

Original article

Organizational preparation of central public administration bodies to manage the implementation of defense tasks Part II. Organization of administrative offices of the supreme government administration bodies for the coordination of defense tasks

Waldemar Kitler 

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

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ABSTRACT

The second part of the report on the research on the organizational preparation of administrative offices supporting the supreme government administration bodies in the implementation of defense tasks is devoted to the characteristics and assessment of the organization of organizational units of administrative offices supporting the Council of Ministers, the prime minister, and the ministers managing government administration departments. The extensive nature of tasks in this matter and, consequently, the responsibility for their implementation resting on the Council of Ministers, the prime minister and ministers, is the basis for assessing the current state of organization of the administrative governments serving these bodies. Already in the Constitution and in ordinary acts, the role of the Council of Ministers and the prime minister were appreciated, with less attention being paid to ministers and heads of government administration departments. After 2010, the legal conditions for ensuring a uniform organizational and substantively competent structure of administrative offices in terms of defense, and more broadly also national security, were even worse. Only after 2016, and especially starting from 2019, hopeful organizational changes took place in this matter. And all this in view of the apparent lack of appropriate regulations in the field of defense law. The research leads to the conclusion that a holistic approach to national security issues, including national defense, is necessary to recognize the criteria of necessary legal and organizational changes to achieve planning, organizational, coordination, and control capabilities of the supreme government administration bodies in the field of defense.

KEYWORDS

defense tasks, supreme government administration bodies,
defense organization of administrative offices



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Introduction

This article continues the presentation of the research results on “Organizational preparation of the supreme government administration bodies for the implementation of defense tasks”. The first part, published in the Scientific Journals of the Military University of Land Forces, is devoted to the role of the supreme bodies of government administration in the field of state defense. The analysis of key issues in this area, supported by conclusions from other research projects, including empirical ones, allows for taking up another challenge in this area. It concerns the determination and evaluation of the current state of organization of administrative offices of the supreme government administration bodies for the coordination of tasks in the field of defense.

The research confirms the hypothesis that the changes that have taken place in the Polish government administration over the last 30 years have influenced the ability of supreme bodies to fulfill the functions of management in the field of defense, aimed at strengthening the defense of the Republic of Poland, preparing the population and national property in the event of war, and implementing operational tasks undertaken in the event of an external threat to the state, an armed attack on the territory of the Republic of Poland, or when an international agreement implies an obligation to jointly defend against aggression.

For various reasons, organizational units in the Chancellery of the Prime Minister (KPRM) and ministries dealing with defense matters were liquidated, justifying it with a decrease in the level of military threats, new organizational challenges, or financial savings. Despite justified actions in the field of organizational integration for the management of national security in general, there are still gaps in this area, i.e., in the organization of administrative offices at the level of the supreme government administration bodies.

Some positive changes giving hope for the future have come after 2019 but there is still a lot to do. We find the justification for them by realizing the enormity of defense tasks resting on the supreme bodies of government administration as leaders of the national defense activity.

The conviction that it is necessary to create coordination capabilities in the field of defense combined with the possibility of coordination in other areas of security, results not only from the nature of defense tasks but is also caused by the current political and military situation in the world, the ability to act in situations of threats to common security (as evidenced by the current epidemic threat), and the imperfection of the legal system in this regard. In the latter case, the authors have in mind the fact that legal regulations do not follow the actual course of events in the field of national security, as evidenced by the need for codification and incorporation of defense law, as well as changes in the unification of the administrative apparatus in the field of national security, redefinition of emergency states, as has been postulated for many years, and other emergency measures taken by the state. Once again, this is evidenced in the weak legal and organizational solutions to counteract the SARS-CoV-2 coronavirus.

This article is devoted to the issues of national defense. However, taking account of the postulated necessity to integrate the activities of the state and its administration for the benefit of broadly understood security within the national security system, the research problem, scientific hypothesis and the purpose of this article took the following form.

Research problem: What is the organization of administrative offices serving the supreme government administration bodies for the coordination of defense tasks and other related

tasks in the field of national security, and what are the advantages and disadvantages of this organization?

Research hypothesis: the current organization of administrative offices for the coordination of defense tasks and related tasks in the field of national security is a good basis for creating optimal organizational conditions in this area. Nevertheless, it is still underinvested and inadequate to the current and future conditions of national security, and, consequently, to the mission, goals, and tasks of the supreme government administration bodies in this area, and requires actions to achieve the ability to perform this type of function. If the improvement of the state administrative apparatus takes into consideration the missions, goals and tasks of the highest bodies of government administration in the field of defense and other areas of national security, then the organization of administrative offices at the level of the supreme government administration bodies will ensure that they are ready to exercise their decision-making and information (opinion-making, advisory and staff) competencies and perform the following functions: anticipation, prevention, preparation, detection, reaction, destruction, and reconstruction, to ensure the living conditions and national development, including military, free from any disturbances.

The article is to present the results of research on the assessment of the organization of administrative offices serving the supreme government administration bodies for the coordination of tasks in the field of defense, taking account of the needs of organizational integration for the implementation of tasks regarding national security.

Method

The author used the method of a systemic approach, systemic and purposeful interpretation of a legal provision, analytical methods, legal-comparative analysis, legal text analysis, linguistic and logical analysis of source documents and the subject literature, the historical-descriptive method; diagnostic and prognostic methods; inference, generalization, and analogy, abstraction and classification, and the comparative method.

The research results were obtained in the effect of the analyses of the legal system, strategic documents, source materials and literature on the research subject. The author's experience gained in connection with the work at the Defense System Department of the Ministry of National Defense, related to strategic and defense planning, work in organizational units of the Ministry of Internal Affairs and Administration, i.e., at the Crisis Management and Civil Protection Office and at the National Headquarters of the State Fire Service, was crucial as well. What was also important in this regard was the fruitful cooperation with many ministries and central offices in the field of defense training, exercises, and decision-making games. Besides, the author conducted decision-making games in the field of defense as part of the Higher Defense Courses for almost 15 years, with the participation of management representatives of public administration, from the poviats level to the highest bodies of government administration. However, the experience gained was crowned by two key undertakings, namely participation in the work of the Strategic Team of the National Security Review of the Republic of Poland (2010-2012) and managing a project financed by the National Center for Research and Development on the "National Security System of the Republic of Poland" in 2012-2014, in which approximately 140 representatives of the scientific community and practitioners participated.

The research conducted as part of the above-mentioned projects allows for the expression of a highly objectified position in the field defined in the title of this article. Not only theoretical research but also empirical research enabled the verification of many hypotheses concerning, e.g., the current organization, tasks, and scope of operation of organizational units of administrative offices for the implementation and coordination of defense tasks by the supreme government administration bodies, as well as the necessary changes in this regard.

1. Competences and organizational preparation of administrative offices supporting the Council of Ministers and the prime minister in the field of defense

1.1. Basic competences of the Council of Ministers and the prime minister in the field of defense

The Council of Ministers

In the present legal state, the leading body in the field of national security and defense, entrusted by the constitution-maker with conducting the internal and foreign policy of the Republic of Poland and managing the entire administration, is the Council of Ministers. It ensures internal security and public order, and, importantly, the external security of the state, as well as exercises general leadership in the field of national defense.

Let us recall that its preparatory tasks performed as part of ensuring the external security of the state and exercising general leadership in the field of national defense include projects related to developing a national security strategy; state defense preparations in the event of an external threat and war (issues guidelines for programming defense preparations), preparation of the national security management system, including state defense; maintaining the state's constant defense readiness, increasing it and reducing it according to the degree of threat; preparation and protection of facilities of particular importance to state security, including defense; preparation and maintenance of uniform systems of observation, measurement, analysis, forecasting and notification; preparation of a system of constant duty in times of external threats to the state and war; using the national economy for the defense needs of the state and its protection during the war; ensuring the functioning of the defense training system in the state and controlling the state of defense preparations in the state.

In turn, in the event of an external threat to the state, an armed attack on the territory of the Republic of Poland or when an obligation to jointly defend against aggression arises from an international agreement, the Council of Ministers may request the President of the Republic of Poland to introduce martial law. And while it is in force, it manages the launch of the state defense management system and the transition to war, specified in separate regulations, rules of operation of public authorities; determines, at the request of the Supreme Commander of the Armed Forces, the principles of operation of public authorities in the zone of direct hostilities; may suspend the functioning of public authority bodies in the zone of direct hostilities and delegate to military bodies certain public authority bodies' competences in this zone. The decision of the President on the transfer of public authorities to specific management positions, increasing and lowering the combat readiness of the Polish Armed Forces, and the tasks of the Armed Forces depends on the proposal of the Council of Ministers.

The powers of the Council of Ministers also concern the use or stay of the Armed Forces outside the state. At its request, the President decides to use the Armed Forces to participate in an armed conflict or strengthen the forces of the state or allied states; peace mission; and actions to prevent acts of terrorism or their consequences. It is at the request of the Council of Ministers, if it is necessary to defend the state, that the President decides on the date on which the time of war begins in the territory of the Republic of Poland, and, in the same manner, on the date when the war ends. In the light of the regulations in force, the President of the Republic of Poland manages the national defense in cooperation with the Council of Ministers, upon the appointment of the Supreme Commander of the Armed Forces and taking over the command by him/her. Thus, many of the powers of the President of the Republic of Poland depend on the active participation of the Council of Ministers.

President of the Council of Ministers

Its leader, i.e., the prime minister, plays one of the key roles in the field of security and defense. Despite the general leadership of the Council of Ministers in various areas of state activity, the prime minister is granted more detailed powers, sometimes even in his/her stead, including under martial law, if the Council of Ministers is unable to meet, its constitutional powers are exercised by the prime minister [1, Art. 11 sec. 2].

The role of the prime minister is emphasized by the Constitution of the Republic of Poland in Art. 148. He represents the Council of Ministers, manages its work, ensures the implementation of its policy, coordinates and controls the work of ministers and other members of the government, and exercises supervision over local self-government as defined in the Constitution and statutes. As a public administration body, he/she has general competences, which means that his/her tasks, on a presumption basis, include everything that is not reserved for other bodies.

The position of the prime minister in the field of defense indirectly relates to the supremacy over the armed forces. This is, for example, in the case of the powers of the President of the Republic of Poland, implemented at the request of the Minister of National Defense, regarding the supremacy over the Armed Forces or approval, at the request of the minister, of national plans for the use of the Armed Forces to defend the state and the organization and functioning of the military command system. The ruling of the President of the Republic of Poland, if they are not his/her prerogatives specified in Art. 144 sec. 3 of the Polish Constitution, especially during martial law, require the prime minister's countersignature, i.e., his/her formal consent. Important are the countersignatures of the prime minister in the case of the President's decisions on matters of critical importance to the actions taken in the field of defense, with countersignatures under statute-law regulations during the period of martial law. Thus, the prime minister, on behalf of the government and himself/herself, guarantees the implementation of undertakings agreed with the President, and at the same time assumes political responsibility before the Sejm for the content and implementation of the provisions of a given act that becomes an act of the government authority. Thus, the constitutional principle of the obligation to cooperate between both bodies of the executive in the field of national security and defense is fulfilled.

It is also worth recalling the responsibility of the prime minister raised in the first part of the article and the joint and several liabilities of members of the Council of Ministers before the Sejm, whose inaction may contribute to neglect and lack of diligence in the implementation of

defense tasks. This scope also includes activities aimed at creating organizational conditions for the implementation of management functions in the field of defense.

In the field of defense, the prime minister plays a leading role in relations with the President of the Republic of Poland. It applies to submitting an application to approve the national security strategy; a proposal to issue a Political and Strategic Defense Directive (PSDO), and other executive documents to the national security strategy to the President of the Republic of Poland [2, Art. 4a sec. 1 points 1 and 2].

The prime minister influences the actions of ministers that carry out the tasks assigned by him/her, and pursuant to his/her ordinances the scope of activity of individual ministers is regulated in detail. Moreover, he/she may apply to the Council of Ministers to repeal a regulation or ordinance of a minister [3, Art. 149 par. 1 and 2]. The prime minister is responsible for major entities in the field of security and defense, including the Foreign Intelligence Agency and the Internal Security Agency; Central Anticorruption Bureau; Central Statistical Office; the Polish Financial Supervision Authority; the Polish Committee for Standardization; the Government Security Center; the Government Legislation Center and the Office of Competition and Consumer Protection. In consequence, the provisions of laws and executive acts grant the prime minister many powers over them and the scope of their activities, also in defense. It necessitates the achievement by this body of the organizational capacity to perform the management function of the above-mentioned bodies in the performance of their defense tasks.

Considering the importance of voivodships in ensuring state security and defense, the fact of the prime minister's competence over the voivode, a representative of the Council of Ministers in the voivodship, should be emphasized [See: 4, Art. 3 section 1 point 1 and Art. 24]. Taking into account the fact that the voivode is the head of the combined government administration in the voivodship [4, Art. 3 section 1 point 2] and ensures the cooperation of all government and local government administration bodies operating in the voivodship and manages their activities in the field of preventing threats to life, health, or property and environmental threats, state security and maintaining public order, protection of civil rights, prevention of natural disasters natural and other extraordinary threats as well as combating and removing their effects on the terms set out in separate acts, the relationship between the prime minister and a voivode are crucial. All this is emphasized by the fact that the voivode's role grows significantly in extraordinary situations and under conditions of emergency (natural, exceptional and military disasters) [4, Art. 22].

The President of the Council of Ministers is a body that supervises the activities of local government units that strengthen in emergency situations and, mainly, during martial law. If the authorities of the commune, poviát, or voivodship self-government do not show sufficient effectiveness in performing public tasks or the implementation of activities resulting from the provisions on the introduction of martial law, the President of the Council of Ministers, at the request of the competent voivode, may suspend these authorities until the emergency (martial) state is lifted or for a specified period and replace them with a receivership by a government commissioner [1, Art. 14 sec. 1].

Summing up, it can be stated that almost everything that happens in government administration, and to a lesser extent local government administration, is subject to his/her managerial, coordination, or control influence.

1.2. Organization of the Chancellery of the Prime Minister for the coordination of tasks of the Council of Ministers and the prime minister in the field of defense

The office that currently provides substantive, legal, organizational, technical, and office services to the Council of Ministers, the prime minister, as well as vice-presidents of the Council of Ministers, the Ministers – Members of the Council of Ministers, the College for Special Services, the Legislative Council, and the Head of the Civil Service is the Chancellery of the Prime Minister (“Chancellery”, Chancellery of the Prime Minister). It is also an office servicing government plenipotentiaries, committees, joint committees, councils, teams and other collegial auxiliary, advisory and opinion-making and advisory bodies, if so stipulated in the provisions on their creation [5, par. 1 sections 1 and 2].

The office was established in place of the Office of the Council of Ministers in 1996. Considering the enormity of work, its organization requires the existence of over 20 different types of organizational units (departments, offices, secretariats, and centers), each of which has specific tasks and competences.

By appointing the Chancellery of the Prime Minister, the legislator entrusted this office with, among others, coordinating the cooperation of the Council of Ministers and the prime minister with the Sejm of the Republic of Poland, the Senate of the Republic of Poland, the President of the Republic of Poland, and other state authorities, and performing tasks in the field of national defense and security specified in separate regulations [6, Art. 29 points 5 and 8]. It allows for recognizing that the organization of the Chancellery of the Prime Minister should take into account the ability to fulfill these missions, also in the field of projects in the field of national security, including state defense.

Almost until the end of 2005, the Department of Defense Affairs (DSO KPRM) functioned within the structure of the Chancellery of the Prime Minister. Its existence was closely related to the establishment of the Committee for Defense Affairs of the Council of Ministers (KSORM) in 1994 [7]. The following year, the Council of Ministers adopted a new resolution on the KSORM [8]. It was related to a broader reform, which abolished the Office of the Council of Ministers (URM) and replaced it with the Chancellery of the Prime Minister. The tasks of the DSO of the Chancellery of the Prime Minister can also be derived from the tasks of the KSORM. However, it should be borne in mind that, according to the KSORM resolution, it was treated as an internal collegial body of the Council of Ministers, ensuring the implementation and coordination of the government’s and (importantly) other state administration bodies’ tasks in the field of external and internal national security. Then, the KSORM’s tasks included:

- 1) ensuring the implementation by the Council of Ministers and other state administration bodies of tasks in the field of external and internal national security, resulting from the laws and decisions of the President of the Republic of Poland, and the findings and opinions of other authorities competent in the field of external and internal national security,
- 2) ensuring the coordination of the state administration bodies’ activities aimed at preparing – under the decision of the Council of Ministers – draft government documents, including normative legal acts regarding the external and internal security of the state, and considering discrepancies arising in the course of agreeing these documents and preparing draft resolutions,

- 3) considering and recommending positions or draft decisions in matters of external and internal security of the state to the Council of Ministers,
- 4) developing projects of organizational and functional solutions concerning the state defense system and the economic and social foundations of its functioning,
- 5) analyzing the economic aspects of the external and internal national security, and inspiring activities related to the arms industry, trade in arms and military equipment, scientific research and development works conducted for the needs of national defense and security, mobilization preparations in the national economy, creation and management of reserves state, and maintaining production and repair capacities in the national economy for the purposes of state defense,
- 6) ensuring that the requirements of external and internal security of the state are taken into account in spatial planning and development of economic infrastructure, including transport and communication for defense purposes,
- 7) considering cases related to extraordinary environmental threats and other crisis situations, and developing concepts of actions aimed at eliminating these threats and situations and removing their effects, as well as ensuring coordination of actions of the state administration and public services in this regard.

Since 1997, the KSORM has become an auxiliary and consultative body of the Council of Ministers, and its changed tasks covered the following matters: draft normative acts, programs, analyses and reports in the field of state security; the national defense system; ongoing coordination of the activities of administration bodies and services in the event of threats; economic and social aspects of state security, the arms industry, trade in military equipment; research and development works for the purposes of defense and security; mobilization preparations in the economy, national reserves, extraordinary environmental threats, and other crisis situations [Cf. 9, par. 1 section 1 point 4].

After the so-called the Small Constitution was introduced, defense competences evolved at a different pace, and, in addition, the main bodies in this area began changing. First (from 1959), the National Defense Committee (KOK) and the KOK Secretariat played a leading role, but the Small Constitution (1992) shifted the burden of coordinating defense matters to the Council of Ministers, so that in 1995 the Minister of National Defense came to the fore. It was the reason for the adoption of the Act on the Office of the Minister of National Defense and the Regulation of the Council of Ministers on the detailed scope of activities of the Minister of National Defense in 1995. That body was then entrusted with the role of the supreme body of state administration in the field of national defense. Consequently, at the same time, there were four key authorities competent in defense matters: the President of the Republic of Poland, the National Defense Committee, the Council of Ministers headed by the prime minister, and the Minister of National Defense. That was not conducive to establishing the competence of administrative offices, or their organization to secure the implementation of defense tasks by their superior authorities.

Undoubtedly, given the statutory position of the Minister of National Defense, two of his auxiliary bodies came to the fore, i.e., the General Staff of the Polish Armed Forces and the Defense System Department of the Ministry of National Defense, as competent in non-military defense preparations. For this reason, the position of the DSO of the Chancellery of the Prime Minister was not significant among the organizational units of offices that support the

supreme government administration bodies. Experience shows that the Defense System Department of the Ministry of National Defense (DSO MON)¹ played a more considerable role than the DSO of the Chancellery of the Prime Minister.

The beginnings of the DSO of the Chancellery of the Prime Minister date back to July 11, 1984, when the Defense Department was established in the Organizational Office of the Office of the Council of Ministers. The department carried out tasks related to the functioning of the government and the Office of the Council of Ministers (URM) in the field of national defense. It developed documents and plans for the preparation and maintenance of war preparedness, and fulfilled tasks related to legally protected secrets. It cooperated with the ministries of defense and internal affairs [10, p. 145]. Based on the department, on March 26, 1987, the Defense Affairs Office (BSO URM) was established, reporting directly to the head of the URM. Importantly, the BSO URM controlled the implementation of defense tasks entrusted to ministers and voivodes, organized trainings for ministers, undersecretaries of state, voivodes, etc., and developed materials related to the prime minister's role as the first deputy chairman of the National Defense Committee. It also performed tasks related to the protection of classified information [10, p. 146].

In December 1994, the Department of Defense Affairs was established in place of the Office of Defense Affairs. Its tasks related to the organizational and technical service of the Committee and the secretary of the Committee on Defense Affairs of the Ministry of Economy. The DSO URM's role was formalized only in 1996, pursuant to the resolution of the Council of Ministers, which specified that organizational and technical support for the KSORM was provided by the Department of Defense Affairs of the Office of the Council of Ministers [11]. Unfortunately, the Department did not fulfill its role correctly from the point of view of the role of the Council of Ministers in the field of defense. The statutory domination of the Minister of National Defense and his/her subordinate DSO MON in this matter was undoubted², and the proof of this is that the most critical strategic documents, plans and programs were created on the initiative of the DSO MON³. In 2006, the DSO of the Chancellery ceased to function.

Apart from the DSO at the Chancellery of the Prime Minister, the Team for the Organization of the Secretariat of the Special Services College began to function in August 1996. It was established to develop draft executive regulations to the acts specifying the functioning of the economy and public administration in the part concerning special services and organizational preparations for the creation of a Secretariat to support the Special Service College. In the same year, the Secretariat of the College for Special Services was established and existed until 2006, and then, in 2007, it was changed into the Office of the College for Special Services. Since 2017, this Office has not been disclosed as an organizational unit of the Chancellery of

¹ Currently: Department of Strategy and Defense Planning of the Ministry of National Defense (DSIPO MON).

² From the beginning of its existence, the DSO MON has actively participated in planning the development of the national defense system and was responsible for defining its goals and organization, coordinated the programming of non-military defense preparations and organizing the operational planning process in public administration for the period of external threats to state security and during the war. The Department's goal was to define the directions, goals, and activities necessary to maintain and develop the national defense system. The DSO MNO's merits in the field of defense cannot be overestimated.

³ For example, the "Political and Strategic Defense Plan of the Republic of Poland", later under the name "Defense Response Plan of the Republic of Poland".

the Prime Minister; that is because the Department of National Security, previously established for only one year (2006), was reactivated in 2016.

In turn, since 1999, the Security Office has also been the organizational unit of the Chancellery of the Prime Minister, associated with matters of security and defense. From 2018, a new organizational unit appeared in the Chancellery of the Prime Minister, called the Department of Analyses of Defense Preparations of Administration (DAPO). Since then, the Chancellery of the Prime Minister comprises three organizational units strictly dedicated to matters of national security and defense. These are: the Department of Analyses of Defense Preparations of the Administration, the Department of National Security, and the Security Office. Their tasks include [See: 12, par. 28, 29 and 47]:

1. The Department of Analyses of Defense Preparations of Administration (DAPO):
 - 1) preparing, for the needs of the prime minister, the Council of Ministers, the head of the Chancellery, and committees of the Council of Ministers, analyses, studies and recommendations for actions in the field of national security, national defense, and crisis management; 2) issuing opinions on draft normative acts in the field of national security, defense, defense planning, defense preparations, defense response, national defense management, and political and military crisis response, as well as formulating conclusions and proposals in this regard; 3) analyzing and reviewing draft strategies, plans and programs of a defense nature, and other documents in the field of national security, defense planning, and formulating conclusions and recommendations regarding these documents for the prime minister; 4) conducting simulations and using other tools supporting making decisions of a defensive nature and formulating conclusions and recommendations in this regard for persons and bodies referred to in point 1; 5) conducting study visits to entities performing tasks in the areas referred to in point 1.
2. The Department of National Security (DBN):
 - 1) substantive, analytical (including coordination of activities of state institutions responsible for national security, analysis of information on threats in this area and recommendations of appropriate solutions), legal (preparation and issuing opinions in terms of legal and legislative draft normative acts and other documents), media (information and press), organizational, technical, and office of the Minister – Member of the Council of Ministers (here name), the Special Services Coordinator, and the Secretary of the College for Special Services (here name) services in the implementation of supervision, control, and coordination activities of special services; 2) substantive, organizational, legal, and office services for the Chairman of the College for Special Services – the Prime Minister and the Secretary of the College for Special Services in the area of operation of the College for Special Services referred to in Art. 11 of the Act of May 24, 2002, on the Internal Security Agency and the Foreign Intelligence Agency (Journal of Laws of 2020, item 27); 3) performing the tasks and powers of the prime minister or the Council of Ministers towards special services and under the Act of 5 August 2010 on the protection of classified information (Journal of Laws of 2019, item 742).
3. The Security Office (BO):
 - 1) providing substantive, organizational, and office services to the Plenipotentiary for the Protection of Classified Information and his/her deputy, in particular, organizing a system for the protection of classified information in the Office and running a Secret Office and an International Secret Office;

2) administration of personal data and information security of the Secret Office, cybersecurity and physical security of the Secret Office and its persons; 3) conducting defense and crisis management matters by the Head of the Chancellery and the Chancellery; 4) keeping records of asset declarations of persons holding state managerial positions and employees of the Secret Office.

1.3. Government Security Center (RCB, Centrum)

The RCB is not an organizational unit of the Chancellery of the Prime Minister, nor is it an entity competent for defense matters in the statutory context. However, in the executive regulations to the act on crisis management and in planning documents (e.g., in the National Crisis Management Plan), it participates in the implementation of defense and other tasks in the field of national security. It applies, for example, to the coordination of the preparation of the Report on threats to national security or the service of the Critical Incidents Team referred to in Art. 36 sec. 1 of the Act of July 5, 2018, on the national cybersecurity system. Since 2008, the Center has been providing services to the Council of Ministers, the prime minister, the Government Crisis Management Team (RZZK), and the minister responsible for internal affairs in crisis management, and has been serving as a national crisis management center.

In the light of the current regulations, the RCB performs the following tasks [13, Art. 11 sec. 2]: civil planning; monitoring potential threats; agreeing on crisis management plans prepared by ministers managing departments of government administration and heads of central offices; preparation of launching, in the event of threats, procedures related to crisis management; preparation of draft opinions and positions of the RZZK; preparation and technical and organizational service of RZZK works; ensuring the coordination of information policy of public administration bodies during a crisis; cooperation with entities, cells, and organizational units of the North Atlantic Treaty Organization and the European Union as well as other international organizations responsible for crisis management and protection of critical infrastructure; organizing, conducting, and coordinating training and exercises in the field of crisis management and participation in national and international exercises; ensuring the flow of information between national and foreign authorities and crisis management structures; implementation of permanent duty tasks as part of national defense readiness; implementation of tasks in the field of preventing, counteracting, and removing effects of terrorist events; cooperation with the Head of the Internal Security Agency in the field of preventing, counteracting, and removing the effects of terrorist events; implementation of planning and program tasks in critical infrastructure and European critical infrastructure protection, including the development and updating of a functional annex to the National Crisis Management Plan for the protection of critical infrastructure, as well as cooperation, as a national contact point, with the institutions of the European Union and the North Atlantic Treaty Organization and their member states in the field of critical infrastructure protection; informing, under the rules set out in the Act, about potential threats and actions taken by competent authorities; and cooperation with crisis management centers of public administration bodies.

The establishment of the Center in 2007 was a good step towards creating organizational conditions for the postulated, already in 2002, creation of the Secretariat (Department) of National Security [See: 14, p. 260-72]. However, the unfulfilled law on crisis management does not provide relevant grounds for the Center to meet the author's postulates in this matter. It should be recalled that the proposal was that this Secretariat (Department) should

carry out, among others, the following tasks: preparation of draft concepts, plans and strategic programs in national security; support for the work of the proposed Committee of the Council of Ministers for National Security (KRMdsBN); providing the prime minister and the Council of Ministers with substantive support for their responsibilities in the field of national security; coordination, on behalf of the prime minister, of national defense undertakings, ensuring the accession of the Council of Ministers and the KRMdsBN to work in crises and armed conflict; coordination of projects of an inter-ministerial nature; analysis and assessment of security conditions and threats to the interests of the state and society; watching over the issues of economic, technological, and information security, etc.; watching over the interests of the state in the sphere of the arms industry and modern technologies; coordination of intelligence tasks, international agreements, and legislative work in the field of security [14, p. 264-5].

Nevertheless, the RCB constitutes a good basis for the reorganization of the apparatus supporting the activities of the Council of Ministers, the prime minister, and other entities in the field of security and defense, listed in the above-mentioned Regulation No. 2 of the Prime Minister of January 5, 2016, on conferring the statute of the Chancellery of the Prime Minister of the Council of Ministers.

1.4. Conclusions

The following conclusions to be drawn from the above:

1. The competences of the Council of Ministers and the prime minister in the field of defense are a relevant basis for the Chancellery of the Prime Minister to have legal, organizational, substantive, and competence opportunities to fulfill the roles of these bodies defined under the Constitution of the Republic of Poland and ordinary acts.
2. The current organization and tasks entrusted to the organizational units of the Chancellery of the Prime Minister (DBN, DPOA and BO) and the RCB are an excellent opportunity to implement organizational and functional solutions that meet contemporary needs in the field of national security and defense.
3. Unfortunately, at present, there is no will to change and the state of affairs is maintained; it is claimed, among others, that the establishment of the RCB is a significant step in building an efficient and comprehensive crisis management system, which would make it possible to prevent crises and, if they occur, minimize their effects through professional activities [15]. It is difficult to agree with this opinion, because in the field of (national) security, it is not only crisis prevention in the sense of the Act on crisis management.
4. The weak role of the above-mentioned government organizational units in coordinating tasks in the field of security on a global (national) scale for the Council of Ministers and the Prime Minister is noticed.
5. In many areas of security, tasks in the field of security, including national and international defense, are carried out (implemented) by organizational units reporting to the ministers managing government administration departments. And even if they were originally intended to help in the performance of the tasks of the Council of Ministers and the prime minister, over time they are handed over to ministers for coordination, as is the case now in the RCB.

6. Organizational units included in the Chancellery of the Prime Minister should take over coordinating roles on a national scale, in a new organizational form. It is also possible to appoint a separate organizational unit similar the RCB, or based on it, supervised by the head of the Chancellery of the Prime Minister, to support the substantive implementation of the tasks of the Council of Ministers and the prime minister in national security and defense.
7. The Government Center for Security performs tasks that should not fall within its competence, which results from the linguistic and logical analysis of the Act on Crisis Management.
8. The legislator has not carefully defined the domain of crisis management and its definition as well as the definition of a crisis. There is a discrepancy between the actual and statutory concept of crisis management.

2. Competences and organizational preparation of ministries to implement defense tasks by ministers, heads of government administration departments⁴ [16]

2.1. The role of ministers, heads of government administration departments in the field of defense

The method of appreciating the status of the statutory defense competence of the ministers, heads of government administration departments (hereinafter ministers) in legal acts, requires the necessary corrective measures. This problem, raised in many previous publications of the author, requires deeper reflection, made through the prism of defense tasks carried out in individual departments of government administration.

Practitioners dealing with this issue several years ago confirmed that: “the current legal solutions regarding the ministers’ competences create not only problems of an organizational nature but also make it impossible in practice to perform certain tasks under the general duty of defense (which is confirmed by the results of the defense conducted in government administration departments)” [17, p. 46]. For this reason, it is necessary to clarify these tasks, because the current Art. 18 sec. 3 of the Act on the universal duty to defend the Republic of Poland (indicating that the ministers organize the performance of tasks under the universal duty of defense by subordinate ministries, subordinated and supervised organizational units and entrepreneurs for which they are founding bodies) and Art. 37 of the Act on government administration departments (stipulating that the minister managing the department performs tasks specified in separate regulations in the field of defense and protection of state security) are too general and do not ensure proper implementation by ministers of tasks in the field of defense.

In the previous article, while discussing the main aspects of defense tasks carried out by ministers, the author listed two main groups, i.e., preparatory tasks and operational tasks. The defense competences of the Minister of National Defense, the leading minister in this field,

⁴ A government administration department is a concept introduced in art. 149 of the Constitution of the Republic of Poland and specified by the Act of 4 September 1997 on government administration departments, Journal of Laws No. 141, item. 943, as amended.

as well as other ministers managing the most important departments of government administration from the point of view of the implementation of defense tasks, were also presented. As it results from the analysis of the content of acts and executive regulations, as well as other normative documents (strategies, directives, orders, plans, guidelines, and programs), the ministers' tasks should include, among others: managing defense preparations; organizing the performance of defense tasks; preparation for operation in the event of increasing the state's defense readiness and in time of war, including operation in command positions; organizing the performance of non-military tasks to support the Polish Armed Forces and allied forces, as well as other organizational units performing defense tasks; participation in the implementation of obligations resulting from the NATO defense planning process; organizing cooperation in the implementation of defense tasks with offices and organizational units of other government administration departments and voivodes; implementing cooperation with representatives of the Polish Armed Forces and armies of other countries, and ensuring conditions for the implementation of civil-military cooperation; supervising the advertising of people on the obligation to perform military service; participation in the preparation of the Economy Mobilization Program in the part related to the department managed and organizing preparation for the implementation of this part of the program; coordinating the operational planning process in the managed government administration department, including the development of an operational plan for the functioning of the government administration department and operational plans for functioning prepared in subordinate or supervised offices and organizational units, as well as by entrepreneurs obliged to perform defense tasks; participation in the preparation of the system of rationing of consumer goods and services; ensuring the implementation of investments of national importance intended for use by the Armed Forces; ensuring the operation of the Contamination Detection and Alerting System; planning budget expenditure for the implementation of defense tasks; organizing defense training; supervising the implementation of defense tasks, coordinating their implementation, conducting control and reporting activities in this area; and creating conditions for the performance of tasks resulting from host nation obligations.

Performing operational tasks of a diplomatic, informational, protective, and economic (economic and defense) nature will not appear challenging if careful defense preparations are carried out. Diplomatic tasks fall within the domain of the state's foreign policy, and are supervised by the minister competent in the foreign affairs department. Information tasks are activities related to the implementation of the national defense goals through information influencing the behavior and attitudes of the opponent and other international and domestic entities, protection of national interests against the negative effects of the influence of these entities, as well as strengthening the defense will of the society, its morale and defensive determination, and the perseverance of society. Some of the tasks must already be implemented as part of the preparatory tasks. Protective tasks, the implementation of which will involve many ministers, include two groups: protection of the state structures and saving human life and health, and ensuring the survival of the population in conditions of external threat and in times of war. The economic and defense tasks will be fulfilled to ensure human, financial, material and service bases for the implementation of defense tasks, including those in pharmaceutical and agricultural production, agri-food processing, transport, communication and ICT services, maintaining and using strategic reserves, functioning of financial markets, financing the implementation of defense tasks, and many others [More in: 18, p. 328-90].

The extensive range of the ministers' defense tasks in connection with other tasks in the field of national security (e.g., economic, social, universal, public, environmental, health, information, and cyberspace security) makes it necessary to include this issue in organizational regulations and statutory activities of the ministries as administrative offices that support them. The state of affairs in this respect has improved in the last three years, but leaves much to be desired. It is not only about establishing organizational units for national security and defense but also equipping them with relevant competences, and above all, employing substantively competent and responsible officials. It should be emphasized separately that there is a need to have highly aware and responsible managerial administration staff in the discussed field.

2.2. Organization of ministries to coordinate the ministers' tasks in the field of defense

The offices supporting the ministerial ministers, managing one or more departments of government administration (bodies) are ministries. Under the provisions of the Act of August 8, 1996, [19, Art. 39 sec. 3 point 2 letter i], in each ministry there were organizational units, usually departments, and less frequently offices, divisions, or separate positions for defense. However, in 2010, under the Act amending the Act on the Council of Ministers, the obligation to establish defense units was removed [See: 20, Art. 1 point 2], which automatically resulted in an avalanche of liquidation activities in this area, and was widely echoed in local, central, and local government administration⁵. In the current text of the discussed Act, it was specified that the ministry consists of departments – for the performance of substantive tasks of the ministry; offices – to carry out tasks related to servicing the ministry; secretariats – to support the minister and committees, councils, and teams as well as departments, teams – as organizational cells of the above-mentioned units [21, Art. 39 sec. 2]. Unfortunately, the next paragraph of this article does not mention the issue of defense matters as the basis for creating an organizational unit, or even an independent position in the ministry. Considering the necessity to integrate various national security matters, one should expect the existence of a unit for national security but unfortunately the legislator does not express such a need.

There is some hope that in the text currently in force, the Act on government administration departments in Art. 37 establishes that “the minister managing a specific department performs tasks specified in separate regulations in the field of defense and protection of the national security, with the exception of matters which, under separate provisions, belong to other government administration bodies and state organizational units” [16, Art. 37]. Consequently, following the provision contained in Art. 39 sec. 2 of the Act on the Council of Ministers stating that departments are appointed for the implementation of substantive tasks of the ministry, it should be expected that such departments for “defense and protection of national security” should function. There is no doubt as to the protection of national security in a narrower scope as this function is performed by the plenipotentiaries for the protection of classified information and – usually – security offices, intended for servicing the ministry (civil liability matters, fire protection, protection of persons and property, physical protection of the office). However, it happened that these offices were (and still are) designated to handle the implementation of defense tasks, and even crisis management in the administration department (?!).

⁵ It should be emphasized that in some ministries, such as the Ministry of Foreign Affairs, the defense department was liquidated as early as 1990.

The review of the organizations and regulations of selected ministries that play a key role in the field of national security, including national defense, did not give rise to optimism before 2016. The year 2016 brought some changes, but there was a lack of uniformity in this regard and the delegation of tasks that should be carried out in all ministries according to the same rules to various organizational units [See: 18, p. 294-327]. The situation was developing slowly until 2019, when significant progress was noticed in this matter. Until 2019, the situation was as follows:

- 1) purposefully created departments covering security and defense matters functioned in the ministries of health, development, agriculture and rural development, finance, and the environment,
- 2) these tasks have been entrusted to all departments – the Ministry of Energy,
- 3) these tasks were carried out by the office of the minister, the office of the general director or an organizational office, which carried out many tasks of a different nature, in the ministries of family, labor and social policy, maritime economy and inland navigation, culture and national heritage, sport and tourism, science and higher education, and national education,
- 4) the security office, connected with the Crisis Management Center or the crisis management office, respectively the ministry of justice, infrastructure, and construction,
- 5) in the Ministry of Digital Affairs, tasks in the field of defense and crisis management were entrusted to two separate organizational units,
- 6) other solutions resulting from the specificity of certain ministries of foreign affairs, national defense, home affairs, and administration were also used.

In 2020, the situation is as follows:

- 1) a deliberately created department (office) functions in the ministry of state assets, regional funds and policy, infrastructure, health, development, agriculture and rural development, maritime economy and inland navigation, finance, climate, and environment,
- 2) these tasks are still carried out by the office of the minister, the office of the director general or the organizational office, in the ministries of digitization, family, labor and social policy, culture and national heritage, sports, science and higher education, and national education,
- 3) the security office at the Ministry of Justice,
- 4) for obvious reasons, other solutions are used resulting from the specificity of specific ministries of foreign affairs, national defense, home affairs, and administration.

Out of twenty (20) ministries operating in 2020 in Poland, organizational units dedicated to security and national defense matters were established in ten (10) of them. In the remaining ten (10), the organizational units entrusted with security and defense matters have the status of offices, and the leading domain of their operation are completely different matters. That is neither the best solution nor in line with the principles of organization of organizational units of the ministry. Their nomenclature is also not uniform, and although the name is not the most important, it would make identification much easier, demonstrating at the same time the observance of the principle of organizational uniformity in the field of national security and defense.

It is difficult to accept solutions consisting in entrusting the discussed matters to the minister, director general, or organizational offices. Security and defense matters are neglected

in the organizational regulations, which is not surprising given the nature of the essential tasks entrusted to these organizational units. It is also worth considering that the main core of officials is not prepared to deal with defense (and security) matters.

Given the specificity, the three ministries (national defense, internal affairs and administration, and foreign affairs), and the first two undoubtedly, cannot be subject to uniform organizational rules for national security and defense. For they are fully established to ensure security and their organization is subject to different rules. Perhaps this group should also include the Ministry of Justice. Therefore, solutions in the ministries of digitization, family, and labor and social policy, culture and national heritage, sports, science and higher education, and national education remain to be corrected.

Regardless of the nature of organizational solutions, the scope of activity of the above-mentioned organizational units in the field of national security, including national defense, generally in all ministries, concerns the following main areas: protection of classified information, crisis management, defense matters, infrastructure protection, the functioning of the secret registry, information security, cyberspace security, personal data protection, training, and civil defense.

Given the purpose of the article, the field of defense under discussion includes ensuring the implementation of the minister's tasks in the field of state defense; defense preparations in the government administration department; carrying out and coordinating tasks related to operational planning and programming non-military defense preparations in the administration department and in entrepreneurs of special economic and defense importance; preparation of conditions for the functioning of the ministry, subordinate, supervised and co-led units as well as entrepreneurs particularly important for state defense and security for the period of external threat to state security (political and military crisis) and war, and supervision over the development of operational plans in ministry units and entrepreneurs; organizing and supervising the performance of tasks for the defense and security of the state by companies whose rights from the shares of the State Treasury are exercised by the minister; qualifying, in the government administration department, objects of particular importance for national security and defense, compulsory protection of areas, facilities, devices, and transports important for the defense, economic interest of the state, public safety, and other important state interests; implementation of tasks in civil defense, including ensuring conditions for the functioning of the Civil Defense formation, including preparing documentation, training employees, providing the required equipment; the issue of strategic reserves; planning and implementing defense training; advertising the obligation to perform active military service in the event of mobilization and during the war; notifying the military commanders of supplements about persons subject to military service; cooperation with the Ministry of National Defense in the field of improving the state defense system and tasks relevant to subordinate administration departments; planning and organizing defense services; creating a system of constant duty; conducting control of performed defense tasks; preparation of the Chief Management Position of the Minister at the permanent seat and at the spare workplace; coordinating projects resulting from the obligations of the host nation (Host Nation Support).

Assessments of the current state of affairs and indications of the most appropriate solutions are signaled by a small group of scientists. There are also no specific provisions on this subject in the acts and executive regulations and guidelines in the content of strategic documents. Although the White Paper raises the problem of improving the general management system

and territorial systems, the ministerial level was omitted. However, it can be assumed with a high degree of probability that the lack of organizational standard may be offensive, and when it comes to the performance of tasks, alarming signals do not appear in wide circulation.

2.3. Conclusions

1. Government administration departments play a key role in the implementation of defense tasks of the national defense system, and this constitutes the importance of ministers among public administration bodies.
2. Given the above, ministers must be able to exercise their defense powers with the support of organizational units within the ministries that are intentionally established for this purpose. These units should have legal and organizational, substantive and competence capacities to fulfill the roles of these bodies defined in acts and executive regulations.
3. Despite different properties of government administration departments, the areas of tasks performed in the field of defense are almost the same for all ministers, and hence, the organizational units competent in these matters should have, as far as possible, the same structure.
4. Following similar arguments, one can find a justification for a uniform organization of these units to support ministers in the implementation of tasks related to national security.

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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 – Professor, habilitated Ph.D. of social sciences in the field of security sciences, full professor, since 2018 Director of the State Security Institute of the War Studies University. In 2010-2011, he co-founded and headed the Department of Law and Administration at the AON. From 2011, he was the Deputy Dean of the Department of National Security for Research. In 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 Law and Defense Administration, initiating the launch of uniform master's studies in the field of law. His research and scientific interests focus on the issues of the national security system, national defense, crisis management, and selected legal and administrative aspects of the security and defense of the Republic of Poland. Author, co-author and scientific editor of many publications, including *Powszechny obowiązek obrony. Źródła, zakres, modele [Universal duty of defense. Sources, scope, models]*, Warszawa 2019, *Ustawa o krajowym systemie cyberbezpieczeństwa. Komentarz [Act on the national cybersecurity system. Comment]*, Warszawa

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**Przygotowanie organizacyjne naczelnych organów
administracji publicznej do zarządzania realizacją zadań obronnych
Część II. Organizacja urzędów administracyjnych naczelnych organów
administracji rządowej na rzecz koordynacji zadań w dziedzinie obronnej**

STRESZCZENIE

Część drugą sprawozdania z badań dotyczących przygotowania organizacyjnego urzędów administracyjnych, obsługujących naczelne organy administracji rządowej w realizacji zadań obronnych, poświęcono charakterystyce i ocenie organizacji komórek organizacyjnych urzędów administracyjnych obsługujących Radę Ministrów, Prezesa Rady Ministrów i ministrów kierujących działami administracji rządowej. Rozległy charakter zadań w tej materii, a w konsekwencji odpowiedzialność za ich realizację spoczywająca na Radzie Ministrów, premierze i ministrach stanowi podstawę oceny obecnego stanu zorganizowania obsługujących te organy rządów administracyjnych. Już w konstytucji, ale i w ustawach zwykłych doceniono rolę Rady Ministrów i premiera, mniejszą uwagę przypisując ministrom kierownikom działów administracji rządowej. Jeszcze gorzej ukształtowane zostały po 2010 roku warunki prawne zapewnienia jednolitej organizacyjnie i kompetentnej merytorycznie struktury urzędów administracyjnych pod kątem obronnym, a szerzej także bezpieczeństwa narodowego. Dopiero po roku 2016, a szczególnie począwszy od 2019 zaszły rodzące nadzieję zmiany organizacyjne w tej materii. I to wszystko wobec zauważalnego braku stosownych regulacji w zakresie prawa obronnego. Badania prowadzą do wniosku, iż konieczne jest holistyczne podejście do zagadnień bezpieczeństwa narodowego, w tym obronności państwa, by dostrzec kryteria koniecznych zmian natury prawno-organizacyjnej, dla osiągnięcia zdolności planistycznych, organizacyjnych, koordynacyjnych i kontrolnych naczelnych organów administracji rządowej w dziedzinie obronnej.

SŁOWA KLUCZOWE

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