African farming loses with subsided European agriculture, level of technology in the secondary industry reminds the one in the 60's of the 20th Century and tertiary industry needs big inputs to catch up at least a little with world's standards. In many countries secondary industry is represented by few-

4 The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy) , being educated (measured by adult literacy and enrolment at the primary, secondary, and tertiary level, and having a decent standard of living (measured by purchasing power parity, PPP, income). The HDI varies from 0 to 1.

5 http://mkt.unwto.org/sites/all/files/docpdf/unwtohighlights11enlr_1.pdf

sophisticated food processing plants. Export is dominated by crude fuels, agricultural, and mining products. The share of crude natural resources in total exports from these countries varies between 70 and 100 per cent.

Is Sub-Saharan Africa a lost region of the world? Afro-pessimists think so. They argue that there is no sense to invest in the region which, despite of being receiving a great amount of an international aid, is driving at the economic catastrophe. Unfortunately it seems that they could be right. For example in majority of countries situated south of Sahara, the GDP per person (measured in purchasing power) is lower than 40 years ago!

Fortunately many voices from political, economic, and cultural sphere of the world are saying that developed countries of the world can't leave behind Sub-Saharan Africa in isolation. It is not only deeply unmoral. In time of world's recession African resources (including human resources) are indispensable for the development of a whole world economy. Because of that the socio-economic development of Africa became an important subject of discussions during the G-8 Summits. African issues became to play very important role in the strategies of international organizations and also in policy of many powerful countries. For examples:

- in 2000 the Organization of United Nations worked out the Millennium Development Goals – the internationally agreed set of time bound goals for reducing extreme poverty, extending gender equality and advancing opportunities for health and education. This strategy concerns mostly Sub-Saharan Africa, where the poorest countries of the world are located,
- in 2001 India declared its new policy for Africa, called “Focus Africa”,
- in American *National Strategy for Homeland Security*, declared by George W. Bush in July 2002, Sub-Saharan Africa occupies significant position,
- in 2005 the EU worked out new “Strategy for Africa”,
- in 2006 was declared China's African Policy.

But what to do to achieve the aim of catching up developed world? The experts present different solutions for Africa, for its faster economic development. I'm not an expert in economy, but I think that my knowledge of African issues allows me to take participation in this discussion. I'm not at all proposing any complex remedy – but just a simple idea which, in my opinion, could provoke some positive, significant changes. Actually I think that the tourism (although presented before statistical data doesn't show its

positive view) is to become the part of the economy, that could in the fastest and the most effective way, develop other branches of the African's economy. In this sector some positive trends can be observed. To be precise – in the last few years increase in the number of tourist visiting Africa has been noticed. In 2008 Africa received 44 million of tourists, in 2009 – 46, and in 2010 – 49 million. These figures are not impressive, especially when we compare them with international touristic movement in Europe. During the same period Europe received 480, 460, and 470 million of tourists respectively⁶. But the more important is the fact, that finally something is increasing in that region of the world (apart from growing population and poverty).

An increase (small, but still an increase) in the interest about Africa is observed in last 5-6 years also in the Polish tourist business. The number of tourist offices specializing in so called exotic tours (including those to Africa) has grown, and the old ones still expand their offer. Table number 3 shows South and East African sites, which occur most frequently in offers/ programs of touristic excursions offered by Polish biggest tour operators⁷.

Tab. 3. Most popular Sub-Saharan Africa destinations offered by Polish tour operators

Country	Destination	Number of offers
Botswana (53)*	Okavango	10
	Francistown	3
	Ghanzi	3
	Kasane	2
	Maun	9
	Chobe NP	7
	Makgadikgadi NP	3
	Savuti NP	1
	Kalahari Desert	5
	Moremi Reserve	7
	Sowa Pan and Nata Reserve	2
	Tsodilo Hills	1

⁶ <http://unwto.org>

⁷ Air Tours Cracow, Bioton Tour, Horyzonty, Darhoss Tour, Lemitours, Klub Śródziemnomorski, Logos Tour, Logos Travel Marek Śliwka, MK Tramping, Moremi Africa, Natura, New Poland, Nil-Pol Tour, Opal Travel, Orbis Travel, Podróże po Afryce, Safari Travel, Sigma Travel, South Now, TUI, Visa Travel, Wojażer, 5 Stars Club

Ethiopia (74)*	Addis Abeba	6
	Aksum	6
	Arba Minch	4
	Bahr Dar	6
	Gonder	6
	Chomo Lake	2
	Tana Lake	4
	Jinka	2
	Konso	2
	Lalibela	6
	Omorate	2
	Abiyata Sahalla NP	1
	Debark NP	3
	Omo Valey NP	1
	Semien Mountains NP	1
	Mago NP	6
	Nechesar NP	6
	Turmi	4
	Blue Nile Waterfalls	6
Kenya (130)*	Naivasha Lake	2
	Turkana Lake	3
	Kakamega Forest	1
	Mombasa	11
	Nairobi	20
	Aberdare NP	7
	Amboseli NP	9
	Hell's Gate NP	1
	Baringo Lake NP	6
	Bogoria Lake NP	3
Kenya (130)*	Kisite and Wasini NP	3
	Masai Mara NP	19
	Meru NP	2
	Nakuru NP	18
	Samburu NP	10
	Tsavo NP	9
	Buffalo Springs Reserve	2
	Shaba Reserve	1
	Thompson/ Nyahururu Waterfalls	3
Lesotho (4)*	Maseru	4

Malawi (6)*	Lilongwe	2
	Malombe NP	1
	Malawi Reserve	3
Mozambique (3)*	Maputo	3
Namibia (80)*	Cheetah Farm	1
	Damaraland	2
	Fish River Canion	4
	Kanion Sesriem	7
	Opuwo	3
	Cape Cross NP	2
	Etosha NP	10
	Namib-Naukluft NP	10
	Sossusvlei	10
	Spitzkoppe	1
	Swakopmund	9
	Twyfelfontein	2
	Walvis Bay	8
	Windhoek	6
	Skeleton Coast	5
Rwanda (6)*	Kigali	2
	Volcanoes NP	4
South Africa (284)*	Golden Gate NP	4
	Three Rondawals	7
	Garden Route Game Reserve and Albertinia	2
	Blyde River Canion	10
	Bourker Luck-Potholes	8
	Cape Town	18
	Chapmans Peak	2
	Constantia	6
	Fal Valey	6
	Durban	11
	God's Window	6
	Gold Reef City	10
	Table Mountain	14
	Signal Mountain	4
	Cango Cave	5
	Johannesburg	16
	Knysna	7

South Africa (284)*	Thousand Hills Country	3
	Lion Park	2
	Mpumalanga	7
	Oudshoorn	9
	Paarl	1
	Addo NP	1
	Kruger NP	15
	St. Lucia NP	7
	Tsitsikamma NP	8
	Port Elizabeth	8
	Pretoria	14
	Good Hope	17
	Cape Retrival Reserve	2
	Umfolozi-Huuuuluwe Reserve	2
	Royale NP (Ukhahlanba)	1
	Simons Town	8
	Lesedi	3
	Soweto	4
	Stellenbosh	4
	Sun City	12
	Umshlanga Rocks	3
	Lisbon and Berlin Waterfall	6
	Lone Creek Waterfall	1
	Tugela Waterfall	2
	Seals Island	8
Swazi (10)*		10
Tanzania (93)*	Arusha	17
	Dar es Salaam	6
	Arusha NP	1
	Manyara Lake NP	11
	Kilimanjaro NP	6
	Mikumi NP	1
	Serengeti NP	12
	Tarangire NP	5
	Ngorongoro	17
	Zanzibar	17

Uganda (24)*	Bunyonyi NP	4
	Kampala	4
	Bwindi NP	3
	Kibale NP	3
	Quinn Elisabeth NP	5
	Murchison Falls NP	5
Zambia (18)*	Livingstone	7
	South Luangwa NP	1
	Victoria Falls	10
Zimbabwe (17)*	Bulawayo	1
	Great Zimbabwe	2
	Matobo NP	2
	Hwange Reserve	1
	Victoria Falls	11
* The total number of offers for a given country		

Source: Pawlak Z., 2008

What follows from the tab. 3 is that Polish tourists favour the most African's national parks and other protected areas. We come to an inevitable conclusion – Sub-Saharan Africa should focus on the ecology tourism. Why ecology tourism? Because this kind of tourism from one side doesn't demand big capital inputs on infrastructure, and from the other side demands sparsely populated areas, which remain unchanged by human activity. All the Sub-Saharan Africa countries meet above conditions, though in each of them we will find densely populated areas, transformed and sometimes simply degraded by anthropogenic activity.

National and natural landscape parks were created in places relatively untransformed by anthropogenic activity, where only few people live. Africa has pretty big share of that kind of areas. Sub-Saharan Africa could become big centre of the world's sustainable/ecology tourism. There is no need to remind how many endemic animals live on that continent.

Ecology tourism which, already prospers well in Kenya, Tanzania or in the west of Uganda, can bring additional work-places in transport, construction and manufacturing (African's handicraft is even now recognized and admired in the world). This sector of economy is significant for local communities. As an example it is worth to say that benefits from mass touristic movement find their way mostly to big international hotels and

transportation companies meanwhile benefits from ecology tourism remain first of all in the local markets, in hands of local people⁸.

In developed countries the number of work-places connected with eco-tourism is not significant in comparison with other professions but in developing countries (those which develop eco-tourism) the percentage of people employed in tourism, and mostly in eco-tourism, is very high, especially on the areas of touristic exploration. In Africa at the end of XX century, the number of work-places in tourism has been risen 8-9 per cent annually⁹.

As I have already wrote – the biggest part of benefit from eco-tourism remains in local markets. It is partly because this sector of economy bases on local resources, including local people who know, as nobody else, their environment. They know where are the most beautiful landscapes, where to meet wild animals at any given time, where exotic plants are growing and where to practise walking, rafting, mountain climbing, skiing, ski jumping or parachuting. Natives are finding jobs in travel agencies, in hotels, restaurants, shops or as handicraft artists, instructors of qualified tourism, rangers, touristic guides.

Increase in tourists movement stimulates a development of dormitory base. Apart from big hotels, owned by big international companies, arise smaller boarding houses, hostels, and camp sites build by local entrepreneurs. We can observe it along routes leading to national parks in Kenya, Tanzania or Uganda. A development of tourism and touristic infrastructure stimulate a demand on regional product. Because of that near hotels, hostels, boarding houses arise shops with handicrafts.

Income from tourism supplies national budget. The funds collected as taxes from tourism constitute a huge portion of country finance in such countries as Kenya, Tanzania, Uganda or Rwanda. It is worth to emphasize that a big portion of these funds is assigned for creation or protection of national parks and improvement of road's infrastructure.

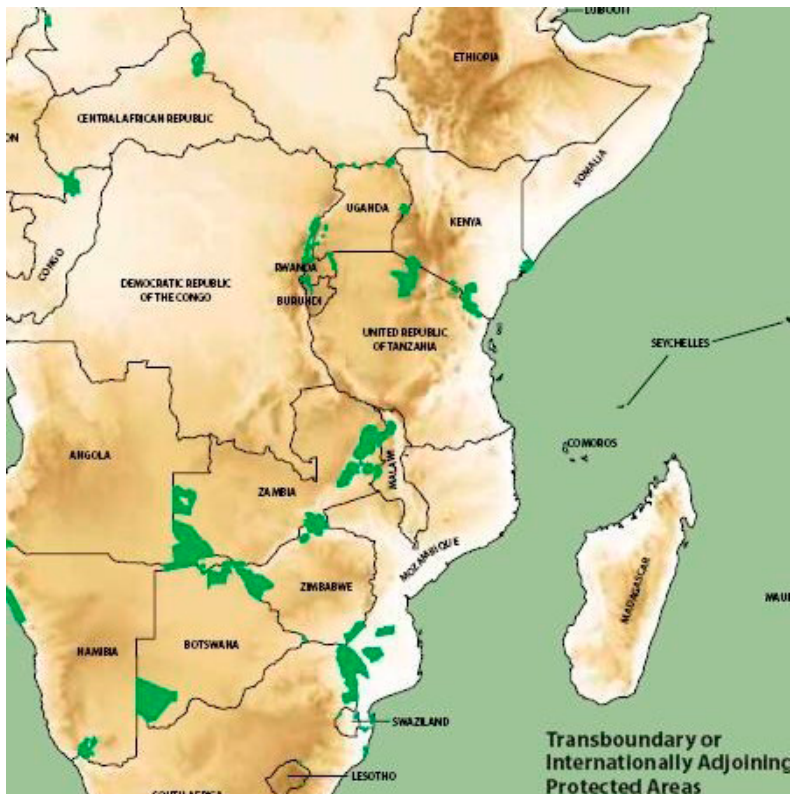
In my opinion Sub-Saharan Africa should expose the best it has – wildernesses and facilitate an access to it for the European, American or Asian tourists. One of the biggest obstacles in the virgin lands exploration is this that protected areas usually lay on the borders of two countries. Borders of the ecosystems do not overlap the political ones. Ideal solution would be to create transboundary parks. It is not a new idea. There are many areas like

⁸ www.ecotourism.org

⁹ Moforth M., Munt I., 1998

that around the world, but only a few in Africa. Could you imagine something more exciting than trip to Africa with no borders or at least through transboundary parks? How great is the frustration of an average tourist caused by the fact that there is no way of sightseeing during the same expedition both Kenya's Masai Mara and Tanzania's Serengeti or Uganda's Bwindi and Congo's Virunga, without proceeding passport-visa formalities on the border. Tourist, who wants to continue sightseeing on the other side of the border, usually has to stop its contact with wild nature for at least one day, in order to travel to the boundary passage. Bilateral agreements between countries through minimizing procedures would have a positive effect on the future tourist's movement. I think that at the end the number and the diversity of tourist offers would also increase. I realize that this is a great enterprise and a great work to be done, but profits would be much greater.

Fig. 1. Transboundary Protected Areas in East and South Africa.



Source: UNEP, Africa. Atlas of our changing environment, 2008.

I also realize that after transboundary parks will be created, together with the new tourist offer, there will be a necessity for taking care of good promotion of tourism to Africa. In this case I think that after simplification of formalities (bilateral and trilateral agreements), touristic companies from Europe, America or Japan will do their best to convince their clients that Sub-Saharan Africa is becoming mostly wanted destination.

I will finish this article with the words of a great African, a statesman, a freedom and democracy fighter, a man, who already more than once changed the history. I quote his dream, which I would love to come true! *"I dream of the realization of the unity of Africa, whereby its leaders combine in their efforts to solve the problems of this continent. I dream of our vast deserts, of our forests, of all our great wildernesses. We must never forget that it is our duty to protect this environment. Transborder parks are a way we can do just that."* (Nelson Mandela, citation from the Peter Godwin's article - *Without Borders: Uniting Africa's Wildlife Reserves*, National Geographic, October 2001, Polish version).

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National security - definition, character and determinants. Studies on the quality of security

MARTA BENTKOWSKA

THE HISTORICAL OUTLINE AND THE NORMATIVE REGULATION OF LOBBYING IN THE UNITED STATES OF AMERICA

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ABSTRACT

Lobbying, which has gained special attention in the United States, takes many forms. Lobbying can be defined as any attempt by individuals or private interest groups to influence the decisions of government. The goal of the article is to present the historical outline including the normative regulation of lobbying in the United States of America.

KEY WORDS:

history of lobbying, lobbying, lobbying in the U.S., ethics, Foreign Agents Registration Act

Lobbying in democratic states is connected with the right to freely express one's opinions and the duty of governments to represent public interest. Some consider the first legal lobbying to have taken place in 1215 when the English nobility was granted by the king the right to submit petitions in cases where the acts of the king or his officials breached the principles of Magna Carta.¹

The term *lobbying* originated in England, where it has been used since the 17th century. An example of lobbying is the activities of the Anti-Corn Law League which conducted a seven years long campaign intended to force the government to impose high tariffs on imported grains, which enabled a specific interest group to reap profits from high prices of bread.² Nevertheless, the country where lobbying developed to the greatest extent is the United States. While in England lobbying was a social activity, in the United States lobbying became an occupation, a sociologic phenomenon, and a basic mechanism of democracy.³

¹ E. Bednarska, "Jawnie i w kularach" [Openly and in the lobby], *Decydent*, 1999, p. 4

² Ibid.

³ Ibid.

In the 18th century the word *lobbying* was still unknown in the United States. The term that was used was *faction*⁴.

James Madison, one of the framers of the Constitution of the United States, in his work titled “Federalist,” defined the term *faction* as “a number of citizens, whether amounting to a minority or majority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community”⁵

Madison disapproved of the existence of factions and believed that they are detrimental to the interests of the state and its citizens. Nevertheless, being fully aware of the fact that they are necessary for the development of democracy, he believed that it was necessary to introduce certain limitations on their activities. According to Madison, the damage caused by a faction could be limited only by controlling its effects.⁶

While in the 18th century lobbying was not anyone’s full-time occupation and was conducted by individuals or *ad hoc* organizations formed to achieve specific objectives, at the end of the 19th century the first permanent organizations were formed to represent specific interest groups. An example is the Woman’s Christian Temperance Union which, together with its associated organizations, succeeded in forcing the federal government to introduce Prohibition.

At that time, lobbying activities were not restricted by the federal law. There were no formal requirements to be met by persons involved in such activities. However, in some states (e.g. Alabama, California, and Georgia), the state law was more restrictive than the federal law and regarded lobbying as a felony or imposed a registration requirement on persons involved in lobbying (e.g. Massachusetts).⁷

The first blatant lobbying activities took place in the years 1869-1877 during the term of President Ulysses S. Grant. At that time, representatives of the railway industry insisted on the Washington politicians to grant them subsidies for the construction of railway lines. At the same time, the

4 A. Hamilton, J. Madison, J. Jay *Federalist*, Cambridge, Mass., Harvard University Press, 1966, p.130.

5 Ibid.

6 Ibid.

7 P. C. Christianson, C. Cure, J. C. Erockson, E. E. Poliakoff, *Lobbying, PACs and the Campaign Finance*, 50 state handbook, St Paul, Minn., 1998, p. 486.

influence of lobbyists grew rapidly in the South. Special interest groups influenced the legislation adopted in those states, in particular as regards the railway industry.

At the end of the 19th century, the legislators looked for ways to control the growing strength of special interest groups in order to preserve the balance between the rights of individuals and interest groups, which is indispensable in democracy. This is why, in the years 1872-1885, the United States Congress established a committee to study the relations between congressmen and lobbyists and the potentially resulting corruption.⁸

The first person who tried to pass laws to regulate lobbying in the United States Congress was Senator G. S. Boutwell. In 1875 he submitted the first bill that provided for the creation of the Congressional Attorney Chamber (similar to the British model). The assumption was that the members of the Chamber would be highly-qualified attorneys who would be authorized to represent individual interest groups in the Congress and its committees. However, this bill was not passed.⁹

Only at a later time did the House of Representatives of the United States Congress take the first serious step to regulate lobbying by passing, in 1876, a resolution imposing the registration duty on lobbyists. According to the resolution, any person or corporation representing its own interests had the duty to give their names to the Clerk of the House. The penalty for failure to observe the provisions of the resolution was a ban to participate in the meetings of committees.

Over the years, the autonomous structure of congressional committees faced increasing criticisms. At the end of the nineteenth century and the beginning of the twentieth century, American thinkers claimed that such a structure enables lobbyists to use the influence they wielded in an improper manner. In the years 1880-1920, reformers regularly criticized lobbyists for supporting corruption in politics. In 1885, President Woodrow Wilson warned about the power of corrupt lobbyists who used the legislative process to their own ends. Citizens learn about huge subsidies, about committees granting pensions as a result of the pressure by professional advocates, about government orders given to dishonest contractors, and it

⁸ *Lobbying, piąta władza* [Lobbying, the fifth branch of government], Office for Studies and Expert's Opinions, materials and documents, Chancellery of the Sejm, 1994, p.3.

⁹ *Ibid.*

is not self-evident that all those defaults are inherently linked with the very nature of the Congress¹⁰.

In 1911, a reform of the Rules of the House of Representatives was effected, which significantly limited the power of the Speaker, in particular with regards to appointing members of committees. The new Rules also allowed the public to watch the meetings of most committees.

The new regulation brought down the rule of a small clique and gave the representatives more opportunities to control the procedures. This was an attack against the old lobby. Cheating or buying the whole Congress became impossible. Currently, lobbyists representing honest interest groups, when giving testimony before committees, may address a much larger auditorium. Not only the Congress but the whole country can hear their arguments in support of a given bill. It is impossible to act to the same extent “behind closed doors.”

This way, all the citizens are able to learn the factors behind specific laws¹¹.

The breakthrough year in the history of lobbying was 1913 when a big scandal connected with lobbyist activity, involving bribes given to Congressmen, broke out. Both the House of Representatives and the Senate appointed special committees to conduct thorough investigations of the activities of the lobbyists. President Wilson, too, demanded that the Senate start an in-depth investigation on the lobby that opposed the proposed tariff. The investigation proved that unlimited funds were assigned to support the lobbying activities. This was intended to create the impression of a pressure on the part of public opinion. Because other investigations also demonstrated a large number of abuses, in the same year a bill intended to regulate the lobbyists’ activities was submitted.¹²

As a result of the aforementioned investigation, the House of Representatives was able to pass an act imposing on all the lobbyists the duty to register with the Clerk of the House. The act, however, was rejected by the Senate, which was subjected to great pressures of the farmers’ lobby and the trade unions.¹³

10 W. Wilson, *Congressional Government*, Cleveland, Ohio: World Publishing Corp., 1956, p.132.

11 E. Pendleton Herring *Reprezentacja grup interesów przed Kongresem* [Representation of interest groups before the Congress], Baltimore: The John Hopkins Press, 1920, p. 41-42.

12 *Lobbying, piąta władza* [Lobbying, the fifth branch of government], op. cit., p. 3.

13 Ibid.

Even though the bill was not passed by the Senate, the Seventeenth Amendment to the US Constitution was adopted in 1913. The amendment established direct election of senators by popular vote, instead of by the state legislatures. This change was intended to limit the opportunities for corruption of senators by interest groups or large corporations.

After the United States entered World War I, in order to mobilize the private sector to participate in the war, the federal government introduced the requirement to form trade organizations in many branches of the industry. After the war was over, those organizations continued their activities and represented their members. With time they turned into trade unions. This resulted in a larger number of institutions representing interest groups.

Even though the period of construction of railways is believed to be the golden era of lobbying in America, it was the 1930's when the first groups of professional lobbyists were formed. Their number expanded rapidly after the end of World War II.¹⁴

In 1919, the Congress passed a law that prohibited spending funds from the subsidies granted by the Congress on lobbying activities.

In 1934, as a part of its reform of the Internal Revenue Code, the Congress introduced a limit on the amounts charities were permitted to spend on lobbying activities. Under the amended Internal Revenue Code, charity organizations could be exempt from taxation provided that no part of their activities could consist in conducting propaganda activities or in efforts aimed to exert influence over the legislative process. This was the first restriction on lobbying activities of a permanent nature. At the same time the Congress introduced the registration requirement concerning some categories of lobbyists.

In the United States of America, lobbying is regulated in the following laws:

1. Foreign Agents Registration Act of 1938;
2. Federal Regulation of Lobbying Act of 1946;
3. Ethics Reform Act of 1989;
4. Lobbying Disclosure Act of 1995; and
5. Federal Funding Accountability and Transparency Act of 2006.

¹⁴ E. Bednarska, *op. cit.*, p. 4.

The above-mentioned five acts were passed at quite distant times.

One must keep in mind that each of the acts was passed in different political and social conditions and was meant to address different needs.

The Foreign Agents Registration Act of 1938 constituted a response of the United States Congress to particularly intensive activities or representatives of various institutions and companies from Nazi Germany in the United States. In the years 1936-1938, Germany sent a number of representatives to the USA, disguised as trade representatives, most of whom were involved in spreading Nazi propaganda.

The Federal Lobbying Regulation Act of 1946, on the other hand, was intended to provide comprehensive regulation of lobbying and constituted an effort to regulate the lobbying activities of trade unions which grew and gained particular importance during World War II. The Ethics Reform Act of 1989 introduced restrictions on members of the Congress and high-ranking Congress and Senate officials regarding their lobbying after termination of their service in those institutions.¹⁵ The Lobbying Disclosure Act of 1995 introduced, among others, a definition of lobbying and imposed the registration duty on lobbyists. The act organizes lobbying activities in the USA by defining the lobbyists' rights and duties. The Federal Funding Accountability and Transparency Act of 2006 enforced full transparency of all entities involved in lobbying activities.

RE. 1) FOREIGN AGENTS REGISTRATION ACT (FARA) OF 1938

Under this act, all agents of foreign principals were required to file statements at the State Department. The FARA introduced the term *political propaganda* which covered activities not directly linked to lobbying activities but which involved propagation of information aimed to achieve influence by third parties on the policies of the United States Government.¹⁶

All political propaganda was to be subject to identification. It must be explained that this step by the US Congress was not intended to prohibit all political propaganda, but rather to introduce a requirement whereby all persons involved in such activities in the United States would be subject to mandatory registration and submission of information on their activities,

¹⁵ Regulation of Lobbying Activities, Congressional Digest, 2006, p. 133.

¹⁶ Current Laws, Rules and Regulations, Congressional Digest, EBSCO Publishing, 1994, p. 293.

their employees, and the terms of their contracts.¹⁷

The Act pertained to persons who lobbied for or on behalf of foreign governments, foreign political parties, foreign companies, or other foreign principals.¹⁸

Speaking more broadly, the Act defined the term *agent of a foreign principal* and introduced the mandatory registration with the Prosecutor General. Under the Act, the term *foreign principal* included governments of other countries, foreign political parties, persons living outside of the United States (unless it was determined that the persons were natural persons and citizen living in the United States, or companies incorporated in accordance with the United States law), companies, associations, corporations, organizations, or other groups of persons organized in accordance with the law of other countries or having its registered office in other countries.

The term *agent of a foreign principal* was defined as any person who:

- acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal;
- engages within the United States in political activities for or in the interests of such foreign principal;
- acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
- within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States.

The term *agent of a foreign principal* did not cover, among others, any news or press service or association organized under the laws of the United States, members of the diplomatic service, persons involved in private activities not related to politics and activities connected with religion, education, or science.

The Act introduced the registration and reporting requirement and defined the term *registration statement* as the statement filed with the At-

17 Foreign Interest Lobbying , CRS Issue brief, R.C. Sachs, The Library of Congress, 1991, p.16.

18 Current, Laws, Rules and Regulations, op. cit., p. 292.

torney General in accordance with specific requirements. It must be mentioned that the Lobbying Disclosure Act of 1995 amended the FARA in that regard. According to the current law, the registration requirement introduced by the Foreign Agents Registration Act applies only to representatives of foreign governments and political parties. Under the Act of 1995, lobbyists acting for the benefit of foreign corporations and associations, or on their own behalf, are not subject to the registration requirement. The Act of 1995 eliminated the term *political propaganda*, due to its pejorative nature, and substituted it with the term *information materials*.¹⁹

The breach of the provisions of the Act or the submission of false representations regarding facts carries the penalty of up to USD 10,000 or incarceration for up to five years, or both these penalties simultaneously. Every foreign citizen found to be guilty of violating the Act is subject to deportation.²⁰

RE. 2) FEDERAL REGULATION OF LOBBYING ACT OF 1946

In the period immediately after World War II, the US Congress became aware of the existence of a new strong group of foreign agents representing foreign economic interests. The results of the investigations conducted by the Senate Foreign Relations Committee demonstrated that the Act of 1938 required amendments.

In 1946, the Congress adopted the Federal Regulation of Lobbying Act whose objectives included defining several terms concerning persons involved in political activities and reinforcing regulations aimed to disclose activities for the benefit of interested foreign entities. The final effects of the Act pertained mostly to registration of trade representatives²¹.

Practically until 1946, the legal status of lobbying in the United States was not regulated. Lobbyists, with immense financial support, influenced congressmen and officials using persuasion, bribery, and intimidation.²²

The Act was intended to control the activities of lobbyists; however, it legalized lobbying in a certain framework. The Act defined *lobbies* as special interest groups acting to exert influence on the legislative decision-

19 Sec.4(a)(3) of the Act CRS-2 Report for Congress, J. Maskell *Legal and Congressional Ethics Standards of Relevance to Those Who Lobby Congress*, SRC Report for Congress, The Library of Congress, 1996.

20 Acts on lobbying, BSE, 1994, p. 17.

21 Current Laws, Rules and Regulations, op. cit., p. 292.

22 A. Nowicki, M. Zieliński, "Lobbying a proces decyzyjny" [Lobbying and the decision-making process], *Decydent*, p. 7.

making process in the Congress. The Act put into question the instruments used most commonly by lobbyists, namely the sponsoring of election campaigns of prospective members of the House of Representatives or the Senate.²³ The Act did not define the term *lobbyist*; however, it contained multiple provisions on the activities of potential lobbyists. The letter of the Act pertained to every person who, acting on his or her own or through others, i.e. an agent or an employee, in any way, directly or indirectly, applies for, collects, or receives remuneration in any amounts (or receives valuable objects) in connection with influence regarding a specific legislative solution.²⁴

The provisions of the Federal Regulation of Lobbying Act did not pertain only to persons appearing before congressional committees, supporting or opposing specific laws, and government officials acting within their powers, as well as newspapers or other periodicals publishing articles, columns, or paid advertisements in support of or against specific laws, provided that the persons representing the newspapers or publishing houses are not engaged in any activities connected with the legislative process other than their appearance before the congressional committees. The provisions of the Act also did not pertain to political committees whose practice or activities are restricted by the Federal Corrupt Practices Act (later replaced by the Federal Election Campaign Act).²⁵

The Federal Regulation of Lobbying Act of 1946 was the first law regulating lobbying adopted in any country of the world. The Act (codified in the United States Code) introduced the registration duty imposed on every person who, in exchange for remuneration, takes actions to influence the legislative process at the House of Representatives and the Senate. Such persons must register with the Clerk of the House of Representatives and the Secretary of the Senate.²⁶

The Act introduced a number of duties on persons and organizations involved in lobbying, e.g. the duty to maintain detailed account books, to fill tax return forms before the Clerk of the House of Representatives and quarterly reports before both the Clerk of the House of Representatives and the Secretary of the Senate, etc.

Because the provisions of the Act raised a number of questions, the Supreme Court, in the *U.S. vs. Harris* case, clearly interpreted the meaning

²³ *Lobbing, piąta władza* [Lobbying, the fifth branch of government], op. cit., p. 3.

²⁴ A. Nowicki, M. Zieliński, op. cit., p. 7.

²⁵ Ibid.

²⁶ Current Laws, Rules and Regulations, op. cit., p. 292.

of lobbying. According to the Supreme court, one of the following three conditions would need to be met:

1. *a person* (natural person, company, association, joint-stock company, or any other organization or group of persons) would need to collect, receive, or apply for financial contributions;
2. one of the main objectives of the actions of such a person, or one of the main objectives of such a transfer of the financial contributions, is the person's influence on the legislative process in the Congress;
3. the method used to achieve this objective must involve direct contacts with members of the House or the Senate.²⁷

The Act clearly regulates the problem of accounting of the contributions received. Under the act, every person who in any way applies for or receives financial contributions for the benefit of any organization or fund for the purposes defined below is required to keep a detailed settlement covering all revenue (regardless of its amount) and values, and the personal and address data of the persons contributing amounts not smaller than USD 500, and the dates of their contributions, as well as any and all expenses, borne by or on behalf of such organizations, and the personal and address data of all the persons for whose benefit such expenses were made and the dates when this took place. The Act also introduced a reporting duty imposed on persons who have received or spend any sums of money for the purposes defined in the Act.

Such reports are not confidential and are kept by the Secretary of the Senate for 2 years in public archives.²⁸

Violation of the provisions of the Act carries the penalty of a fine of up to USD 5,000, or the penalty of incarceration for up to 12 months, or both penalties simultaneously.²⁹

Any person who has been found guilty of violating the provisions of the Act is prohibited to make direct or indirect influence on the legislative process for 3 years.

Any violations of the prohibition of a lobbying activity by a convicted person carries the penalty of a fine of up to USD 10,000, or the penalty of incarceration for up to five years, or both these penalties simultaneously.³⁰

27 Congress 2nd sess. Pub. law no. 601, United States Code, 1988, US Government Printing Office, Washington 1989, vol. 1, par. 261-270.

28 Ibid., par. 300-307.

29 Ibid., par. 310 a.

30 Ibid., par. 310.

RE. 3) ETHICS REFORM ACT OF 1989

The Act prohibited former members of the Congress to conduct lobbying activities or to make contacts, on behalf of their principals, with the current members of the Congress or with employees of any legislative institution. This prohibition applies for a period of one year after the end of the term of the members of the Congress.³¹ Senior staff employees involved in lobbying are also bound by the year-long prohibition to make professional contacts with staff members in the place of their employment. Both former congressmen and former officials have a one year long ban on official representation of foreign interests before the United States Government and on participating in commercial negotiations on the governmental level.³²

RE. 4) LOBBYING DISCLOSURE ACT OF 1995

The Act introduced the first full definition of *lobbying* and imposed on lobbyist the duty of detailed registration and the duty to submit semi-annual reports on their lobbying activities. It also introduced the aforementioned amendments to the FARA Act of 1939.

Under the Act, a *lobbyist* is a natural person, employed as an individual or hired, for a fee, by a client, whose performance of lobbying activities takes more than 20% of the time of work performed by the person on behalf of the client for a period of at least six months.

An exception applies to natural persons whose total income related to lobbying on behalf of individual clients is up to 5,000 USD and to organizations who employ their own staff to conduct lobbying activities and whose total expenditures made for this purpose are up to USD 20,000.³³

The Act enumerated the activities that are not regarded as lobbying. The list includes activities taken by employees of institutions as a part of their official duties, activities taken by representatives of the media in order to collect materials or recordings, statements made before congressional committees, providing information in writing upon request of a staff member of an executive office, activities taken as a result of a subpoena, activities connected with religious rites, and activities taken on behalf of foreign governments for a foreign political party.³⁴

The Act of 1995 defined in detail the lobbyist registration requirement,

31 "Regulation of Lobbying Activities," *Congressional Digest*, 2006, p. 133.

32 Ibid.

33 "Foreign Interest Lobbying", *CRS Issue Brief*, 1991, p. 36.

34 Ibid.

which starts 45 days after the signing the first lobbying contract or the hiring of a lobbyist be a client. The registration is made with the Clerk of the House of Representatives and the Secretary of the Senate.³⁵ The registered data includes, among others, the personal and address data of the lobbyist, the personal and address data of the principal of the lobbyist paying more than USD 10,000 for the lobbying activities in a period of 6 months and controlling the activities undertaken by the lobbyist, as well as the amount of payments, if greater than USD 10,000, intended to cover the costs of the registering person's lobbying activities.

During meetings between lobbyists and persons who influence the decision-making or legislative process, the lobbyist is required to disclose his or her name, indicate his or her client, and make a statement regarding his or her fulfillment of the registration requirement. Such information must always be provided in letters sent by lobbyists to aforementioned persons or government offices.³⁶

After starting their activities, lobbyists are required to submit semi-annual reports on their lobbying activities.

Violation of the provisions of the Act carries the penalty of a fine of up to USD 50,000.³⁷

RE. 5) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The Act established full transparency of all units and organizations receiving federal funds, starting from the beginning of the 2007 fiscal year. The Act amended parts of the Lobbying Disclosure Act of 1995 by imposing more stringent requirements regarding transparency of lobbying activities and their financing, as well as by imposing more severe restrictions for giving and receiving gifts by representatives, senators, and their staff members.³⁸

The main provisions of the Act are extension of the prohibition to conduct lobbying activities by former Senators to two years after the end of their terms, the prohibition to conduct lobbying activities in the Senate by former senior Senate staff for a year after the termination of their employment, the prohibition to conduct lobbying activities by former senior staff

³⁵ Ibid., p. 37.

³⁶ sec.4 (a) (3) of Act CRS-2 Report for Congress, J. Maskell, op. cit.

³⁷ "Foreign Interest Lobbying," *ibid.*, p. 36.

³⁸ Ibid.

in public administration agencies for two years after the termination of their employment, and the prohibition to conduct lobbying activities by senior House of Representatives staff for a year after termination of their employment.³⁹

The Act prohibits lobbyists to give presents or offer free trips to members of the Congress. Moreover, the Act requires full transparency of lobbying activities, among others by requiring lobbyists to make quarterly disclosure filings (instead of the semi-annual filings required previously). The Act requires the Government Accountability Office to conduct an annual audit of lobbyists and requires disclosure of all payments associated with lobbying activities equal to at least USD 5,000. The Act requires of the Federal Election Commission to disclose the expenditures of lobbyists in excess of USD 15,000 made in connection with election campaigns.

The Act increases the fine penalty for violations of its provisions from USD 50,000 to USD 200,000 and imposes the penalty of incarceration for up to five years.

In conclusion, lobbying was an important phenomenon both in the economic and the social life of the United States in the initial stages of its development. At the end of the 19th century and until the middle of the 20th century it was also increasingly important to the social changes occurring in the USA. The Foreign Agents Registration Act, the Lobbying Disclosure Acts, and the acts adopted later established the framework for the functioning of lobbying in the 20th century.

Lobbying, a phenomenon that is ubiquitous in modern democratic systems, still raises strong emotions. By using direct contacts and sometimes by exerting pressure on members of parliaments, special interest groups force them to adopt changes in the laws that are advantageous to those groups and to make the expected decisions or appointments. Thus, it is believed that lobbying sometimes borders on corruption. In order to prevent such a negative impact, lobbying activities must be strictly regulated.

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**National security - definition, character and determinants.
Studies on the quality of security**

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**FUNCTIONING OF SELF-GOVERNMENT BASED ON EXAMPLE
OF OTWOCK POWIAT
COMMUNICATE FROM THE STUDY**

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In the second decade of twentieth century we could observe dynamic processes concerning decentralization of public authority. These changes were significantly visible in the European countries. In the last two decades of the previous century in many countries of the European Union, a big number of tasks has been transferred to public administration on a local level, but there has been no transfer of tasks in the opposite direction¹. The commonness of this process is strictly connected with a grounded belief about the role and importance of decentralization of power in the contemporary political organization of societies. J. Sharpe emphasizes that there are three main values that decide upon the meaning of self-governments: - autonomy, - participation, - effectiveness². Local government is supposed to be a guarantor of the autonomy of local communities, because – as it is implied – it allows the local communities to co-decide on their own matters. The existence of self-governments undoubtedly gives a big chance to the citizen to be a part of their power, not only indirectly- by participation in local elections, but also directly – thanks to a possibility of acquiring a mandate of an representative of the local community. Last, but not least, thanks to familiarity with the problems and needs of the local community, it is expected, that the decision of the local authorities will much better reflect the specifics of the area. Therefore, decentralization of power is sup-

¹ For more information regarding the organization of local governments in the area of the EU, see UKiE, *Samorządy w Unii Europejskiej*, Warszawa 2005

² J.Sharpe, *Theories and Values of Local Government*, w *Political Studies* vol.18, 1970

posed to increase the efficiency of the administration.

After 1989 the process of decentralization of public authority had a significant meaning due to the fact that it was strictly bound with the political system transformation. Therefore self-government, as it is stressed in many discussions on this issue, was supposed to fulfill two basic goals. On the one hand, its goal was to bring to life institutions enabling local communities to elicit themselves and support their citizens' initiatives. On the other hand, in times of the transformation, the newly elected authorities' goal was to break with the past and restructure the *ancien regime* into a new democracy-based system, which included removing post-communists from power³. The restructuring of the local level of power in Poland has been started with elections to communities in 1990, however it took a decade for the fundamental reform of the local government to take place.

The administrative reform of 1999 implemented three-level self-government system in Poland. Apart from the lowest level of the local authorities that had already existed – community (*gmina*) self-governments, there were two another levels created – self-government of districts (*powiat*) and regional (voivodeship) self-government⁴.

New structures of power have immediately become subject to empirical research. A particular attention was given to the attitude of citizens to those structures. The results of such types of study, that are a subject of periodical CBOS⁵ polls indicating how people value the meaning of this level of power, show that the Poles value the meaning of the local authorities very much. According to an up-to-date research from September 2010⁶, the average rate of the meaning of local elections – measured in 10-point scale – was 7.09. This means that the local elections were rated higher than president elections (average 6.95), parliamentary elections (average 6.62) and elections to the European Parliament (average 5.60). In the corresponding researches in the past years, the rating showed only different values but the order of the preference was the same. Thus, the results of polls regarding elections suggest that the Poles appreciate the possibility

3 E.Łojko, *Funkcjonowanie samorządu terytorialnego w opiniach mieszkańców oraz radnych*, w *Samorząd Terytorialny i Rozwój Lokalny* red. A.Piekara, Z.Niewiadoms

4 See, *Law on self-government of powiat from 5th June 1998*, Dz.U. 1998 Nr 91 poz. 578; *Law on self-government of voivodeship from 5th June 1998*, Dz.U. 1998 nr 91 poz. 576.

5 Centrum Badań Opinii Społecznej (eng. Centre for Public Opinion Research)
6 See: CBOS, *Wybory samorządowe, znaczenie, zainteresowanie oraz deklaracje udziału w głosowaniu*, Warszawa 2010

of electing their representatives and they most significantly appreciate the elections in which they can choose local representatives, as their decisions will influence further direction of local communities' development.

However, declarations gained in polls regarding the meaning of elections don't go together with a turnout in elections. **Usually the voting turnout in local elections is lower than a turnout in presidential or parliamentary elections.** And so – as the National Electoral Commission says⁷ - in the presidential election of 2005 the turnout amounted to 49.74% of citizen eligible to vote, whereas in parliamentary elections the turnout was 40.57%, in comparison with 39.56% in local elections. In turn, in 2010 the turnout in presidential elections was 55.31% and in the local elections that took place merely four months later the turnout was 47.32% of people eligible to vote.

This discrepancy occurring between declarations about the role of self-government or the meaning of local elections and the actual situation – low turnout in local elections in Poland – as it could be assumed – is caused by problems with the functioning of self-governments on a local level in Poland. It is worth asking a question why results of the polls stay with such an discrepancy with the reality – is it an effect of lack of choice, or maybe it is caused by previous experience with local authorities which was explicitly negative? Or maybe reluctance to engage oneself in the electoral process is caused by more general factors regarding the merits of candidates to local authorities?

Observations that have been made, and the above questions, have become an inspiration to prepare a project that would research the issues on functioning of the local government in the view of the citizens. The goal of this research was to gather information about:

- feedback on the activity of the local government;
- attitude of inhabitants towards the party dependency of local government structures;
- postulates addressed to the Council of Community;
- required attributes of local authority representatives.

There was a large group of 685 adult inhabitants of Otwock district having been asked. The sample comprised inhabitants proportionally representing the structure of inhabitants in each of district's communi-

⁷ See: Information published on National Electoral Commission's webpage: <http://pkw.gov.pl/>

ties. This solution has been imposed by the wish to evaluate the attitude of inhabitants of one, closed territorial unit towards their local authorities. It was also about finding the differences in people's attitudes among various communities. For researching the population of Otwock district, the structured interview was used. The research tool contained nearly 30 statements measured with Likert scale. They referred to a wide spectrum of issues: from feedback on functioning of the local authorities to postulates towards candidates to local authorities. We also registered key information on social-demographic features of respondents, that could have had influence on the opinions that were given. The process of gathering the information has been started on 4th November 2010, i.e. 17 days before the first round of local elections to the 4th term of office. The date of the research was chosen on purpose, as it was a final, "heated" period of the pre-electoral period.

The information gathered in the surveys allows us to describe problems associated with the functioning of local self-government in one district more thoroughly and, what's more, they inspire us to take a look at the issues on self-government from a wider perspective. Furthermore, the gathered material, completed by subsequent information from National Electoral Commission, allows us to define the links appearing between the relation to local authorities and the level of participation in local elections.

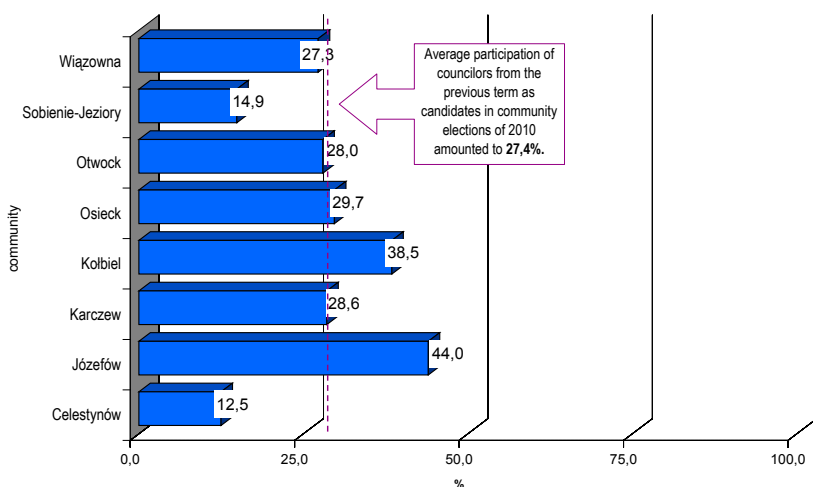
Otwock district, in terms of level of participation in local elections, did not deviate from the national average. As National Electoral Commission says, in this district the voting turnout in the elections of 2010 to community councils amounted to 53.11% and it was slightly higher from the one noted across the country. However, the range of participation level in elections to single community councils in the district, was quite wide. In the community of Celestynów, for instance, the voting turnout was the highest in the district and it stood at 62.81%, whereas the lowest voting turnout was in Otwock community- 46.81%.

More detailed analysis presented by the National Electoral Commission, supplemented by information gathered in our research, lets us refer to the issue of interchangeability of personnel in local authorities, or, in other words, the issue of reproduction of structures of power. In many discussions on self-governing there's a view, that the reason for a low level of participation in elections in Poland, is lack of ability to choose new representatives. In a situation, where the electoral lists are dominated by the current representatives, who additionally don't cope with execution of the

mandate, it is natural that the voters, being unable to see any possibility of improvement in their situation, choose not to take part in electing new (old) representatives to local authorities.

The graph presented below illustrates how often old representatives to community councils in Otwock district decide to stand as candidates in new elections.

Graph 1 – Percentage of candidates in community elections of 2010 in particular communities of the Otwock district, who executed mandate in the previous term



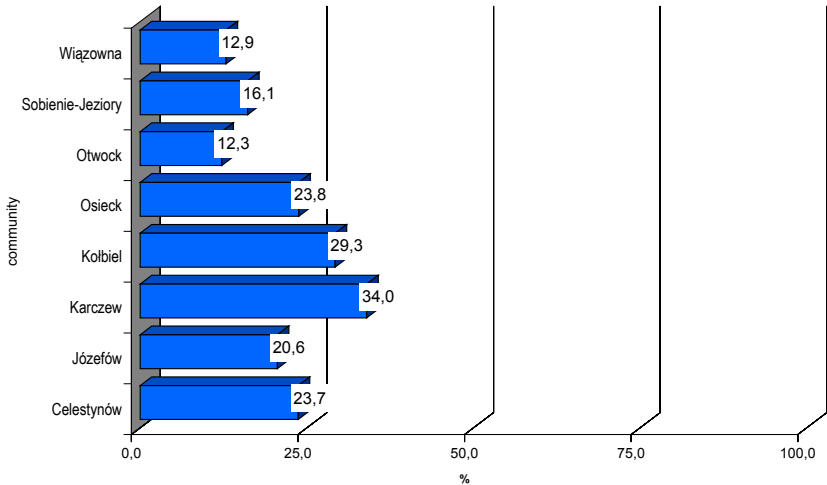
Source: own elaboration based on data from the National Electoral Commission,

It turns out that slightly more than quarter of names on election committees lists are the names of people currently seating at the community councils. However, the percentage of those people varied among particular communities. For example, in the community of Józefów the opportunity of choosing new candidates to the community council was three times smaller than in Celestynów or Sobienie-Jeziory communities.

The fact that so many current councilors decide to start in new elections is not an issue itself – ultimately the inhabitants usually want to

choose again the representatives that worked well for their good. However, the problem appears when, despite reluctance of the local community towards the current representatives, the percentage of them standing as candidates in new elections is high. In the survey that we conducted, we asked respondents if they would like to have the councils filled in with the same people for the new term of office. As the graph below shows, the social expectations regarding councilors deciding to start in new elections vary largely among the communities.

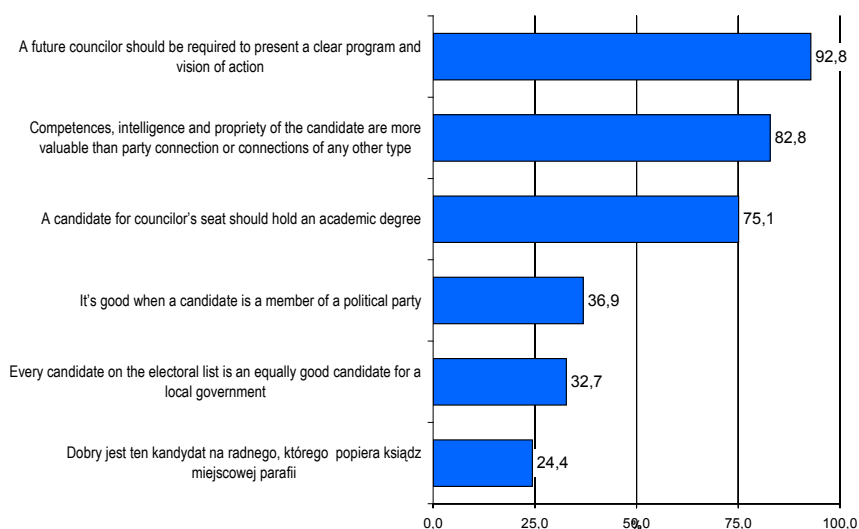
Graph 2 – Percentage of inhabitants of particular communities agreeing on the statement: „I would like to have the same people seating at the community council, as now”.



In particular, it is necessary to point out the relation between the present councilors’ level of participation in new elections and expectations from the voters towards them. In case of some communities, e.g. in Kołbiel, we can observe a clearly positive relation – relatively high level of social expectations is accompanied by the high number of present representatives standing as candidates in new elections. In turn, other communities have rather a negative character of the relation between the social expectations and the possibility of choosing an “old” candidate. Having that in mind, at least in some of the communities we can establish that the problems with the functioning of self-government start during the election phase.

In the study, we asked a series of questions regarding the required features of an ideal, future councilor – in this way we tried to reconstruct the criteria, which the citizens apply when choosing their representative in local elections. The most important feature turned out to be the election program – a candidate should have a vision of what actions he/she should take after they get elected. A relatively big group of people also admitted that the future representative of their interests on a local level should be characterized by competence, intelligence and propriety. The majority of the people taking part in the survey also recognized that a candidate to councilor's seat should hold an academic degree.

Graph 3 – Percentage of inhabitants of Otwock district agreeing on below statements referring to features of candidates for councilor's seat



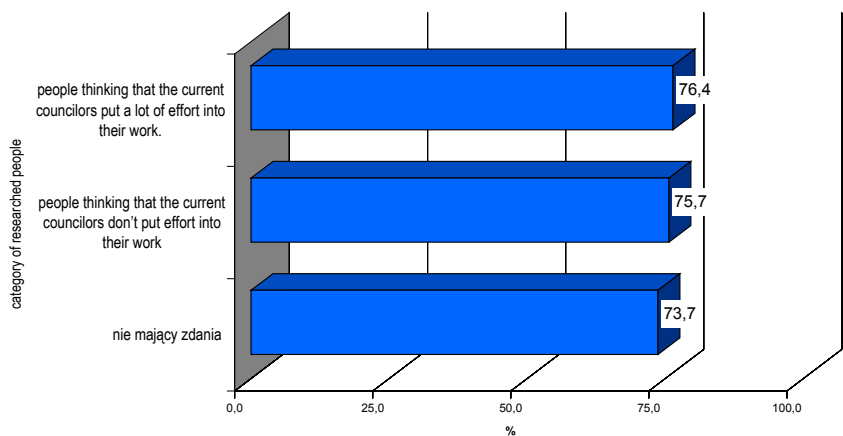
In turn, the least desired features of a councilor given by respondents were: candidate's party affiliation or recommendation given by the church authorities⁸. Thus, it means that the voters value individual features and merits of a candidate more than their collective features. In simple, we can say that the most important is who stands as a candidate, and not whose

⁸ It's worth emphasizing that one-third of the respondents claimed that all candidates are equally good to fulfill the mandate of a councilor, however they were quite inconsequent in their opinions, as they paid attention to some irrelevant features of a candidate.

interests he/she would represent.

One of the most frequently recurring issues in the context of local elections is the question who participates in them at most. Are these the inhabitants satisfied with the current state of affairs, who in the biggest numbers cast their votes into ballot-boxes? Or maybe these are the ones that are the most dissatisfied with their representatives? It can be assumed that the answer to this question would change, as the electoral act is influenced by many factors: from the level of satisfaction with local authorities' achievements, through the balance of political power on the national level, to weather conditions on the voting day.

Graph 4 – Percentage of Otwock district inhabitants declaring to take part in the next local elections, sorted by opinion on councilors' present work



Unfortunately, in our study we didn't manage to find a relation between the evaluation of the present term's self-government and the willingness to vote in local elections. As it turned out, the people researched declared the willingness to vote more less on the same percentage level, regardless of their opinion on the current authorities. The data presented above illustrates lack of any relation: three out of four inhabitants of Otwock district, regardless of their opinions on the current local government, declared

themselves to participate in next local elections.

The presented text is a communicate from the study, and at the same time, an announcement of a book on the same issue, currently being in the preparation phase.

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