

# Civil defence as a problem in protecting the security of the population in situations significantly distinct from regular ones

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## INFORMATION

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## ABSTRACT

Civil defense is shaped on the basis of international and national legal regulations in the context of internal and external threats with really dangerous consequences for the civilian population. In his investigations, the author focused on the legal and organizational dilemmas of civil defense in the country. Cognitive reflection also covered the causes of the current state of the examined institution and included preliminary suggestions of a prognostic nature, the inclusion of which in practice could result in the elimination of the identified shortcomings.

## KEYWORDS

security, civilian population, civil protection and defence, causes, shortcomings



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*Civil defence is always of humanitarian nature and is activated in times different from the usual.*

## Introduction

Civil defence (CD) can be understood and investigated both as an institution, an organisation or a task of the state. The term “civil defence” also allows us to conclude that it is intended to act as a system in which (generally) the security of civilian entities is ensured by a non-military formation. Such service is

directed primarily to the society with its institutions and assets in “situations significantly distinct from regular ones” which may occur in ordinary circumstances (in times of peace and quiet) and in times different from the usual (during a natural disaster, when warfare is waged).

This study has a cognitive-ordering character in the scope of establishing CD and activating it in connection with the occurrence of circumstances whose nature and strength are so dangerous that the protective formations functioning in ordinary circumstances (e.g. services and guarding units, and above all fire brigades – the State Fire Service and the Voluntary Fire Brigades) are not able to ensure for the society protection adequate to the unfolding events.

Therefore, the activity of CD can be perceived both in the context of the time of operation and the protective needs of the society, in particular the part thereof that does not professionally organise its own security by performing various social functions on a daily basis. In international and national law, this part of the society has been referred to as “civilian population”, while the legal organisation of both “protection of civil security” and “protection of this population” has been referred to as “civil defence”. As a rule, the purpose of CD is to provide the civilian population with conditions necessary for survival during:

- 1) ongoing hostilities,
- 2) occurrence of a natural disaster,
- 3) overcoming the direct outcome of the situations indicated in point 1 and 2.

Objectively lower qualifications of the civilian population in the sphere of protection and defence, compared to the members of formations being professionally qualified in this field, lead to the conclusion that any danger with a significant destructive potential (armed conflict, as well as natural disasters or technical breakdowns) always hits this group of the population the hardest. The actual likelihood of the emergence of danger with a varying scale of threat, as well as the awareness of its negative quantitative and qualitative consequences, has made the issues of protecting and defending the civilian population a subject of international discussions and concern for the public authority in the state. Such facts have imparted to CD both an external dimension (international with a global range) and an internal (national) one.

The subject of the discourse in this study is CD understood as an important task of the state in the context of – primarily – the above-mentioned purpose of its establishment. However, the purpose of the considerations undertaken, apart from illustrating the importance of the First Additional Protocol to the Geneva Conventions ratified by the Republic of Poland [1] and the current,

negatively assessed state of CD functioning at the national level, is to signal some organisational and legal remedial proposals<sup>1</sup>.

The discussion, focused on achieving a specific goal, is also accompanied by an attempt to find an answer to the question about the reasons for the inefficiency in the functioning of Polish CD which has persisted for decades – a question still left without an exhaustive reply by the journalists. Mainly heuristic methods were used in the concept of implementing so-defined intention, which were employed to carry out the logical analysis of the facts contained in the negative assessment of the legal and organisational status of the Polish civil defence.

## 1. Civil Defence in International Law – Understanding Concepts and Tasks

The basic international legal act regulating the issues of CD is the First Additional Protocol to the Geneva Conventions of 12 August 1949, concerning the protection of victims of international armed conflicts, which was drawn up in Geneva on 8 June 1977.

In the above-mentioned Protocol, the High Contracting Parties undertook (in general) to protect the victims of war and to clarify the understanding of the terms used in this Protocol specific to this area of activity and agreed that:

- (...) *“civil defence” means the performance of some or all of the under-mentioned humanitarian tasks intended to protect the civilian population against the dangers, and to help it to, recover from the immediate effects of hostilities or disasters and also to provide the conditions necessary for its survival (...) [1, Art. 61 (a)]* – performance of numerous tasks was assigned to the civil defence understood in this way – Figure 1,
- (...) *the term “civil defence organisations” means those establishments and other units which are organized or authorized by the competent authorities of a Party to the conflict to perform any of the tasks mentioned under sub-paragraph a), and which are assigned and devoted **exclusively** to such tasks [1, Art. 61 (b)]* (emphasis by M.L.),
- (...) *the term “personnel” of civil defence organizations means those persons assigned by a Party to the conflict **exclusively** to the performance of the tasks mentioned under sub-paragraph a), including personnel*

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<sup>1</sup> A broader presentation featuring more specific organizational (model) suggestions for the domestic functioning of CD is planned for upcoming thematic research.



Fig. 1. The task scope of civil defence

Source: The author's own elaboration, based on: [1, Art. 61 (a)].

*assigned by the competent authority of that Party **exclusively** to the administration of these organizations [1, Art. 61 (c)] (emphasis by M.L.), – (...) the term “matériel” of civil defence organizations means equipment, supplies and transports used by these organizations for the performance of the tasks mentioned under sub-paragraph a) [1, Art. 61 (d)].*

The international understanding of the above-mentioned terms – due to their utilitarian nature – is important for the national civil defence organisation. The fact that the specific meaning of specific terms is internationalised justifies the need to additionally note that the High Contracting Parties, when signing the Protocol, undertook that the **CD personnel** would consist of

persons performing **exclusively** civil defence tasks, and these were enumerated in this Protocol. This means that the civil defence personnel, tasks and formations form closed catalogues, which each of the Contracting Parties, expecting the application of the provisions contained in the adopted Protocol, should take into account in the national civil defence organisation. And this being the case, unilateral introduction of national solutions that derogate from accepted international arrangements in this respect, can hardly be considered appropriate, and thus conducive to the effective functioning of CD – especially during hostilities.

The above-mentioned conclusion, regarding the importance of international legal regulations in the field of civilian protection, presupposes the need to make reference to Poland's membership in the European Union (EU) and international humanitarian law as well as to indicate (at least briefly) that since the adoption of the Lisbon Treaty [2], the EU holds competence shared on the basis of derogation in the field of humanitarian aid. This means that the EU as a political and economic entity of international law can conduct European activities and policies as a **complement** to the policies of the member states in this area. The department of European Commission responsible for coordinating EU humanitarian aid operations is the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO). In this context, it is worth noting that the protection of population is also the subject of the work of the EU Council's Working Party on Civil Protection (PROCIV), which deals with developing suggestions aiming to solve problems related to civil protection both inside and outside the EU in following cases:

- *prevention, preparation and response to natural and manmade disasters (e.g., floods, forest fires and earthquakes) – both inside and outside the EU;*
- *mutual disaster assistance between EU member states;*
- *cooperation on the protection of European critical infrastructure;*
- *strengthening chemical, biological, radiological and nuclear security in the EU [3].*

In the face of the necessity to conduct synthetic inquiries regarding the international legal regulations in the field of CD, it should be stated that they are quite clear and, as such, should obtain full compatibility with the provisions of the national law, from which the protection and defence of the civilian population in the country would certainly benefit. It is supported by both the community of values and the need to defend them.

## 2. Civil defence in national legal regulations – an outline of assessment and development

The national legal solutions regulating the organization and functioning of civil defence, which were in force until 22 April 2022 – in principle – remained<sup>2</sup> compatible with the First Additional Protocol to the Geneva Conventions of 12 August 1949, adopted by the Republic of Poland, concerning the **protection of victims of international armed conflicts**<sup>3</sup> (emphasis by M.L.). Until then, the functioning of CD in Poland was regulated by the Act of 21 November 1967 on the universal obligation to defend the Republic of Poland [4, Art. 17 and Section IV of the Act] and the Regulation of the Council of Ministers of 25 June 2002 on the detailed scope of activities of the Chief Commander of the National Civil Defence, heads of civil defence units in voivodships (provinces), districts and municipalities [5] and the Regulation of the Minister of the Interior and Administration of 26 September 2002 on serving in civil defence [6; 7].

On 23 April 2022, the Act of 11 March 2022 on the Defence of the Homeland [8] entered into force, which repealed the Act on the General Obligation to Defend the Republic of Poland, and the regulations issued on its basis regarding civil defence in the country.

Although it is true that the Regulation of the Council of Ministers of 21 April 2022 on the manner of performing tasks within the scope of defence obligation was issued, it did not include sufficient regulations with direct reference to CD. This issue was addressed merely in one sentence of the said regulation relating to civil protection [9, §2, pt. 4]. However, it does not contain any reference to the provisions of the First Additional Protocol to the Geneva Conventions or to any other international humanitarian law. The lack of such a reference may have – rather from a practical point of view than from a theoretical standpoint – significantly negative consequences. In addition, even if it is assumed that the purpose of issuing the aforementioned regulation of the Council of Ministers was to define tasks including the field of civil protection in ordinary and extraordinary times, then limiting them only to general planning and organisational issues specific to public administration bodies and managers of other organisational units and authorities of non-governmental bodies displays traits of partial action – one having limited significance for the quality of the functioning of CD in the Republic of Poland (RP).

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<sup>2</sup> The subject of this article is the state of Polish law in relation to Civil Defence as of 15 May 2023.

<sup>3</sup> This protocol was drawn up in Geneva on 8 June 1977, and adopted by the Republic of Poland on 19 September 1991.

Taking into account exclusively the above observations, it is worth noting the new legal and organisational circumstances have become a starting point for considerations about the foundations and quality of the functioning of CD in Poland, giving them on the one hand a posteriori character, and on the other – in a sense – a hypothetical value, especially in the context of the proposed national legal regulation on the functioning of CD in Poland<sup>4</sup>.

In addition, given that until 22 April 2022, the tasks in the area of CD were also included in many other legal acts, such as the Act on Fire Protection [10], the Act on the State Fire Service [11], the Act on the State of Natural Disaster [12], the Act on Crisis Management [13], the repeal of the Act on the Universal Obligation to Defend the Republic of Poland without introducing subsequent legal regulations in this regard can hardly be considered as a stimulus strengthening the quality of the system for protecting and defending the civil population in Poland. The resulting legal gap can therefore be considered as an additional factor which contributes to reducing the functional quality of the Civil Defence in the Republic of Poland [14]<sup>5</sup>, which – according to the reports of the auditors of the Supreme Audit Office (NIK) – has been in a very poor condition for decades [15; 16].

In the context of assessing the quality of Civil Defence, it should be noted that in 2011 – already at the beginning of their post-inspection assessment – NIK auditors expressed a very negative assessment of the existing national Civil Defence structure [15]. Despite the passage of time, this negative assessment of the state of CD in the country has remained in place. NIK confirmed it in 2017, stating: *There exists no effective civil protection system in Poland. The authorities responsible for implementing tasks in the field of crisis*

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<sup>4</sup> There is an ongoing domestic debate about the June 2022 draft of the act on civil protection. In the reflections addressing CD, not without significance for their substantive quality, one should pay attention to the fact that this draft envisions changes in, among others: the Act of 8 March 1990 on commune self-government, of 17 May 1990 on the division of tasks and competences specified in special acts between commune authorities and government administration authorities and amending certain acts, of 4 September 1997 on government administration departments, of 5 June 1998 on powiat (district) self-government, of 5 June 1998 on voivodship self-government, of 18 April 2002 on the state of natural disaster, of 29 August 2002 on martial law and on powers of the Supreme Commander of the Armed Forces and the principles of their subordination to the constitutional authorities of the Republic of Poland, of 26 April 2007 on crisis management.

<sup>5</sup> The term “functional quality” in this context refers to the relationship between lawmakers and the civilian population, specifically focusing on their protection and defence. These relationships are the responsibility of the national CD organizers. Some legal and organizational shortcomings of civil defence were noted in the monograph entitled: *Główne komponenty architektury ochrony bezpieczeństwa państwa (Key Components of National Security Protection Architecture)*.

*management and civil defence have not created structures addressing the threats... (...) Civil defence structures are not prepared for the effective implementation of civil protection tasks defined in the First Additional Protocol to the Geneva Conventions of 12 August 1949 [16].* According to NIK auditors, the structure and organisation of Civil Defence were still outdated. Additionally, the number of civil defence formations was found to be insufficient, and the existing ones were equipped with incomplete and outdated equipment. The greatest deficiencies were found in the district and municipal level units [16].

By performing a contextual analysis of NIK's<sup>6</sup> post-audit reports from 2011 and 2017 on the functioning of civil defence domestically, one can put forward a legitimate conclusion that the assurances of the subsequent governments over the years confirming that they understand the importance of the nation and state, have the required competence and feel responsible for the security of these entities turned out to be (in the scope of CD) a mere verbal declaration. At the same time, it should be noted that the representatives of the scientific community could also have had a more significant impact on averting the persistent collapse of CD – especially in the context of the political games in the neighbouring countries. Unfortunately, there were studies and expert opinions in which, instead of a proper understanding of the international situation, one could find allegations of misperception directed at the analysts who pointed to the possibility of an armed conflict [17]. Neither is there any focus on improving the functioning of civil defence in the *White Book on National Security* [18]<sup>7</sup> (WB). The statement of B. Bielińczuk and others claiming that WB is basically an “academic” study, containing *postulates which are often not preceded by proper analysis* should be considered accurate in this regard [19, p. 124-125].

The existence of the above-mentioned multifaceted burdens hindering the functioning of civil defence and the failure to implement – following the repeal of the “old regulations” – new legal regulations regarding the discussed institution prove, regardless of the type of the circumstances, that official authorities have a “systemic dilemma” regarding the organisation of CD, from which the question about the causes of such a situation arises.

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<sup>6</sup> The historical context of recent decades.

<sup>7</sup> *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej (The White Book of National Security of the Republic of Poland)* was created by a diverse group of intellectuals. Despite its imperfections, it is a scientifically intriguing resource and forms the foundation for discussions on Poland's security policy and architectural context.



Participant observation, identification<sup>8</sup> and analysis of the legal and organisational status of CD in Poland<sup>9</sup> – also in the light of the aforementioned NIK inspections – suggests that the underlying cause of the indicated dilemma lies, on the one hand, in the complexity of a broad security policy, which is the basis for adopting systemic solutions, including civil defence as part of the systemic provision of universal security in extraordinary situations, and, on the other hand, stems from the competences of the authorities competent in these matters<sup>10</sup>. These authorities appear to have a questionable understanding of both dangerous situations as well as the idea underlying the institution of civil defence itself. Such doubts are confirmed by bad decisions and legal solutions, which still do not constitute – at every administrative and management level – a tool enabling one to meet the requirements of the civil defence system.

Leaving aside (for a moment) the general, signalled problems that civil defence has been struggling with for years, it is worth noting that the matters related to civil defence and crisis management in municipalities have (often) been entrusted to one person, often without sufficient qualifications and additionally as an assignment corresponding to a fraction of full-time employment or an extra task on top of other assignments [16]<sup>11</sup>.

In the synthesis of the facts illustrated above, where the legal and organisational state of CD was taken into primary consideration as a measure of the functional quality of this formation, an important problem of the official authorities in the field of protection and defence of the civilian population (at various levels of state administration) became apparent. This problem illustrates the practical outcome of meeting the needs of the civilian population in the field of protection and defence. Its source may be the (unsatisfactory) level of understanding the realities of security, which determines the (low) quality of the “security culture” of these authorities – the entities (generally) competent for domestic CD. Considering the issue of the quality of the government’s security culture (in general), it should be noted that it is expressed, on the one hand, in the quality of understanding the phenomena and processes occurring in the security-related reality (inside and outside the state)

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<sup>8</sup> Participant observation is a method enabling the author to analyse and describe personal experiences in the context of participation in legislative processes and the utilization of legal provisions at the level of the central institution and ministries, with a retrospective and contextual approach.

<sup>9</sup> Of repealed legal status, currently in effect and planned (the draft of the Civil Protection Act).

<sup>10</sup> This involves entities legally designated as being in charge of the condition of CD.

<sup>11</sup> This phenomenon finds further confirmation in the National Security program of studies, where persons performing tasks within this security sphere enhance their qualifications.

and, on the other hand, in the qualifications to undertake and carry out tasks in a specific area of activity.

Pointing to the “security culture of the public authority competent in this area” as a kind of *modus operandi* of the current domestic state of CD, it should also be noted that the phenomenon of “security culture” was already subject to research in the 1980s. Without going into the detailed etymology of the term, for the purposes of this study it is worth recalling the opinion held by N.F. Pidgeon, according to whom “security culture” is a system of meanings by which a particular group of people understand danger in the world [20, p. 43; 21; 22]<sup>12</sup>.

In conjunction with the fact that the state of CD in a country is (rightfully) associated with the culture of security in the semantic approach explaining the “security culture of a public authority” and in order to more fully demonstrate the meaning of this – in a sense field-specific term, – it is also necessary (in addition to referring to already existing thematic studies in this area) to subject it to contextual diagnosis and description. Therefore, in the light of widely known facts, also those concerning CD, including the ones cited above, it can be assumed that the “security culture of a public authority” is a phenomenon of a subjective nature, expressed in the “reasonable” [23]<sup>13</sup> attachment of this authority to both the values of health and life of a human being, their property, the surrounding nature, as well as in the methods and forms it uses to protect and defend these values. Taking into account the subjective nature of both the security reality [24; 25]<sup>14</sup> and the security culture and their undoubted complexity, according to the author, the following thesis can be legitimately postulated legitimate:

the security culture of the authorities competent for civil defence is the resultant of a number of interpenetrating and complementary personal and environmental factors.

In a discussion focused on the security culture of the actors, and taking into account the author’s observations, insights and experience, it is worth

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<sup>12</sup> Don M. Snider, among others, wrote about the military organization’s culture in relation to soldiers’ morale, especially in cases involving the violation of well-established behavioural norms within the US Army.

<sup>13</sup> Reasonable means “having a lot of knowledge, experience, and common sense; and: indicating such qualities”.

<sup>14</sup> More information about this issue can be found in monographs entitled: *O epistemologii i ontologii rzeczywistości bezpieczeństwa. W czasie zwyczajnym* (On epistemology and ontology of security reality. In ordinary times), and *O epistemologii i ontologii rzeczywistości bezpieczeństwa. W innym czasie niż zwyczajny* (On epistemology and ontology of security reality. In times other than ordinary).

pointing out that the personal factors of security culture in this respect may include, in particular: innate and acquired sensitivity to one's own quality of being (life and development) and that of other people; moral attitude; intellectual potential (innate and shaped by education); qualifications; competences; professionalism; dedication to the cause, etc.

Environmental factors, on the other hand, are determined, above all, by: the innate and formed sense of local community; ties; history; tradition; surroundings; environment; organisational structure, etc.

The above-mentioned groups and types of factors are in a direct and strong, conditioning synergistic relationship. The nature of such a relationship favours the quality of the subject's distinction, recognition and understanding of phenomena, situations, trends. The conditioning synergism facilitates the perception and anticipation of events not only in the context of the varying degree of their occurrence likelihood, but also in the context of the challenges resulting from them. This kind of relational cognitive-predictive relationship should be a "trademark" of public authority. It would inform of the perception and understanding of the multidimensionality of the "situational need for security" and the focus of its attention on finding solutions from the perspective of the tasks and goals of both the individual, the social group, as well as the nation and the state.

The observation and analysis of the surroundings and environment of national security, which have been carried out in the context of the quality of the functioning of CD in Poland also legitimise formulating the following thesis:

„the security culture of the public authority” is the main determinant of the quality of the security architecture for the nation and the state, understood as both a general task in terms of the security of the nation and the state and a specific task in terms of CD – an institution envisaged for difficult situations of ordinary times (time of peace, quiet and public order) and for situations arising in times other than ordinary ones (crisis, states of emergency, state of war and duration of hostilities) [25].

The observations, conclusions, assessments and theses formulated above concerning the “security culture of the (generally understood) actor” are, to a significant extent, confirmed by the results of empirical studies of the “security culture” of various social groups described by M. Cieślarczyk and A. Filipek. These studies show, among others, that one of the most important determinants of the “security culture” is the quality of education, including education for security [26]<sup>15</sup>, which as such is also related to the legal conditions and the personal characteristics of teachers and learners [27-31].

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<sup>15</sup> Many studies have been created on the subject of security education. Attempts to synthetically explain some issues in education alone and education for security were also undertaken by

### 3. Legal and organisational dilemmas of civil defence over the years

The analysis of both the repealed 2022 civil defence regulation and the post-audit reports of the Supreme Audit Office (NIK), as well as the literature on the subject, lead to the constataion that the main functional burden of CD retains its ties to the security culture (of the actor) and stems in particular from:

- 1) the ambiguous position of the Chief Commander of the National Civil Defence in the CD system;
- 2) insufficient definition of “individual responsibility”;
- 3) excessive “legislative dispersion”.

Formal and legal imperfections of the organisation of CD, despite the well-defined purpose of the establishment and functioning of this institution [32; 33]<sup>16</sup>, which was expressed in the provision: “The purpose of civil defence is to protect the population, workplaces and public utilities, cultural assets, rescue and provide assistance to the injured in times of war, and cooperation in combating natural disasters and environmental threats and removing their effects” [4, Art. 137], exerted their impact with the passage of time, as indicated, among others, by the post-inspection reports of the Supreme Audit Office (NIK), through a systematic decline in the functional quality of civil defence at all levels of public administration.

The poor quality of the functioning of CD was, to some extent, a straightforward consequence of the legislation in force. If one takes into consideration that the repealed act on universal duty to defend contained provisions imposing on CD units numerous tasks of a varied nature and degree of difficulty<sup>17</sup> in many areas: rescue (providing assistance to the injured population);

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H. Elak in the study entitled *Edukacja na rzecz bezpieczeństwa w świetle nowej reformy oświaty (Education for Security in the Context of the New Education Reform)*.

<sup>16</sup> The so-defined objective of CD in national legal regulations adhered to the provisions of Article 61, paragraph 1 of the First Additional Protocol. Although there are other references in the literature on this subject, this matter is further addressed by Tokarski M. *Funkcjonowanie obrony cywilnej w aspekcie źródeł prawa (Functioning of civil defense in the aspect of sources of law)*, after: Marciniak M. *Współczesne uwarunkowania obrony cywilnej (Contemporary conditions of civil defense)*. In: Marciniak M (sci. ed.). *Dylematy współczesnej obronności Polski. Pozamilitarne uwarunkowania obronności państwa (Dilemmas of contemporary Polish defense. Non-military conditions of state defense)*. Toruń: Wydawnictwo Adam Marszałek; 2017, p. 55-81.

<sup>17</sup> It is also worth noting that CD constitutes a significant part of the so-called Civil Emergency Planning (CEP) for extraordinary situations, as well as maintaining the readiness of public administration to respond in such circumstances. This Planning also includes activities resulting from international obligations, the so-called host national support (HNS) and activities related to civil-military cooperation (CIMIC).

protection of civilians in wartime; protection of workplaces, public utilities, cultural assets; cooperation with other entities during combating natural disasters and removing their effects, and if it is taken into consideration that their implementation was reflected in an equally large number of regulations, which were characterised by limited precision and lack of connectivity of the planning function (preparation of draft assumptions, rules of conduct etc.); of the Chief Commander of National Civil Defence (Fig. 2) with their practical implementation, supervision, control and financing [4, Art. 17]<sup>18</sup>, it is hardly surprising that the state of this institution (CD) must have been poor and received negative assessments by both the Supreme Audit Office, practitioners and some security theorists [34]<sup>19</sup>.

The findings presented above on the quality of CD organisation and functioning, also lead to the conclusions:

- 1) the ineffective manner and level of financing of civil defence, in view of the ineffective legal basis for its management, generally had no impact on the final low-quality state of CD in the country;
- 2) the dysfunctionality of CD, conditioned by the low-quality legal regulations, remained linked to the low-quality of the substantive participants in the CD system in the country;
- 3) for the effective functioning of CD in the country – in ordinary times and in extraordinary circumstances it is necessary to have clear and unambiguous legal norms, which will take into account the idea of establishing this institution, the purpose of which is contained in international law.

Among the problems of CD selected for consideration, the managerial limitations of the Chief Commander of the National Civil Defence deserve special attention, which in a way testifies to the security culture of decision-makers. Over the years, the legal agency attributed to this body has resulted not only in the ambiguity of its position in the system of protection and defence of the civilian population, but also expressed its managerial inefficiency in the system. As a managerial body, it was deprived of legal capability to influence the heads of CD at lower administrative levels in the country<sup>20</sup>. Neither did they have any impact on the shaping of the civil defence budget. Such

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<sup>18</sup> With the repealing of the Act on the Universal Obligation to Defend, the function of the Chief Commander of Civil Defence of the Country ceased to exist in the legal order.

<sup>19</sup> The numerous studies by F. Krynojewski, and interviews with this practitioner and theorist of security, are highly recommended. Dr. F. Krynojewski is a theorist, practitioner, and academic teacher.

<sup>20</sup> The organizational structure of CD corresponded to the administrative division of the state, and the local civil defence bodies included voivodes (province governors), starosts (executive heads of municipalities), and mayors. These officials, serving as the heads of the CD



Fig. 2. Tasks of the Chief Commander of Civil Defence

Source: The author's own elaboration, based on [4, Art. 137].

circumstances made it difficult, from the formal and legal standpoint, to hold the Chief Commander of National Civil Defence responsible for the quality and functional condition of civil defence in the (entire) country (which resulted from the title of this actor).

Moreover, if we consider that the key tasks in the operational field of CD heads at lower administrative levels in the country included directing the preparation of civil defence by state-controlled entities, entrepreneurs and other organizational units as well as by social organizations operating in their area, in addition to coordinating the undertaken projects – also with the participation of the civilian population – it is not difficult to see that the proper performance of the tasks assigned to CD in peacetime and in wartime was related to the sufficiently high quality of the substantive preparation of all participants<sup>21</sup>.

It should also be noted that the repealed act on the universal obligation to defend – with its part concerning CD – also contained another shortcoming that was of great importance for the quality of this institution's functioning. It was a kind of functional dichotomy of CD. On the one hand, CD was subordinated to the minister competent for internal affairs (MSW) with the tasks of protection and defence of the civilian population in each of the possible states in which the country might find itself, on the other hand, it occupied

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authorities at individual levels, were subordinate to the Chief Commander of National Civil Defence. This commander, in turn, was under the authority of the minister competent for internal affairs.

<sup>21</sup> The local authorities carried out civil defence tasks as responsibilities delegated to them by the government administration, utilizing the offices managed by them.

a place in the country's defence sector, which fell under the jurisdiction of the Ministry of National Defence (MON).

In this situation, the exclusion of civil defence issues from the (new) Homeland Defence Act (2022), replacing the Act on the Universal Obligation to Defend the Republic of Poland, should be considered formally and substantively correct. The adopted solution is conducive to the identification of CD as a component of the architecture for the protection of internal security and public order in the country<sup>22</sup>, which is not insignificant, especially during armed conflict. However, the (new) approach, despite the indicated organizational and legal value, does not present legal and organizational solutions that would allow the country to ensure the protection of the civilian population, especially during hostilities and meet the requirement of community of national and international solutions.

Such a situation – in the context of armed conflicts, primarily occurring in the immediate vicinity of Poland<sup>23</sup> – signalling the existence of specific social needs and expectations towards the public authority, requiring it to develop and implement the provisions taking into account the community of national and international legal regulations in the field of protection and defence of the civilian population at the time of war makes it unequivocally justified. It is worth emphasizing that performing tasks related to the protection of civilians in connection with dangerous events in peacetime is an activity different from the protection of civilians during hostilities. Hence the adoption of legal solutions regulating the existence and functioning of a formation that would primarily focus on the organization of protection and defence of the civilian population in wartime by a specialized group of persons protected by international law – by CD.

The analysis of the international situation, the literature on the subject and legal regulations regarding the organization and functioning of the civil defence formation in the country – and principally a CD system (a subsystem in the national system of protecting the security of the civilian population), is conducive to formulating comments and observations of postulative nature, aimed in particular at:

- formulating and conducting a clear general security policy, including a purposeful policy in the field of civil defence;

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<sup>22</sup> I have previously discussed the institution of civil defence and its various aspects in my 2014 monograph titled: *Główne komponenty architektury bezpieczeństwa (Main components of the security architecture)*. This study contains references to the issues addressed in it, which are still relevant today.

<sup>23</sup> Full-blown war between Russia and Ukraine (since 24 February 2022).

- taking into account internal conditions (organizational structure, relationships, relations, procedures) and external ones (in particular legal and financial systems) of the CD system;
- defining unambiguous competences of participants (elements) of the system;
- specifying clear authorisations of the CD system participants;
- indication of unambiguous responsibilities of individual organizational units (system elements),
- adopting a transparent organizational structure and
- defining clear dependencies, relations and methods of communication (within the system and outside the CD system).

At the same time, it should be noted that a liberal adherence to the above-mentioned requirements and focus on the issue of increasing only financial outlays – despite their size having been inadequate to meet the needs for decades – may be considered an act of questionable rationality. In the context of legal and organizational problems of CD, it is also worth pointing to – in the author’s opinion – the correct suggestions made by P. Soloch [35]. It follows, among others, that the tasks of CD should not be identified with the tasks assigned to the State Fire Service, and the function of the Chief Commander of National Civil Defence should not be combined with the function of the head of another service, e.g., the function of the Commander-in-Chief of the State Fire Service [32]. Although the functional objectives of CD and the State Fire Service are similar also in times other than ordinary ones, the scope of their tasks differs significantly (e.g., planning and supervision over the location, construction and maintenance of shelters, drinking water intakes, etc.).

Therefore, in the context of P. Soloch’s observations, it is worth additionally emphasizing that the process of preparing the CD system for effective operation requires (generally) the clarification and separation of tasks, competences and responsibilities of its participants. Basing on the analysis of debates (with elements of the categorization key) regarding the state of CD functioning in the country, it can also be concluded that in order to carry out the tasks assigned to CD, it is necessary to indicate a competent and appropriately located body in the structure of public administration. There are many indications that due to the scope of the issues, the area and the planes of operation and management of CD (in particular: forecasting [36]<sup>24</sup>, planning, implementation, initiation control) in ordinary times and in times other than ordinary ones, this

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<sup>24</sup> Forecasts are the most important premises for conducting the process of planning. They constitute the basic assumptions for planning and making decisions.



institution should be headed by a central government administration body directly subordinate to the senior official of government administration and an official supervising local self-government<sup>25</sup>. In the author's opinion, this could be the Chief Commander of National Civil Defence<sup>26</sup> subordinate to the Prime Minister<sup>27</sup>.

## Summary

In the summary of the considerations carried out in this study, it is worth noting that in both performance-related and formal materials on the functioning of CD in the country – created over a number of years – many negative assessments were noted, including insufficient consistency with international law and failure to address all fields and task areas of this institution. It was also noted that national regulations – limited only to tasks involving planning, organizational, training and disseminating knowledge on civil defence issues – did not clearly define tasks in the field of civil defence of the population carried out in peacetime. It was also noted that the functioning of the civil protection system concerned in particular civil protection activities in the area of rescue and civil protection during the war.

The issues of non-adaptation of the national legal regulation to the needs resulting from the protection and defence tasks of civil defence were confirmed in subsequent studies of the Office for Civil Protection and Defence at the Main Headquarters of the State Fire Service [37]. They drew attention, among others, to the fact that since 30 March 2001, when normative acts significant for the effective performance of civil defence tasks ceased to apply [38], no new legislation have been introduced in their stead, which would facilitate the performance of, among others: evacuation of the population, organization and functioning of the detection and alarm system, planning and

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<sup>25</sup> Supervision exercised by the Prime Minister takes place in the forms specified in the Constitution of the Republic of Poland and ordinary legislation.

<sup>26</sup> The working title, which – in the author's opinion – is acceptable.

<sup>27</sup> The subordination of the Chief Commander of National Civil Defence and supervision over this body could be implemented similarly to how it is done with e.g. The President of the Government Strategic Reserves Agency (under the supervision of the minister responsible for internal affairs) or the head of the Internal Security Agency (ABW). Analysing the feasibility of such subordination requires an in-depth analysis (of CD tasks and characteristics, their incorporation into the legislation and description in the literature on the subject) also with the use of categorization keys as part of the analysis.

preparation of protective structures, as well as organization and equipment of civil defence formations for action.

The changes resulting from the repeal of the Act on the Universal Obligation to Defend in 2022 did not solve the problems of CD either. According to experts, the legal situation deteriorated after 23 April 2022. It is indicated that there are currently no national legal regulations regulating the functioning of civil defence in Poland [39]. This may mean that the public authority has encountered significant difficulties in performing the tasks assigned to it in the field of protection of the civilian population in times other than peace and quiet (ordinary ones). One of the important factors determining this state of affairs may be the quality of the security culture of the entities referred to as competent actors in the organization of internal security. The competencies and responsibilities associated with it constitute two mutually conditional processes – a legislative one (one needs to know what and how to stipulate in legal regulations so that CD could operate effectively) and functional ones (one needs to understand how CD should function and what is necessary for its lawful and efficient operation).

## References

1. Pierwszy Protokół Dodatkowy do Konwencji Genewskich z 12 sierpnia 1949 r., dotyczący ochrony ofiar międzynarodowych konfliktów zbrojnych, który został sporządzony w Genewie dnia 8 czerwca 1977 r. (Dz. U. z 1992 Nr 41, poz. 175).
2. Traktat z Lizbony zmieniający Traktat o Unii Europejskiej i Traktat ustanawiający Wspólnotę Europejską, sporządzony w Lizbonie dnia 13 grudnia 2007 r. (Dz. U. z 2009 Nr 203, poz. 1569).
3. *Grupa Robocza ds. Ochrony Ludności (PROCIV)*, [online]. Available at: <https://www.consilium.europa.eu/pl/council-eu/preparatory-bodies/working-party-civil-protection/> [Accessed: 27 November 2022].
4. Ustawa z dnia 21 listopada 1967 r. o powszechnym obowiązku obrony RP (Dz. U. z 2021 r. poz. 372, 1728).
5. Rozporządzenie Rady Ministrów z dnia 25 czerwca 2002 r. w sprawie szczegółowego zakresu działania Szefa Obrony Cywilnej Kraju, szefów obrony cywilnej województw, powiatów i gmin (Dz. U. Nr 96, poz. 850).
6. Rozporządzenie Rady Ministrów z dnia 21 września 2004 r. w sprawie reklamowania od obowiązku pełnienia czynnej służby wojskowej w razie ogłoszenia mobilizacji i w czasie wojny (Dz. U. Nr 210, poz. 2136, z późn. zm.).
7. Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 26 września 2002 r. w sprawie odbywania służby w obronie cywilnej (Dz. U. Nr 169, poz. 1391).
8. Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny (t.j. Dz. U. z 2022 r., poz. 2305).

9. Rozporządzenie Rady Ministrów z dnia 21 kwietnia 2022 r. w sprawie sposobu wykonywania zadań w ramach obowiązku obrony (Dz. U. z 2022 r., poz. 875).
10. Ustawa z dnia 24 sierpnia 1991 r. o ochronie przeciwpożarowej (t.j. Dz. U. z 2022 r., poz. 2057).
11. Ustawa z dnia 24 sierpnia 1991 roku o Państwowej Straży Pożarnej (t.j. Dz. U. z 2022 r., poz. 1969).
12. Ustawa z dnia 18 kwietnia 2002 r. o stanie klęski żywiołowej (t.j. Dz. U. z 2017 r., poz. 1897).
13. Ustawa z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym (t.j. Dz. U. z 2022 r., poz. 261, z późn. zm.).
14. Lutostański M. *Główne komponenty architektury ochrony bezpieczeństwa państwa*. Łódź–Warszawa: Wydawnictwo SAN; 2014.
15. *Informacja o wynikach kontroli. Przygotowanie struktur obrony cywilnej do realizacji zadań w zakresie wojny i pokoju*, [online]. Available at: <https://www.nik.gov.pl/plik/id,3953,vp,5028.pdf> [Accessed: 21 December 2022].
16. *Polska nie ma skutecznego systemu ochrony ludności*, [online]. Available at: <https://www.nik.gov.pl/aktualnosci/polska-nie-ma-skutecznego-systemu-ochrony-ludnosci.html> [Accessed: 21 December 2022].
17. Zięba R, Zajac J. *Budowa zintegrowanego systemu bezpieczeństwa narodowego Polski. Ekspertyza*, [online]. Available at: [https://depot.ceon.pl/bitstream/handle/123456789/11838/Budowa\\_zintegrowanego\\_systemu\\_bezpiecze.pdf?sequence=1](https://depot.ceon.pl/bitstream/handle/123456789/11838/Budowa_zintegrowanego_systemu_bezpiecze.pdf?sequence=1) [Accessed: 2 January 2023].
18. *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*. Warszawa: BBN; 2013.
19. Bielszczuk B, Ciastoń S, Łysek W, Niedzielski R, et al. *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, [online]. Available at: <https://www.uj.edu.pl/documents/123362602/85075ad6-2438-467f-ba5c-6652695b20b4> [Accessed: 2 January 2023].
20. Sinder DM. *An Uninformed on Military Culture*. ORBIS. 1999;43(1):11-26.
21. Konodyba-Rorat B. *Kultura bezpieczeństwa jako element budowania wizerunku „bezpiecznego” przedsiębiorstwa*. Prace Naukowe Akademii Jana Długosza w Częstochowie, Technika, Informatyka, Inżynieria Bezpieczeństwa. 2018;6: 731-42. DOI: 10.16926/tiib.2018.06.52.
22. Pidgeon NF. *Safety culture: a key theoretical issue*. Work & Stress. 1998;12(3):202-16.
23. *Słownik Języka Polskiego*, [online]. Available at: <https://sjp.pwn.pl/sjp/rozumny;2517494.html> [Accessed: 4 December 2022].
24. Lutostański M. *O epistemologii i ontologii rzeczywistości bezpieczeństwa. W czasie zwyczajnym*. Warszawa: Oficyna Wydawnicza ASPRA-JR; 2021.
25. Lutostański M. *O epistemologii i ontologii rzeczywistości bezpieczeństwa. W innym czasie niż zwyczajny*. Warszawa: Wydawnictwo Akademii Sztuki Wojennej; 2022.

26. Elak H. *Edukacja na rzecz bezpieczeństwa w świetle nowej reformy oświaty. Obronność*. Zeszyty Naukowe Wydziału Zarządzania i Dowodzenia Akademii Sztuki Wojennej. 2017;3(23):17-41.
27. Cieślarczyk M. *Kultura bezpieczeństwa i obronności*. Siedlce: Wydawnictwo UPH; 2011.
28. Cieślarczyk M. *Kultura bezpieczeństwa i bezpieczeństwo kulturowe w teorii i praktyce*. In: Filipek A, Gałek B. (sci. eds.). *Współczesne bezpieczeństwo i kultura bezpieczeństwa*. Siedlce: Wydawnictwo UPH; 2014, p. 16-29.
29. Cieślarczyk M, Filipek A, Krzewniak D. *Kultura bezpieczeństwa młodzieży akademickiej w kontekście zrównoważonego rozwoju*. Siedlce: Wydawnictwo UPH; 2021.
30. Filipek A. *Kultura bezpieczeństwa podmiotów jako element integrujący system bezpieczeństwa narodowego oraz regulujący jego funkcjonowanie i rozwój, w ramach projektu System Bezpieczeństwa Narodowego RP* [Research report]. Defense project financed by the NCBiR, project registration number: O ROB/0076/03/001, Warszawa; 2013.
31. Lutostański M. *Kultura bezpieczeństwa w obszarze bezpieczeństwa i obronności państwa – wybrane problemy*. In: Filipek A, Gałek B. (sci. eds.). *Współczesne bezpieczeństwo i kultura bezpieczeństwa*. Siedlce: Wydawnictwo UPH; 2014, p. 54-77.
32. Marciniak M. *Współczesne uwarunkowania obrony cywilnej*. In: Marciniak M (ed.). *Dylematy współczesnej obronności Polski. Pozamilitarne uwarunkowania obronności państwa*. Toruń: Wydawnictwo Adam Marszałek; 2017, p. 55-81.
33. Tokarski M. *Funkcjonowanie obrony cywilnej w aspekcie źródeł prawa*. Przegląd Naukowo-Metodyczny. Edukacja dla bezpieczeństwa. 2013;4(21):121-39.
34. Krynojewski F. *Obrona cywilna nie może działać jak pospolite ruszenie*, [online]. Available at: <https://serwisy.gazetaprawna.pl/samorzad/artykuly/8552326,wiad-franciszek-krynojewski-obrona-cywilna-straz-pospolite-ruszenie.html> [Accessed: 27 December 2022].
35. Soloch P. *Ocena funkcjonowania Obrony Cywilnej Kraju w świetle informacji o wynikach kontroli Najwyższej Izby Kontroli*, [online]. Available at: <https://sobieski.org.pl/komentarz-is-125/> [Accessed: 25 December 2022].
36. Stoner JAF, Wankel Ch. *Kierowanie*. Warszawa: Polskie Wydawnictwo Ekonomiczne; 1994.
37. *Ocena stanu przygotowania Obrony Cywilnej w Polsce. Stan na 31 grudnia 2012 r.* Warszawa: Wydawnictwo KG PSP; 2013.
38. Obwieszczenie Rady Ministrów z dnia 18 grudnia 2001 r. w sprawie wykazu uchwał Rady Ministrów, zarządzeń i innych aktów normatywnych Prezesa Rady Ministrów, ministrów i innych organów administracji rządowej, które utraciły moc z dniem 30 marca 2001 r. (M.P. Nr 47, poz. 782).
39. Krynojewski F. *Co z obroną cywilną po 23 kwietnia 2022 roku?*, [online]. Available at: <http://obronacywilna.pl/wp-content/uploads/Co-z-OC-po-23-kwietnia.pdf> [Accessed: 29 November 2022].

## **Obrona cywilna jako problem ochrony bezpieczeństwa ludności w sytuacjach znacząco odmiennych od normalnych**

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**STRESZCZENIE** Obrona cywilna podlega kształtowaniu w oparciu o międzynarodowe i krajowe regulacje prawne w kontekście niebezpieczeństw wewnętrznych i zewnętrznych o realnie groźnych dla ludności cywilnej skutkach. Autor w podjętych dociekaniach skoncentrował się na dylematach prawnych i organizacyjnych obrony cywilnej w kraju. Refleksją poznawczą objął także przyczyny aktualnego stanu badanej instytucji oraz zawarł wstępne sugestie o prognostycznym charakterze, których uwzględnienie w praktyce mogłyby skutkować eliminacją stwierdzonych mankamentów.

**SŁOWA KLUCZOWE** bezpieczeństwo, ludność cywilna, ochrona i obrona cywilna, przyczyny, mankamenty

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### **Ethical statement**

The research complies with all national and international ethical requirements.