

Original article

Organizational preparation of central public administration bodies to manage the implementation of defense tasks Part I. Characteristics of defense tasks carried out by the supreme government administration bodies, selected issues

Waldemar Kitler 

Institute of National Security Studies, War Studies University, Warsaw, Poland,
e-mail: w.kitler@akademia.mil.pl

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ABSTRACT

This article constitutes the first part of the research report on the organizational preparation of the supreme bodies of government administration, specifically the administrative offices serving them for the management of defense tasks. This part is devoted to the characteristics of the concept and scope of defense tasks, their objective and subjective approaches in the context of the Polish law in force, the content of strategic documents, and planning practice. The awareness of the enormity of tasks in the matter in question and the responsibility for their implementation that rests on the Council of Ministers, Prime Minister, and ministers in charge of the leading departments of government administration will provide the basis for the assessment of the current state of the organization. The evaluation will be performed in terms of the liability of the government administration for defense issues at the central administration level to determine the causes and necessary corrective actions and even construction ones in the absence of appropriate solutions. The scope of defense tasks is extensive and concerns, among others, strengthening the defense of the state, preparing the population and public property for the wartime, and opposing external threats to the state, armed aggression, and fulfillment of allied obligations. Thus, the legislator of the constitutional system and the ordinary legislator entrusted tasks to all authorities and government administration bodies and other state bodies and institutions, local government bodies, entrepreneurs, and other organizational units, social organizations, as well as citizens of the Polish state. These tasks have been specified in executive acts to the Acts and cover critical areas of state activity and almost all government administration departments and areas of activity of local governments. The supreme bodies of government administration play a key role in this respect. The Council of Ministers, headed by the Prime Minister, has the constitutional role of combining the complex defense activities on a national scale in unity. In contrast, ministers – heads of government administration departments should implement the defense policy in the administration departments entrusted to them.

KEYWORDS

defense tasks, supreme government administration bodies, defense preparations, preparatory and operational tasks



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Introduction

The basic competences of authorities and public administration bodies in the field of defense are defined by the Constitution of the Republic of Poland of 16 July 1997 and the Acts and executive acts under the defense law. It results from their provisions that in the scope of the issues considered in this article, the key role at the central level, apart from the President of the Republic of Poland, is played by the supreme bodies of government administration, i.e., the Council of Ministers, the Prime Minister and the ministers of government administration departments with the leading Minister of National Defense in this respect.

For the last 30 years, there have been significant changes in the Polish government administration, which have affected the ability of the supreme bodies to perform management functions in the field of defense, mainly in the field of planning, organizing and coordinating the implementation of defense tasks (preparatory and operational). Organizational units (departments, offices) in ministries dealing with defense matters were liquidated, justifying it with a decrease in military threats or following the most straightforward savings in terms of staff and finances. Moreover, despite a justified narrative about the need for organizational integration for the management of national security in general, there are still shortcomings in this respect, not only in the government administration but also at the local government level. Some positive changes giving hope for the future took place after 2018, but there is still much to be done. The justification for the changes can be found in the awareness of the enormity of defense tasks incumbent on the supreme bodies of government administration as leaders of the state defense activities.

It should be noted with regret that the scientific achievements in this area are quite modest, as evidenced by the literature on the research subject as cited below. Deletion of military sciences from the list of disciplines of science in Poland in 2011, only a few years of experience in defense sciences, and then (in 2018) their liquidation do not promote the development of defense knowledge, which may prove detrimental not only to Polish science but also, and above all, to the practice of Polish national defense¹.

The article aims to present the results of research on the role of the supreme government administration bodies in the field of state defense, by indicating the subject scope of defense, preparatory and operational tasks, obtained from the analysis of the legal system, strategic documents, source materials, and the literature of the research subject. Its implementation will contribute, in the next step, to the diagnosis and suggesting actions to repair the existing state of affairs in the field of organizational preparation of the central bodies of public administration to manage the implementation of defense tasks.

Methods

The author used various methods to carry out the research. They include, among them: systemic, formal-legal, institutional, and legal-comparative analyses, linguistic, systemic, and purposeful interpretation of a legal provision and the historical-descriptive method; analysis of the legal text, source documents and literature of the research subject, meaning analysis of the system of concepts; diagnostic and forecasting method; inference, generalization and analogy, abstraction and classification, and the comparative method.

¹ It is also worth emphasizing that a similar fate nearly met the discipline of safety science.

Defensive tasks, their concept and essence

Currently, defense tasks do not have a legal notion. Despite their different definitions in planning documents and publications, it can be assumed that they are part of national security tasks. They including projects carried out by executive bodies as well as other state bodies and institutions, entrepreneurs, social organizations and citizens, related to preparing the state for efficient operation and survival in conditions of external threat to the state, during the war and/or martial law, implementation of specific operational projects in these conditions, as well as the removal of effects after the threat, has been averted, aimed at restoring the state to normal functioning [See: 1, p. 24-32. Cf. 2, p. 192-202; 3].

The definition proposed by the author in 2006 was confirmed by the Polish Defense Strategy that has been outdated since 2013. It reads: "Defense tasks, as part of the tasks in the field of national security, include projects carried out by the executive authorities and other bodies and institutions of the state, entrepreneurs, and citizens related to the preparation of the state to operate efficiently and survive in conditions of external threat to the state, crisis, and war, the implementation of specific operational projects in these conditions, as well as removal of the effects after the threat, aimed at restoring the normal functioning of the state" [4]. It can be assumed that in the years 2009-2013, this definition was legal, although it had only the rank of a resolution of the Council of Ministers (of 23 December 2009).

Defense tasks comprise preparatory tasks and operational tasks, which mean, and include, respectively:

- 1) general tasks of a preparatory character – a part of the defense tasks, covering undertakings of an administrative-legal, planning, organizational, and material and financial nature. They are implemented mainly during the normal functioning of the state (formal absence of real threats) and aim to prepare the state, authorities, armed forces, guards, services and inspections, national economy, material and cultural assets, and the entire society for action and/or survival in conditions of external threat to state security, crisis, and war. They serve to create organizational conditions for the functioning of non-military structures to carry out defense tasks, in particular, states of state defense readiness and during their increase. They mainly refer to operational planning, defense programming, defense reviews, maintenance of production and repair capacities, preparation of management positions, preparation of the Economy Mobilization Program, preparation of special protection of facilities, preparation of national economy (transport, communications, agriculture, medical entities and other areas of economy), creation and maintenance of reserves, preparation for militarization, defense training, defense education, as well as control of the implementation of defense tasks, and the fulfillment of other tasks under the general duty of defense.
- 2) operational tasks are a part of the defense tasks included in operational plans, which is carried out in the event of an external threat to the security of the state, during the war and/or martial law, serving to prevent the threat, respond to it, and remove the consequences after it has been averted. These are diplomatic, informational, protective, and economic-defensive tasks [Cf. 4, points 69-74, p. 15; 5, p. 18; 6, p. 32]. Legally, the operational tasks mean part of the defense tasks, which are carried out in conditions of external threat to state security and during the war [7, § 2 point 4]. They incorporate:

- a) diplomatic tasks aimed at minimizing the risk of jeopardizing fundamental national interests and foreign and security policy objectives, as well as diplomatic support during armed conflict, conflict resolution, and recovery (peace),
- b) information tasks, i.e., all activities related to the achievement of national defense objectives through the informational impact on the behavior and attitudes of the enemy, as well as other international and domestic entities, protection of national interests against the adverse effects of their influence, as well as strengthening the defense will of their society, its morale, defensive determination, and perseverance of the community,
- c) protection tasks are related to ensuring the smooth functioning of state structures on which existence and/or functioning the fulfillment of state defense objectives depends. Within the framework of protection tasks, two subgroups can be distinguished.

The protection tasks of the first group are connected with ensuring the efficient functioning of the state and concern mainly the protection of the state border, the safeguard of particularly protected people and the facilities and transport serving them, protection of delegations and representations of other states, ensuring communication, protection of particularly important facilities, protection of cultural assets and national heritage, providing public safety and order, related fire protection and supervision over the observance of legal rigors during martial law.

The second group of protection tasks concerns saving human life and health and securing services of general interest for the population, and mainly relates to the delivery of food products, water, medicinal products, and medical devices, essential industrial articles of overall use and petroleum products, the supply of electricity and energy resources, alarming, evacuation, rescue, protective structures, providing the civil protection formation with equipment, materials, and means, elimination of contamination and infections, health protection, passenger and freight transport, and care of children, youth and the disabled, health protection, passenger and freight transport, and care of children, youth and the disabled,

- d) in turn, economic and defense tasks are carried out for the purpose of providing people with financial, material and service bases for the implementation of defense tasks; these are, among others: the use of the necessary production and service capacities of the national economy, production and services, as well as the implementation of tasks included in the Economy Mobilization Program (Polish abbrev. PMG), the use of strategic reserves, acting in conditions of limited supply, launching personal and material benefits, militarization, evacuation of strategic reserves, acceleration of the implementation of investments of strategic importance, introduction of restrictions in communications, distribution of medicinal products, medical devices, and food, reconstruction of destroyed defense infrastructure; providing medical services for the Armed Forces; implementation of tasks in the field of communications, transport, agricultural production and agri-food processing, monitoring of economic potential in the field of industry, agriculture, communications, transportation, energy, forestry, and health care. Economic and defense tasks are carried out in many departments of the national economy and government administration, which establishes and coordinates numerous undertakings in this respect.

1. Leading central government administration bodies in the implementation of defense tasks

It must undoubtedly be recognized that ensuring military security is one of the oldest and most urgent missions of the state and, therefore, its public authority. That concerns various phases of the state's historical development, understood as the protection of its territory and the prevention of external and internal threats that may lead to aggression in the sense of international custom and law, and, if they occur, to oppose them by all available diplomatic, economic, special, informational and, above all, military measures.

In this respect, the specific objectives will be to maintain the security and territorial integrity of the country, consolidate international peace and stability, keep readiness to counter external dangers posed by the threat of the use of force; maintain readiness to use the military forces of the country internally in view of the possibility of disrupting its internal order, be ready to respond, react defensively and restore the status quo (in this case – peace) [Cf. 8, p. 180]. It relates to all these activities referred to as national defense.

According to the provisions of Article 2 of the Act of 21 November 1967 on the universal obligation to defend the Republic of Poland (hereinafter: the Defense Act), entities performing tasks in the field of defense (national defense – the author's note) include all authorities and government administration bodies and other state bodies and institutions, local government bodies, entrepreneurs and other organizational units, social organizations, as well as Polish citizens, to the extent specified in the Act [9, Art. 2]. It should also be borne in mind that the Armed Forces [10] of the Republic of Poland (Polish abbrev. SZRP) are the body constitutionally obliged to protect the independence of the state and indivisibility of its territory and provide the security and integrity of its borders. The legislator entrusted them with the main task of upholding the sovereignty and independence of the Polish Nation and its safety and peace [10, Art. 3 item 1].

The provisions of the Polish law and experience indicate that a large group of authorities and governmental administration perform a crucial role in the management of national defense, not only by influencing the behavior of the entities mentioned above and exercising supervision over their activities but also by taking specific measures, disposing of tools and managing assets related to the achievement of national defense objectives and the pursuit of interests resulting from them. Among them, the leader is undoubtedly the central government administration², and the leading role in this respect is fulfilled by the Council of Ministers, the Prime Minister, individual ministers – heads of government administration departments, as well as heads (chairmen) of committees that are part of the Council of Ministers. These bodies perform the function of governing the country, conducting the state's external and internal policy, ensuring its internal and external, including military, security.

The last 30 years in the history of the Polish administration are a period of dynamic changes in the reform of the administrative and economic center [See: 11], which has not finished even today, given the numerous recent changes in the organization of government administration, the appointment of new ministers and the creation of central offices to serve those bodies. The changes over the years, frequently caused by justified reasons, have not left without prejudice to the government administration's ability to take up challenges in the

field of fulfilling the management functions in the defense field, mainly planning, organizing and coordinating the implementation of defense tasks (preparatory and operational ones).

1.1. Council of Ministers

The Council of Ministers is the leading public administration body, which the legislator in the Constitution has entrusted with the conduct of the domestic and foreign policy of the Republic of Poland and managing the entire administration. The Constitution of the Republic of Poland states that “the Council of Ministers shall conduct the internal and foreign policy of the Republic of Poland” (Article 146 (1)). Whereas Article 146 (3) states that this authority “provides the external security of the State” (point 8), and ‘shall exercise general management of the defense of the country and determine each year the number of citizens appointed to active military service’ (point 11).

Within the scope and under the terms of the Constitution and laws, its tasks, performed in the framework of ensuring the external security of the state and exercising general leadership in the field of national defense, cover, in particular, developing draft national security strategies, planning and implementing the defense preparations of the state to ensure its functioning in the event of security threats and in times of war, including the planning of economic and defense projects and tasks carried out for the benefit of the Armed Forces and allied forces, preparing the system of management of national security, including the protection of the state, making public authorities function in their positions of leadership, maintaining permanent state defense preparedness, applying to the President of the Republic of Poland to increase it in the event of external security threats and during war and reduce it in accordance with the reduction of the risk, identifying objects of particular importance for state security, including defense, and preparing their special protection, securing the state’s defense needs and maintaining uniform systems of observation, measurement, analysis, forecasting and notification in constant readiness, preparation of the operation of permanent on-call duty for the time of external threats to state security and war, determining the rules for the use of the state’s health service and technical infrastructure for defense needs (sea, rail, automobile, air, inland waterway, road and rail infrastructure for the state’s defense needs, as well as their protection during war), including the method of securing air space and territorial waters in the event of external threats to security and war, providing the functioning of the state’s defense training system, and conducting control over the state’s defense preparations [9, Art. 6 (1) (1-10), Cf. Art. 6 (2)].

As the Act on martial law sets out, in the event of an external threat to the state, including those caused by terrorist activities, armed aggression on the territory of the Republic of Poland, or when an international agreement results in an obligation to defend against attack together, the Council of Ministers may apply to the President of the Republic of Poland to introduce martial law. While this rule is in force, the Council of Ministers shall, in particular, order the launch of the system for directing the defense of the state, order the transition to war as defined in separate regulations and the principles of public authorities’ operation, determine, at the request of the Supreme Commander of the Armed Forces, the laws of operation of public authorities in the zone of direct warfare, may suspend the operation of public authorities in the area of direct war, and may delegate to military authorities’ specific competences of public authorities in the region of direct conflict [12, Art. 11 (1)]. Under martial law, the President’s decision to deploy public authorities to specific management

positions, increase and decrease the combat readiness of the Polish Armed Forces, and assign the armed forces' tasks may only be considered at the request of the Council of Ministers [12, Art. 10 (2)].

What is more, the Council of Ministers' competences are related to rules of using or stationing the Armed Forces outside the country. At its request, the President of the Republic of Poland shall decide on the use of the Armed Forces to participate in armed conflict or strengthen the forces of the state or allied states and take part in a peacekeeping mission or any action to prevent acts of terrorism or their effects [13, Art. 2 (1)].

The changes introduced in 2015 set up that in the event of the need to defend the state, at the request of the Council of Ministers, the President decides on the day on which the time of war begins and ends on the territory of the Republic of Poland. The President of the Republic of Poland must direct the defense of the state, in cooperation with the Council of Ministers until the Commander-in-Chief of the Armed Forces is appointed and takes command. And it follows from the above how important the role of the Council of Ministers is, including the fact that without its participation the President of the Republic of Poland could not exercise most of his/her powers in the field of defense – and this is extremely important from the point of view of this publication.

1.2. The Prime Minister

The President of the Council of Ministers (Prime Minister) is a separate public administration body, playing one of the critical roles in the field of defense, and at the same time chairing the Council of Ministers. Many acts point to the general direction of the Council of Ministers in various areas of the state's activity, while the Prime Minister is granted more detailed powers, sometimes even as a substitute. That is evidenced by the provision of the Martial Law that reads: "If the Council of Ministers cannot meet during martial law, the constitutional powers of the Council of Ministers are exercised by the Prime Minister" [13, Art. 11 (2)].

The position of the Prime Minister in the field of defense, including the authority over the Armed Forces, is firm, and if it is not explicitly indicated in the Acts, it can be decoded from the provisions of the Constitution defining the political position of this body. That is evidenced by the possibility of making personal changes in the cabinet it manages, also regarding the Minister of National Defense. Thus, even if specific competencies are exercised by the President of the Republic of Poland at the request of the Minister of National Defense, e.g., concerning the authority over the Armed Forces through the Minister of National Defense [10, Art. 134 (2)] or the approval, at the request of the Minister of National Defense, by way of a decision, of national plans for the use of the Armed Forces for the state defense and the organization and functioning of the war command system of the Armed Forces [9, Art. 5 (3)]. All that is still done in agreement with the Prime Minister. Among the various arguments, there is also the fact that the President's decision on these and other matters require the Prime Minister's countersignature, and thus his/her formal consent. It is vital that if the President's acts are not his/her prerogatives, as defined in Article 144 (3) of the Polish Constitution, then the Prime Minister's countersignature is required for their validity. Thus, he/she assumes political responsibility before the Sejm for the content and execution of the provisions of a given act, as by the Prime Minister's approval, it becomes an act of governmental power. In this way, the constitutional principle of the obligation for both executive bodies to cooperate in the

area of state security and defense is emphasized. The decisive factor for the content of the President of the Republic of Poland's decisions is the Prime Minister's motion. As the leader of the government administration and the Council of Ministers and the ministers' superior, he/she guarantees that these bodies undertake all activities in the field of defense with his/her knowledge and consent.

It is also worth considering the Prime Minister's liability and the joint and several responsibilities of the members of the Council of Ministers before the Sejm (Article 157 (1) in connection with Article 198 (1) of the Constitution of the Republic of Poland), whose inactivity in connection with their duties may contribute to negligence and lack of care in the performance of their defense tasks. Their scope also includes activities aimed at creating organizational conditions for performing management functions within the defense.

In the subject matter, the Prime Minister plays a leading role in relations with the President of Poland. And these are the powers and duties associated with submitting to the President of the Republic of Poland a motion to approve the national security strategy, a motion to issue a Political-Strategic Defense Directive (Polish abbrev. PSDO) and other documents implementing the national security strategy [9, Art. 4a item 1 (1 and 2)]. The Prime Minister's counter-signatures on the President's decisions on critical defense-related issues are also significant, together with counter-signatures under the legislative regulations during martial law.

The Prime Minister influences the activity of ministers who, pursuant to the Constitution, manage the government administration departments and perform other tasks assigned by the Prime Minister, who may also apply to the Council of Ministers for the repeal of a minister's ordinance or decree [10, Art. 149 item 1 and 2]. According to the Act on the departments of government administration, the following bodies: the Central Anti-Corruption Bureau, the Central Statistical Office, the Financial Supervision Authority, the Polish Committee for Standardization, the Government Security Centre, the Government Legislation Centre and the Office for Competition and Consumer Protection are also subject to the Prime Minister. As a result, the provisions of laws and executive acts regulating the structure, rules of operation, and rights and obligations of these entities give the Prime Minister many powers of authority over them and the scope of their activities, also in the field of defense. That, in turn, forces the need for this body to achieve the organizational capacity to perform the management of the institutions, as mentioned above, in the realization of their defense tasks.

The President of the Council of Ministers is the body supervising the activities of local government units, and in the event of a gross violation of the Constitution or an Act by a body constituting a local government, he/she may apply to the Sejm for its dissolution. The Prime Minister's powers concerning local government are strengthened in states of emergency, and mainly during martial law. If the commune, powiat or voivodeship self-government bodies do not demonstrate sufficient effectiveness in the performance of public tasks or the implementation of activities resulting from the provisions on the introduction of martial law, the President of the Prime Minister, at the request of the competent voivode, may suspend these bodies until the lifting of the state of emergency (martial law³) or for a definite time. In their place, he/she appoints the receivership procedure carried out by a government commissioner [12, Art. 14 (1)].

³ It also applies to a state of emergency.

The explicit powers of the Prime Minister established by the Council of Ministers' laws and regulations as well as the alleged ones allow the conclusion that almost everything that happens in the government administration, and to a lesser extent in local government, is subject to its managerial, coordinating, or controlling influence.

1.3. Defense tasks coordinated by ministers and carried out in government administration departments, selected examples

The current provisions of the Act on the universal obligation to defend the Republic of Poland quite sparingly determine the defense competences of ministers – heads of government administration departments, excluding the Minister of National Defense. To top it all off, by way of regulation, without specifying what tasks are involved, the legislator has transferred to the Council of Ministers the obligation to define the principles of performing tasks within the framework of the universal duty of defense by ministers [See: 9, Art. 18 (2)].

The Defense Act referred to other ministers only twice. The provision of Article 18 (3) of this Act stipulates that they organize the performance of tasks within the framework of the universal duty of defense by supervised ministries, subordinate, and overseen organizational units and entrepreneurs for whom they are founding bodies. Article 19 of the Act stipulates that "In the course of performing tasks in the field of defense, the administrative bodies and managers of the units specified in Article 18 take into account the demands concerning the needs of the Armed Forces, submitted by the Minister of National Defense or military bodies authorized by him, and the demands concerning the needs of civil defense submitted by the Head of National Civil Defense or local civil defense bodies". That is the only concretization of the Ministers' competences in the Defense Act, not including – as already mentioned – the Minister of National Defense [See: 9, Art. 18 (3), Art. 19], whose competences are also regulated by a separate act [14].

In addition to the Defense Act, while examining the ministers' competences, one should also take into account the provisions of the Act on martial law and more specific provisions of the Act of 23 August 2001 on the organization of tasks for the benefit of state defense performed by entrepreneurs, as well as the Act of 29 October 2010 on strategic reserves.

The provisions of the Act on the organization of state defense tasks Implemented by entrepreneurs indicate the ministers exercising rights due to ownership of Treasury shares (at least 50%) in commercial companies as competent to organize and supervise the implementation of tasks for the benefit of state defense realized by an entrepreneur [15, Art. 5 (1)]. Moreover, in the third point of the article, as mentioned earlier, the Act provides a basis for extending the ministers' influence on entrepreneurs of particular economic and defense importance. The activity of the latter is related to the operation of airports and seaports, distribution, radio, and television broadcasting, production, transport, and storage of petroleum products, production, repair or modernization of armaments and military equipment, execution of specialized trade, transport, postal services, telecommunications services, production, distribution, and transmission of natural gas, liquid fuels, and electricity [15, Art. 5 (3), Art. 3 (1-10)].

The Ordinance of the Council of Ministers issued based on the Act establishes that the body organizing and supervising the performance of tasks for the benefit of state defense is the minister competent for the economy, Treasury, maritime economy, transport, communications, health, computerization, energy, mineral deposits management, inland navigation,

internal affairs, culture and national heritage protection, and the Minister of National Defense [See: 16, § 2.1-7].

Article 37 of the Act on government administration departments stipulates that “the Minister in charge of a specific department shall perform tasks in the field of defense and state security protection specified in separate regulations, except for matters that, under separate regulations, belong to other government administration bodies and state organizational units” [17].

The Minister of National Defense is the leader in the field of defense. The scope of activity of this body includes, among others [See: 14, Art. 2], managing in time of peace the entire activity of the Armed Forces, preparing the state defense assumptions, implementing the assumptions, decisions and guidelines of the Council of Ministers in the field of State defense and coordinating the implementation of the tasks resulting therefrom, exercising, within the scope entrusted by the Council of Ministers, general supervision over the implementation of defense tasks by public administration bodies, state institutions, entrepreneurs and other entities, exercising general management in matters of the implementation of the universal duty of defense, managing the administration of personal reserves, managing the realization of the military service obligation, managing matters of satisfying the material, technical and financial needs of the Armed Forces, implementing the decisions of the Council of Ministers as regards the participation of Poland in military undertakings of international organizations and as regards the fulfilment of military obligations resulting from international agreements, concluding international agreements concerning the participation of Polish military contingents in international peace missions and humanitarian actions and military exercises, performing activities specified in the acts in relation to military schools, military research and development units, state enterprises for which it is the founding body, military health care institutions, agencies and foundations, supervising field executive bodies in operational and defensive issues and governmental non-integrated administration, cooperating with other state bodies, local government bodies, and social organizations.

During martial law, the competences of the Ministry of Defense change, and comprise [12, Art. 12] the assessment of war threats and defensive capabilities as well as formulation and presentation of proposals for state defense to the competent authorities, coordination of the task implementation by government administration bodies and local government units resulting from tasks related to state defense, presentation of the needs for services of state bodies and local government units, entrepreneurs and other organizational units and individuals for the Armed Forces and state defense to the competent authorities, exercising general supervision over the implementation of defense tasks performed by government administration bodies and local government units, organizing mobilization development, supplementing and equipping the Armed Forces, cooperating with the minister in charge of internal affairs with regard to benefits, and coordinating the implementation of tasks of the host country resulting from international agreements.

Many of the ministers’ competences in the field of defense result directly or indirectly from the content of laws and executive acts. Guided by the need for a synthetic presentation of the ministers’ competences and tasks, the assumption can be made that it is possible to identify the main group of common tasks for ministers carried out for the benefit of national defense.

These tasks should be carried out by the ministers when preparing concepts of security policy, including the defense policy of the government within the scope of their activities, by bringing appropriate drafts of normative acts to the deliberations of the government, representing a specific policy of the defense activities of the state adopted by the government. As a result, the ministers define the principles, methods, and ways of operation of the administration in the departments they manage. They supervise the organization and performance of defense tasks in offices and organizational units subordinate to or supervised by them, and at the same time, prepare them to function in a situation of external threat to the state and during a war, including acting in management positions. They should ensure the organization of co-operation in the implementation of the tasks of their subordinate offices and organizational units with offices and organizational units of other departments of government administration, develop appropriate operational plans for the functioning of the department headed in case of external threat and during the war and supervise the development of plans of subordinated, overseen, and supervised offices and organizational units.

It is the responsibility of ministers to plan budget expenditures for the implementation of tasks in the field of national defense, organize training, supervise and coordinate tasks by subordinate or supervised bodies, offices, and organizational units, and conduct control and reporting activities in this field [See: 18, p. 217-9].

The responsibilities of the ministers of the heads of individual departments of government administration in the field of defense are extremely extensive [Cf. 8, p. 343-55]. Selected examples of them are presented below.

In the department of government administration of the economy the main tasks concern organizing tasks for the benefit of state defense realized by entrepreneurs⁴, supporting the industrial restructuring of the defense potential and technical modernization of the Armed Forces, contracts concluded in connection with supplies for the needs of state defense and security, conformity assessment of products for the needs of state defense and security, conducting economic activity in the field of production and trade in explosives, weapons, ammunition and products and technology for military use, list of entrepreneurs of particular economic and defensive importance [16], trade and the way of keeping records of trade in goods of strategic importance, preparation of individual sectors of the economy for undisturbed functioning in case of threat and during war, development of rules for maintaining production and service potential for defensive purposes, and providing, according to separate regulations, the required state of strategic reserves, including mandatory fuel reserves.

The realization of defense tasks in the transportation section includes the conditions and manner of preparation and use of transport by car, rail, air, sea, inland waterway, road and

⁴ Entrepreneurs carry out tasks in the field of economic mobilization, militarization, operational planning, defense training, and resulting from the duties of the host country. See the Act of 23 August 2001 on the organization of tasks for the benefit of state defense performed by entrepreneurs, Article 5 (1), Journal of Laws of 2001, No. 122, item 1320 as amended [Ustawa z 23 sierpnia 2001 r. o organizowaniu zadań na rzecz obronności państwa realizowanych przez przedsiębiorców (Dz. U. z 2001 r. Nr 122, poz. 1320 ze zm.)], Article 2 and Article 3. The Act sets out the principles of organizing tasks for the benefit of state defense performed by entrepreneurs, government administration bodies competent in organizing and supervising the performance of these tasks and the principles of their financing. Its provisions implicitly mean that the ministers have the appropriate organizational capacity to perform the coordination function in the field of defense.

rail infrastructure and transport resources for the defense of the state, as well as protection of the entire transport system during the war [7].

It also concerns the competence of authorities in these matters, principles of cooperation of the Minister of National Defense with managers and railway carriers in the field of adaptation of railway infrastructure to the requirements of state defense, a list of railway lines of state importance, forms of cooperation of the Railway Protection Guard with the Military Police, coordination of activities in the field of preparation of roads on land, inland waterways, sea transport and shipping and seaports and harbors, comprehensive use of air transport for the needs of state defense, public administration bodies, organizational units subject to militarization and constituting a base for units subject to militarization, organizational units subordinated to and supervised by the minister in charge of internal affairs and formation of civil liability, as well as preparation and maintenance of airports established by the Ministry of National Defense and other equipment and technical facilities intended to be used during the war for the needs of the Polish Armed Forces and other purposes related to the operation of civil aviation during the war⁵.

The ministers responsible for transport, maritime economy, economy, national defense, State Treasury, as well as the General Directorate for National Roads and Motorways, Civil Aviation Office, maritime offices, Chief Inspector of Railway Technical Inspection, voivodes, local government bodies, State Enterprise "Polish Airports" and other entrepreneurs in the aviation industry, railway entrepreneurs, organizational units of automobile transportation, other authorities and entrepreneurs participate in the implementation of defense tasks in the field of transport.

In principle, the defense in the field of health is governed by only one regulation of the Council of Ministers, most acts are of a general nature, while others are local or internally binding laws. The basic act defining the legal status of entities providing health protection services is the Act of 30 August 1991 on health care institutions [19], which only in Article 67a item 1 provides that "The supervising entity may impose an obligation on a health care institution to perform an additional task if it is necessary due to the needs of the health care system, in case of a natural disaster or in order to fulfil international obligations". Only the third premise is related to defense issues and only in connection with the performance of defense tasks resulting from international obligations, i.e., within Host Nation Support on the territory of the Republic of Poland or overseas missions of the Armed Forces of the Republic of Poland.

Therefore, only the Act on the universal obligation to defend the Republic of Poland is the basis for the realization of defensive tasks in health protection by medical entities. That results from Article 6 item 1 (8) because the Council of Ministers determines the principles of using medical entities for defense purposes and in Article 6 item 2 (8), delegating to this body the competence to issue a regulation in the case in question⁶. The regulation specifies defense tasks concerning planning, coordination of planning and execution of these tasks,

⁵ More on defense tasks in the field of maritime, railway, air, car, inland waterway transport and preparation of road infrastructure for the defense needs of the state. W. Kitler. *Elementy systemowe powszechnego obowiązku obrony*. In: W. Kitler, M.A. Kamiński, D. Nowak. *Powszechny obowiązek obrony. Źródła, zakres, modele*. Warszawa: Wydawnictwo Akademii Sztuki Wojennej; 2019, p. 85-8.

⁶ It is the Ordinance of the Council of Ministers of 27 June 2012 on the conditions and manner of preparation and use of medical entities for the defense needs of the state and the competence of authorities in these matters, Journal of Laws of 2012, item 741 [Rozporządzenie Rady Ministrów z dnia 27 czerwca 2012 r.

and cooperation of public administration bodies, medical entities, and other organizational units in planning and executing tasks for the state defense needs. From the scope of these tasks results directly a package of tasks carried out in case of a threat to the state security and during the war, such as those concerning the use of blood and blood derivatives reserves, the use of medical personnel, implementation of standards and principles of supplying medical entities, pharmaceutical plants, and the public, in particular, pharmaceuticals, medical materials, and medical equipment.

Nowadays, as it was before, a key role in national defense is played by communications. The realization of defense tasks in the field of communications covers the following matters: preparation and use of communication systems for the defense of the state [20], fulfillment of tasks and obligations for the defense, state security and public safety and order by telecommunication entrepreneurs, the cooperation of a public operator with military field mail. Communications will be used mainly to manage national security, command the Armed Forces, and maintain the readiness of uniform systems of observation, measurement, analysis, forecasting, and notification.

The Act of 16 July 2004 on telecommunications law (Journal of Laws of 2004, No. 171, item 1800, as amended) in Section VIII sets out the obligations for the defense, state security, and public safety and order of telecommunications undertakings. This Act contains numerous delegations to the Council of Ministers and relevant ministers to issue executive acts in the field of preparation of these entrepreneurs to operate in conditions of a threat to state security and war. The provisions of the Act correspond to the provisions of the Regulation of the Council of Ministers on the preparation and use of communication systems for the purposes of state defense. According to Article 179 (2), the telecommunications undertaking shall be obliged to perform tasks and duties in the preparation and maintenance of the indicated elements of telecommunications networks to ensure telecommunications for the needs of the system for managing national security, including the defense of the state, carried out under the principles established in plans, decisions, or agreements concluded between telecommunications undertakings and authorized entities. In turn, Article 180 (1) stipulates that a telecommunications undertaking is obliged to immediately block telecommunications connections or transmission of information at the request of authorized entities, if these connections may threaten, among others, the defense.

One of the missions carried out by the state defense system in case of war (Article 2 of the Defense Act), mainly by public administration bodies, including the government and in justified cases, the Armed Forces⁷, is to prepare the population and property in case of war, as well as to protect the population, workplaces and public utility facilities, cultural assets, rescue and provide assistance to victims of war and to cooperate in combating natural disasters and environmental threats and removing their effects (Article 137 of the Defense Act). It is the task for many departments of administration, since, contrary to appearances, it is not only rescue, but many other tasks, among others: equipping the population with knowledge, skills, and habits necessary to survive under conditions of warfare, securing material and service needs for the benefit of civilians, securing the needs of spiritual, psychological, and

w sprawie warunków i sposobu przygotowania oraz wykorzystania podmiotów leczniczych na potrzeby obronne państwa oraz właściwości organów w tych sprawach (Dz. U. 2012, poz. 741)].

⁷ In circumstances provided for by international law, military bodies may be responsible for the coordination of civil defense tasks in wartime.

legal nature, providing information services, humanitarian tasks in the field of civil protection during the war (civil defense), and ensuring public safety. Equally significant are preparatory and operational tasks in the field of protection of monuments and national heritage, the functioning of the educational system and higher education, as well as in the field of social security, and many others.

Summing up the duties of the supreme authorities and government administration as part of the universal duty of defense, it should be borne in mind that the Council of Ministers, the Prime Minister, and the managers of almost all departments of government administration, carry out their duties in the field of state defense preparations and the implementation of operational tasks under conditions of external threat to the state and during the war to the extent appropriate to the scope of their statutory powers. These are mainly the following undertakings:

1. Preparatory, within the scope of:

- 1) defense planning, including operational planning and defense programming,
- 2) the preparation of the management system of national security, including the defense of the state,
- 3) maintaining the state's permanent defense preparedness and creating conditions for increasing it, including the organization of a permanent duty system,
- 4) the establishment and maintenance of strategic reserves,
- 5) preparation of the country's transportation and transport infrastructure for defense needs,
- 6) preparation and use of medical entities for the state defense,
- 7) preparation and use of communication systems for the defense of the state,
- 8) preparations for militarization of organizational units performing defense tasks,
- 9) managing defense preparations within the scope of government administration department and organizational units subordinated or supervised,
- 10) preparation for operation in the event of increasing the state's defense preparedness and during the war, including operation at management positions,
- 11) organizing the performance of tasks in the field of supplies, services and performances for the Polish Armed Forces and allied armies, as well as other organizational units performing defense tasks,
- 12) participate in the implementation of obligations arising from the NATO defense planning process,
- 13) organizing cooperation in the implementation of defense tasks with offices and organizational units of other departments of government administration and voivodes and local government bodies, as well as with social organizations,
- 14) cooperation with representatives of the Polish Armed Forces and other state's troops and ensure conditions for the implementation of civil-military cooperation,

- 15) participation in the preparation of the Economy Mobilization Program,
 - 16) coordination of operational planning, including development of operational plans and functioning plans drawn up in subordinate or supervised offices and organizational units, as well as by entrepreneurs, if an obligation to perform defense tasks has been imposed,
 - 17) participation in the preparation of the system of rationing of articles of general use and services,
 - 18) ensuring implementation of nationally important investments,
 - 19) ensuring the operation of the components of the contamination detection and alarm system,
 - 20) planning budgetary expenditure for the implementation of defense tasks,
 - 21) organizing defense training,
 - 22) supervision of the performance of defense tasks and conducting control and reporting activities in this respect,
 - 23) creation of conditions for the implementation of tasks resulting from the obligations of the host country, in particular as regards the establishment and maintenance of contact points, databases of defense resources for the HNS,
 - 24) preparation of personal reserves for the needs of organizational units envisaged to perform defensive tasks, including advertising,
 - 25) implementation of tasks in the scope of preparing specific organizational units for militarization,
 - 26) preparation of areas, facilities, and equipment subject to mandatory protection,
 - 27) preparation of the technical protection of the infrastructure.
2. Operational, understood as “a separate, according to the defined purpose of the operation and included in the form of operational plans, part of the defense tasks, which is implemented by specific subjects of state law, each within the scope of its statutory competence, under conditions of external threat to state security (and its symptoms), crisis and war, aimed at preventing the emerging threat or its symptoms, preparing for its removal following the assessment of the threat situation and the necessary reaction” [21].

They are divided into diplomatic, informational, protective, and economic-defensive tasks. In other words, the nature of operational tasks is defined in the Defense Standard [22] setting out operational planning principles. They are divided into general tasks – performed in government administration offices and other state organizational units, substantive tasks – performed in individual departments of government administration by ministers and central government administration bodies subordinate to them, and substantive tasks – performed by central offices supervised by the Prime Minister and tasks performed in the voivodeship.

Conclusion

1. When analyzing the provisions of Polish law, as well as the practice of public administration activity in the field of defense, which often derives from the findings of strategic

directive and planning documents (directives⁸, guidelines, strategies, regulations, plans⁹, and programs¹⁰), which do not have the status of universally binding law, one can notice that the central bodies of government administration play the critical role in this matter, the Council of Ministers, the Prime Minister and ministers - heads of government administration departments. It is a legal consequence of the public authority system in Poland, the unitary nature of the state, and the fact that the field of defense, and like few other fields of activity of a democratic legal state, it is subject to the rules of centralization, and almost all executive activities require initiation, coordination, and determination at the level of the supreme governmental authorities.

2. The scope of activities in the field of defense is extremely extensive. It concerns the implementation of numerous preparatory projects to strengthen the Republic of Poland's defense, prepare the population and national property in case of war, and perform other tasks for the benefit of defense.

Strengthening the defense of the Republic of Poland means, among others, conducting foreign policy and shaping the international environment, maintaining the ability to participate in allied crisis response operations, humanitarian and search and rescue operations, maintaining the efficiency and improvement of the state defense system, defense planning, improving procedures for action in the event of crisis and war, modernization of the Armed Forces of the Republic of Poland, improving the system for managing national security, implementation of tasks within the framework of defense preparations in the non-military subsystem, maintaining the ability to introduce higher states of state defense readiness, maintaining readiness to perform tasks within the PMG, maintaining strategic reserves, and development of defense infrastructure.

In turn, the preparation of the population and national property in the event of war includes civil defense planning, defense education of the society, preparation of the protection of national cultural assets, creation of conditions to ensure the livelihood needs of the population, preparation to secure the needs of spiritual, psychological, and legal nature, access to libraries and other institutions for the dissemination of culture, access to teaching in the educational system and education in higher education institutions, dignified burial of people who died of natural death and as a result of warfare, as well as the protection of monuments and cultural heritage, and preparation for the implementation of tasks in the field of universal security – civil protection (during the war – civil defense).

3. The state and quality of implementation of preparatory tasks, in turn, has an impact on the possibility of implementation of operational tasks undertaken in the event of an external threat to the state, armed aggression on the territory of the Republic of Poland,

⁸ For example, the Political-Strategic Defense Directive of the Republic of Poland (Polityczno-Strategiczna Dyrektywa Obronna Rzeczypospolitej Polskiej).

⁹ For example, the Defensive Response Plan of the Republic of Poland; operational plans for the functioning of government administration departments under conditions of external threat to state security and during war; the Economy Mobilization Program (Plan Reagowania Obronnego Rzeczypospolitej Polskiej; plany operacyjne funkcjonowania działów administracji rządowej w warunkach zewnętrznego zagrożenia bezpieczeństwa państwa i w czasie wojny; Program Mobilizacji Gospodarki).

¹⁰ For example, the Program of Non-Military Defense Preparations and programs of non-military defense preparations of government administration departments (Program Pozamilitarnych Przygotowań Obronnych oraz programy pozamilitarnych przygotowań obronnych działów administracji rządowej).

or when an international agreement results in an obligation to defend against aggression jointly. Apart from strictly defensive (military) tasks carried out by the Armed Forces, these are non-military undertakings in the field of civil protection, state structures and natural environment, providing material and spiritual basis for the survival of civilians, supplying human and material resources of the Armed Forces of the Republic of Poland, non-military support of own and allied armies, including ensuring continuity of national economy functioning, ensuring energy security in the scope of national fuel and energy systems, management of strategic reserves, coordination of plant and animal production, purchase of agricultural produce and agri-food processing, use of groundwater resources, forests, national parks, nature reserves and other natural resources, supplying medicinal entities and the population with medicinal products, medical devices, and materials for their production and others.

4. As explained in the presentation of the research results, most competences in this area were entrusted to the central government administration bodies. Consequently, they should have the ability to efficiently manage such an extensive range of undertakings through the possibility of taking planning, organizational, coordination, and control activities, with the help of a specialized administrative apparatus. The next article is intended to address the manners of preparation for such tasks. It will discuss the current state of the organization of the administrative apparatus at the central level and present a proposal for corrective actions.

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Conflict of interests

The author declared no conflict of interests.

Author contributions

The author contributed to the interpretation of results and writing of the paper. The author read and approved the final manuscript.

Ethical statement

The research complies with all national and international ethical requirements.

ORCID

Waldemar Kitler  <https://orcid.org/0000-0003-4466-6384>

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Biographical note

Waldemar Kitler – Prof. Dr. hab., in social sciences in the field of security sciences, Full Professor since 2018. Director of the Institute of National Security Studies of the War Studies University. In 2010-2011 he co-founded and headed the Department of Law and Administration at AON (National Defense Academy). Since 2011 he has been the Deputy Dean of the

Department of National Security for Scientific Affairs. In the years 2015-2016 he was the Head of the Department of National Security Law, and from 2016 to 2018 he was the Director of the Institute of Defense Law and Administration; he initiated the launch of uniform Master's degree courses in law. His research and scientific interests focus on the issues of national security system, national defense, and crisis management, as well as selected legal and administrative aspects of security and defense of the Republic of Poland. Author, co-author and scientific editor of many publications, among others: *Powszechny obowiązek obrony. Źródła, zakres, modele (A universal duty of defense. Sources, scope, models)*, Warszawa 2019, *Ustawa o krajowym systemie cyberbezpieczeństwa. Komentarz (Act on National Cyber Security System. Commentary)*, Warszawa 2019, *System bezpieczeństwa w cyberprzestrzeni RP (System of security in cyberspace of the Republic of Poland)*, Warszawa 2018, *Organizacja bezpieczeństwa narodowego RP. Aspekty ustrojowe, prawno-administracyjne i systemowe (Organization of national security of the Republic of Poland. Systemic, legal-administrative and legal aspects)*, Toruń 2018, *Prawo wojskowe (Military Law)*, Warszawa 2017, *Bezpieczeństwo informacyjne. Aspekty prawno-administracyjne (Information security. Legal and administrative aspects)*, Warszawa 2017, *Prawo obronne Rzeczypospolitej Polskiej (Defense Law of the Republic of Poland)*, Warszawa 2014, *Minister Obrony Narodowej i Naczelny Dowódca Sił Zbrojnych w systemie kierowania bezpieczeństwem narodowym RP. Wybrane problemy (Minister of National Defense and Commander-in-Chief of the Armed Forces in the system of managing national security of the Republic of Poland. Selected Problems)*, Warszawa 2013, *Aspekty prawne bezpieczeństwa narodowego RP, część ogólna oraz część szczegółowa (Legal Aspects of National Security of the Republic of Poland, General and Detailed Part)*, Warszawa 2013, *Nauka administracji (Administration Studies)*, Warszawa 2013, *Bezpieczeństwo narodowe RP. Podstawowe kategorie, uwarunkowania (National security of Poland. Basic categories, conditions)*, Warszawa 2011, *Bezpieczeństwo ludności cywilnej. Pojęcie, organizacja i zadania w czasie pokoju, kryzysu i wojny (Security of the civilian population. Concept, organization and tasks in time of peace, crisis and war)*, Warszawa 2010. President of the Defense Knowledge Society, expert on curricula and textbooks of the Ministry of National Education. Chairman, member of scientific councils and reviewer of several scientific journals.

**Przygotowanie organizacyjne naczelnych organów administracji publicznej do zarządzania realizacją zadań obronnych
Część I. Charakterystyka zadań obronnych realizowanych przez naczelne organy administracji rządowej, wybrane zagadnienia**

STRESZCZENIE

Niniejszy artykuł stanowi pierwszą część sprawozdania z badań dotyczących przygotowania organizacyjnego naczelnych organów administracji rządowej, a ściślej obsługujących je urzędów administracyjnych do zarządzania realizacją zadań obronnych. Tę część poświęcono charakterystyce pojęcia i zakresu zadań obronnych, ich podmiotowemu i przedmiotowemu ujęciu w kontekście obowiązujących przepisów polskiego prawa, treści obowiązujących dokumentów strategicznych oraz praktyki planistycznej. Świadomość ogromu zadań w przedmiotowej materii i odpowiedzialności za ich realizację spoczywającej na Radzie Ministrów, premierze i ministrach kierujących wiodącymi działami administracji rządowej stanowić będzie podstawę oceny obecnego stanu organizacji pod kątem obronnym administracji rządowej na szczeblu naczelnym, ustalenia przyczyn i określenia koniecznych działań naprawczych, a często i konstrukcyjnych wobec braku należytych rozwiązań. Rozległy jest zakres zadań obronnych, dotyczących m.in. umacniania obronności państwa, przygotowania ludności i mienia

narodowego na czas wojny oraz przeciwstawienia się zewnętrznym zagrożeniom państwa, napaści zbrojnej i wywiązywania się z zobowiązań sojuszniczych. Z tego też względu ustrojodawca i ustawodawca zwykli powierzyć zadania wszystkim organom władzy i administracji rządowej oraz innym organom i instytucjom państwowym, organom samorządu terytorialnego, przedsiębiorcom i innym jednostkom organizacyjnym, organizacjom społecznym, a także obywatelom państwa polskiego. Zadania te skonkretyzowane zostały w aktach wykonawczych do ustaw i obejmują kluczowe dziedziny działalności państwa oraz niemal wszystkie działy administracji rządowej i obszary aktywności samorządu terytorialnego. Kluczową rolę w tym zakresie odgrywają naczelne organy administracji rządowej. Na Radzie Ministrów, z premierem na czele spoczywa konstytucyjna rola zgrywania w jednię czynu złożonego całej działalności obronnej w skali ogólnopaństwowej, ministrowie – kierownicy działów administracji rządowej zaś winni realizować politykę obronną w działach administracji, które zostały im powierzone.

SŁOWA KLUCZOWE zadania obronne, naczelne organy administracji rządowej, przygotowania obronne, zadania przygotowawcze i operacyjne

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