

CIVIL PROTECTION OF THE POPULATION OF POLAND IN PEACETIME AFTER 2007

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Abstract

The article examines issues related to the civil protection of the population of Poland in peacetime after 2007, when a new law on crisis management was adopted. The article starts with an overview of basic requirements set for civil protection in Poland in peacetime. It looks further at the current state of the legal framework, organisation and resources for such civil protection. Finally, the article identifies requirements for improvement of civil protection in peacetime in Poland and assesses the chances for implementing them. The research revealed that the problems related to civil protection were not covered in the existing literature in a coherent manner. The current legal requirements for civil protection in Poland in peacetime can be found in various legal regulations and are not contained in a single framework document. The assessments of the current state of civil protection in Poland in peacetime conducted by the Supreme Audit Office suggest an urgent need for improvement. Improvements are needed in the field of comprehensive legal regulations, appropriate planning and procedures, and more efficient use of financial resources to ensure sufficient resources for civil protection of the population in peacetime.

Key words: civil protection, peacetime, Poland, 2007, assessment

Introduction

Protection of citizens lies at the heart of modern states' responsibilities. This responsibility not only includes the mitigation of threats to military security, but covers a broad spectrum of activities related to protection of lives and the property of citizens against non-military threats, natural hazards, and man-made disasters in peacetime. Natural hazards such as hurricanes, thunderstorms and floods have been occurring in Poland more and more often in recent years and the need for effective civil protection of the population is evident. The media raise awareness of problems related to providing an acceptable level of civil protection. As the issue is directly tied to citizens' security and safety, it deserves attention and more detailed

research. The purpose of this article is to try to answer basic questions regarding civil protection in Poland in peacetime. The author attempts to explain how the issues related to civil protection in Poland in peacetime are discussed in Polish scientific literature and what the requirements are for protecting the population. The research assesses to what extent the current state of civil protection in Poland in peacetime meets the basic requirements of effective protection for citizens' lives and property against non-military threats. Finally, based on those assessments, the author tries to identify requirements for improvements and describes possible ways of achieving improved civil protection in the future. Initial research suggested that there was no fully efficient system of civil protection in Poland in peacetime, even after the law on crisis management was introduced in 2007. It is assumed that this situation was caused to some extent by incomplete legal regulations in the field of civil protection, crisis management and civil defence. Lack of a coherent legal framework for civil protection of the population in peacetime was assumed to result in inefficient organisation, improper financing and implementation of civil protection tasks. The results of the initial research showed that improvement of civil protection in Poland in peacetime was necessary. Possible fields of improvement include the legislative, organisational and financial frameworks of civil protection. In order to solve research problems and test hypotheses, qualitative methods were used, emphasising the characteristics of individuals, processes and meanings that are not tested or measured experimentally in terms of quantity, intensity or frequency. Among the qualitative methods, the analysis and synthesis prevailed. The conclusions of the article include an attempt to answer the research questions and propose further research into issues related to civil protection.

Theoretical approach to civil protection in Poland

Each state establishes and maintains protective security systems, which results from the occurrence of unfavourable phenomena of a non-conflict nature. Civil protection is a function performed by the state as part of the national security system. It contains the steering subsystems and the executive subsystems, further divided into subsystems of support and defence and protective operational subsystems¹. Civil protection is a key element in the field of national security, including common security². Common security, as a kind of national security, is understood as a process encompassing a wide range of activities, the primary objective of which is to ensure the security and safety of the civilian population. Civil protection is also defined as a state obtained as a result of organised protection of human life and health, as well as

1 R. Wróblewski, *Wprowadzenie do nauk o bezpieczeństwie*, Uniwersytet Przyrodniczo-Humanistyczny w Siedlcach, Siedlce 2017, s. 220.

2 W. Kitler, A. Skrabacz, *Bezpieczeństwo ludności cywilnej. Pojęcie, organizacja i zadania w czasie pokoju, kryzysu i wojny*, Towarzystwo Wiedzy Obronnej, Warszawa 2010, s. 67-68.

material and cultural goods and the natural environment, to the extent necessary for human survival. Civil protection aims at protecting the population from the effects of human action against other human beings and the impact of natural forces that directly threaten protected values in all states and conditions under which the states operates. This means that civil protection should be assured in peacetime as well as in times of crisis and war³.

Problems concerning civil protection in Poland are evident even in peacetime. The existing regulations require clarification in this respect, and the bodies responsible for the implementation of tasks have not created adequate structures for existing threats. In the same manner as in legal regulations, in which there is no statutory definition of civil protection, there is also no common agreement in theory as to what is and what is not civil protection. There is no consensus in Polish scientific literature on the essence of civil protection, and therefore there are different approaches to this phenomenon as well as various definitions of this term. The concept of civil protection, despite frequent occurrence in many publications and scientific works, has not been clearly defined so far⁴. In the scientific works on the subject, civil protection is often associated with crisis management or civil defence⁵. Such a dual approach makes it difficult to determine the interrelationships between civil protection, civil defence and crisis management. The authors of some theoretical studies assume that tasks of civil protection can be carried out only by registered institutions with legal status⁶ while others argue that they may also be performed by individual non-affiliated citizens⁷. In some scientific studies, civil defence is considered equal to rescue and emergency services. Such an approach has been criticised by Romuald Kalinowski, who points out that the protective function is of a preventive nature and it concerns the reduction of the possible direct and secondary effects of threats. Rescue and emergency services focus on the need to provide help to the injured, so they are of a responsive nature. Thus, the tasks completed as part of the protective functions for the population are implemented before the threat materialises. On the other hand, tasks resulting from the rescue functions occur after

3 Ibidem, s. 54.

4 S. Górski, *Współczesna ochrona ludności. Aspekty prawne i organizacyjne*, Szkoła Główna Służby Pożarniczej, Warszawa 2016, s. 24.

5 J. Gołębiowski, *Gotowość kryzysowa państwa, czyli jak sprostać zagrożeniom*, in: W. Kitler, A. Skrabacz, *Bezpieczeństwo ludności cywilnej, Pojęcie, organizacja i zadania w czasie pokoju, kryzysu i wojny*, Towarzystwo Wiedzy Obronnej, Warszawa 2010, s. 61. Słownik terminów z zakresu bezpieczeństwa narodowego, red. W. Łepkowski, AON, Warszawa 2002, s. 85.

6 K.R. Zieliński, *Ochrona ludności, Zarządzanie kryzysowe*, Difin, Warszawa 2017, s. 108.

7 *Obrona narodowa w tworzeniu bezpieczeństwa III RP*. Podręcznik dla studentek i studentów, red. R. Jakubczak, Dom Wydawniczy Bellona, Warszawa 2003, s. 336. E. Bonisławska, *Udział organów administracji publicznej w ochronie ludności (na przykładzie województwa mazowieckiego)*, in: K.R. Zieliński, *Ochrona ludności, Zarządzanie kryzysowe*, Difin SA, Warszawa 2017, s. 107.

materialisation (manifestation|) of a threat⁸. Differences in the theoretical approaches to the essence of civil protection in Poland are confirmed by Waldemar Kitler, who concluded that in the definition of civil protection there are several, often mutually exclusive, views. Kitler states that there has been no clear-cut interpretation of the concept of civil protection and relations between this concept and, for example, civil defence and crisis management definitions⁹. According to Sławomir Górski, the meaning of civil population protection is most often determined by objectives that are set and are often included in the form of extensive descriptions containing the characteristics of threats and a set of entities competent to defend against them¹⁰. Lack of coherence in the theoretical approaches to civil protection requires broader study of the issues and the adoption of specific definitions and theoretical approaches that may clarify the scope, nature and character of civil protection activities. Without common understanding of basic terms, definitions and concepts in the field of civil protection, it may be impossible to reach a consensus and actionable conclusions in more detailed research related to this specific subject.

Legal framework for civil protection in Poland

The legal framework for civil protection in Poland includes a number of more or less coordinated legal acts at the national level supported with more specific executive documents published by respective ministries and central institutions. In the Act of Universal Obligations for Defence of the Country (1967 with further amendments), protection of the population, workplaces and public utilities, cultural goods, rescue and assistance to victims of war and cooperation in combating natural disasters and threats to the environment and the elimination of their consequences are defined as the tasks of civil defence¹¹. However; in the Act on Crisis Management adopted in 2007, it was noted that crisis management centres are made up of ministers and central government administration bodies, and their scope of activity includes issues related to ensuring national security, including civil protection¹². The Act on Municipal Self-government (1990) indicated that the municipality's own tasks include addressing the collective needs of the community¹³. In particular,

⁸ R. Kalinowski, P. Szmitkowski, S. Zakrzewska, *Ochrona ludności w wymiarze wieloaspektowym*, Uniwersytet Przyrodniczo-Humanistyczny w Siedlcach, Siedlce 2015, s. 40.

⁹ W. Kitler, *Ochrona ludności jako podstawowa misja bezpieczeństwa narodowego*, in: S. Górski, *Współczesna ochrona ludności. Aspekty prawne i organizacyjne*, Warszawa 2016, s. 24.

¹⁰ S. Górski, *Współczesna ochrona ludności. Aspekty prawne i organizacyjne*, op. cit., s. 24.

¹¹ Ustawa z dnia 21 listopada 1967r. o powszechnym obowiązku obrony Rzeczypospolitej Polskiej, t.j. Dz. U. z 2018r. poz. 1459 z późn. zm., art. 137.

¹² Ustawa z dnia 26 kwietnia 2007r. o zarządzaniu kryzysowym, t.j. Dz. U. z 2018r. poz. 1401 z późn. zm., art. 13.

¹³ Own tasks are defined to differentiate from commissioned tasks, which are those defined and commissioned by the central government and executed by the municipal self-government.

own tasks of municipal self-government include activities such as environmental protection and nature protection, water management, health protection, public order and security of citizens as well as fire and flood protection¹⁴. The issue of civil protection is also included in the legislation on fire protection. The Fire Protection Act stipulates that fire protection consists of the implementation of measures aimed at protecting life, health, property and the environment against fire, natural disaster and other local threats by preventing the emergence and spread of fire, natural disaster or other local threats, providing forces and the means to combat fire, natural disaster or other local emergency, and conducting rescue operations¹⁵. Requirements related directly to the scope of tasks, organisation of resources and financing of civil protection in Poland in peacetime were also included in several other legal acts but none of them defined civil protection. Therefore, it may be noted that the issue of civil protection is included in a number of different legal acts in various ways. Depending on the area of regulation, civil protection is defined and treated accordingly. However, there is no single overarching legislation that sets standards for defining civil protection, its roles and missions or basic organisational arrangements. To some extent, it creates further problems and a lack of coherence in the approach to civil protection in Poland in peacetime as different agencies and organisations operate in accordance with a number of slightly differing regulations and procedures.

Assessment of civil protection in Poland

Natural and man-made disasters that have taken place in Poland in recent years tested the existing framework for civil protection in peacetime. Civil protection did not prove fully effective. As a result of those events, numerous observations have been made that called for improvement of the organisation of civil protection. The changing nature of threats to civil security and safety, such as cyber threats or critical infrastructure related threats, revealed that not all of the existing legal regulations concerning civil protection are fully adequate. This state of affairs was referred to in the reports of the Supreme Audit Office. The report of the Supreme Audit Office of 2013 state that recent global changes, including changes in the balance of power, technological development and threats, such as terrorism, technological disasters and natural interruptions in energy supply, interference in the proper operation of information and computer technology systems, more than ever affect a lot of

¹⁴ Ustawa z dnia 8 marca 1990r. o samorządzie gminnym, t.j. Dz. U. z 2018r. poz. 994 z późn. zm., art. 7.

¹⁵ Ustawa z dnia 24 sierpnia 1991r. o ochronie przeciwpożarowej, t.j. Dz. U. z 2018r. poz. 620, art. 1.

people¹⁶. Therefore, the Supreme Audit Office assessed that it was necessary to adapt the existing regulations regarding the issue of civil protection in Poland, to better address contemporary challenges and threats.

Lack of full integration is indicated as one of primary factors that hamper civil protection in peacetime in Poland. Many formal documents blame illegible systemic connections between institutions and agencies, which are assigned tasks related to civil protection. In particular, there is still a tendency to maintain the autonomy of systems performing tasks, supporting the protection of human life and health, and no mechanisms for coordinating the activities of various entities involved in civil protection¹⁷. The unclear legal situation related to civil protection has been described in information from the Supreme Audit Office for some time now. In 2013, the lack of a coherent system of civil protection against crisis situations in peacetime Poland was assessed negatively. It was given the lowest grade, unsatisfactory, on a three-grade scale provided for in the assessment¹⁸. It was found that the key elements that should be included in the system of civil protection show fundamental shortcomings. The Supreme Audit Office considered that an important reason for the lack of a coherent system of civil protection was the dispersion of solutions regarding tasks and structures of civil protection in various legal acts and the lack of appropriate legal regulations. An analysis of the legal provisions applicable for civil protection in peacetime may lead to the conclusion that there is a dualism of the solutions adopted. As a result, there are two parallel organisations that deal with civil protection. There are civil protection structures as part of crisis management in peacetime and civil defence formations that primarily are prepared for wartime, but may also be employed during natural and man-made disasters in peacetime. This results in a lack of unambiguous determination of competences and mutual relations between crisis management and civil defence structures. At the same time, doubts arise as to who and to what extent should be responsible for the performance of individual tasks related to civil protection in peacetime in Poland. Another diagnosis of the state of preparation in the field civil protection confirmed the above findings. In the control information of the Supreme Audit Office published in 2018, it was noted that Poland had failed to establish and operate a comprehensive system of civil protection in peacetime. The control revealed that legislative works related to civil protection in Poland had been slow and a number of provisions already in force required clarification and updating¹⁹. In the opinion of the Supreme Audit Office, the civil protection planning process does not allow effective preparation of actions

16 Najwyższa Izba Kontroli, Informacja o wynikach kontroli, Przygotowanie systemu ochrony ludności przed klęskami żywiołowymi oraz sytuacjami kryzysowymi, 20 czerwca 2013 r., s. 8.

17 S. Górski, *Współczesna ochrona ludności. Aspekty prawne i organizacyjne*, op. cit., s. 126.

18 Najwyższa Izba Kontroli, Informacja o wynikach kontroli, Przygotowanie systemu ochrony ludności przed klęskami żywiołowymi oraz sytuacjami kryzysowymi, op. cit., s. 8-9.

19 Najwyższa Izba Kontroli, Informacja o wynikach kontroli, Ochrona ludności w ramach zarządzania kryzysowego i obrony cywilnej, 12 września 2018 r., s. 21.

in the field of civil protection, which may be caused by ambiguous and imprecise regulations regulating this area²⁰.

The problems related to the legal framework for civil protection have been discussed by researchers and practitioners since the adoption of the law on crisis management in 2007. The authors of theoretical studies have quite often pointed to the lack of unambiguous legal regulations in the field of civil protection. According to Bogdan Michailiuk, the most serious problem related to the organisation of the civil protection system in Poland stems from the deficit of comprehensive legal regulations. What is missing according to Michailiuk is a document that would be entirely devoted to this subject. Since May 2009, there have been consultations on a draft law on civil protection, which nowadays is referred to as a draft law on civil protection and civil defence²¹. The project aims at regulating all aspects of citizens' security²². Unfortunately, ongoing work on the project has continued for a long time and new updates are being developed. New amendments often contradict previous ones. Attempts to introduce innovative solutions, more detailed records, are visible. However, although time passes, the issue of a comprehensive legal framework for civil protection remains without basic legal regulations²³. According to Sławomir Górski, legal regulations in force nowadays in Poland lack clear systemic solutions for cooperation between institutions and authorities responsible for fulfilment of tasks in the field of civil protection in peacetime. In particular, there is a tendency to maintain the existing autonomy of systems that implement tasks supporting life protection and human health. There are no effective mechanisms in Poland to coordinate the activities of various entities (public and non-public) involved in civil protection²⁴. According to Jerzy Trocha, getting acquainted with the issues of civil protection in Poland, one can see the need to create one efficient system of civil protection resulting from the experience of recent years. According to Trocha, there should be clear cut delineation of responsibilities between crisis management, rescue and civil defence subsystems. He noted that incomplete and ambiguous legal regulations have generated deficiencies in the coordination of activities in the sphere of broadly understood civil protection. The analysis of the literature on the subject and the currently binding laws on civil protection in peacetime in Poland leads to the conclusion that the activities of the civil defence formations and crisis management structures do not complement each other. There is an overlap of their respective

20 Ibidem, s. 11.

21 Projekt ustawy o ochronie ludności i obronie cywilnej, Komenda Główna Państwowej Straży Pożarnej, 2016 r.

22 Projekt ustawy o ochronie ludności, Komenda Główna Państwowej Straży Pożarnej, 2009 r.

23 B. Michailiuk, *Ochrona ludności. Wybrane problemy*, Akademia Sztuki Wojennej, Warszawa 2017, s. 56.

24 S. Górski, *Współczesna ochrona ludności. Aspekty prawne i organizacyjne*, op. cit., s. 126.

responsibilities and tasks. Having two organisations fulfilling similar tasks adversely affects the effectiveness of civil protection and increases public expenditure²⁵.

While assessing the state of civil protection in Poland during peacetime, attention should also be paid to the improper implementation of tasks resulting, inter alia, from uneconomical financing, the failure to prepare appropriate plans and procedures, as well as from insufficient resources. Inadequate conditions for the state of forces and measures to protect the population are confirmed by the records of many documents. The “Assessment of the state of preparations in the field of civil protection and civil defence in Poland in 2016” revealed insufficient numbers of protective constructions and a lack of detailed requirements for storage and maintenance of equipment for civil protection²⁶. The anachronistic structure and organisation of civil protection has been described by the auditors of the Supreme Audit Office in the document “Preparation of the system of civil protection against natural disasters and crisis situations”²⁷. It was pointed out that capabilities in the field of civil protection have been significantly influenced by, among other things, insufficient technical resources and uniforms necessary to perform tasks. The Supreme Audit Office also noted insufficient numbers of protective buildings and special equipment for civil protection. The real time tests for civil protection in Poland had taken place during floods in 2010, a white squall in the provinces of Warmia and Mazury in 2007, and heavy storms in the Pomeranian Voivodship in 2017. The floods occurred in the second half of May 2010 (first flood wave) and at the beginning of June (second wave) in Central European countries, including Poland. The civil protection tasks were carried out mainly by the State Fire Service specialist units. Those units were supported by the use of medium transport helicopters and heavy tracked amphibious equipment of the Armed Forces of the Republic of Poland. Insufficient legal solutions resulted in limited employment of civil protection structures in combating floods in 2010. Lack of effective warning and alerting services for the purposes of civil protection in peacetime has been identified as one of most significant factors leading to the deaths of 12 sailors in 2007 on the Masurian lakes due to “white squall” and the death of two participants of the scout camp in the Pomeranian Voivodeship during the raging storm. Both events sparked discussions on the need for improvement of forecasting of violent meteorological phenomena and the introduction of modern warning methods. The issue of improving warnings and alerting the civil population about extreme meteorological conditions continues to be central in the debate on civil protection in Poland as it still needs improvement.

25 J. Trocha, *Badania nad ochroną ludności w Polsce w obliczu zmian ustawowych*, op. cit., s. 163.

26 Ocena przygotowań w zakresie ochrony ludności i obrony cywilnej w Polsce za 2016 r., Warszawa 2017.

27 Najwyższa Izba Kontroli, Informacja o wynikach kontroli, Przygotowanie systemu ochrony ludności przed klęskami żywiołowymi oraz sytuacjami kryzysowymi, op. cit., s. 10.

Requirements for the improvement of civil protection in Poland

The existing situation warrants the need to improve civil protection. First, it seems necessary to develop comprehensive legal regulations that create a framework for civil protection, delineating roles and responsibilities between various authorities and organisations. Such a legal framework should guide the development of appropriate civil protection plans and procedures. Finally, making division of labour in the field of civil protection in peacetime should result in a more efficient use of financial resources to ensure sufficient resources to those who need them. It must be noted that the legislation on civil protection will need periodical review and updating. As threats to civil security and safety evolve, it may turn out in the future that current solutions are insufficient. That's why systematic actions are needed, not only to pass a comprehensive law on civil protection, but also to keep it up to date. Failure to do so seems irresponsible and threatens public safety.

There are some proposals related to the issue of the legal framework for civil protection in peacetime in Poland. The Supreme Audit Office called the Minister of the Interior and Administration to carry out a comprehensive analysis of existing legal acts regarding civil protection in terms of, inter alia, opportunities to integrate crisis management and civil defence systems in the area of common competences and tasks, to improve the effectiveness of activities²⁸. The governmental "Rescue and Civil Protection Program for 2014-2020" states that it is necessary to prepare a general legal framework regulating the activities of public institutions and services as well as social organisations involved in the implementation of tasks of civil protection²⁹. Recommendations for new legal solutions in the field of civil protection point to the need for a single, legally binding definition of civil protection that will be introduced in all applicable national laws. The basic issues of civil protection in peacetime should be regulated in a single legal act and this is a common opinion. Such a solution will allow clear division of responsibilities and establishment of rules for operations in the field of civil protection in peacetime. The "Assessment of the state of preparation of Civil Defence in Poland in 2013" emphasised the need to create uniform legal regulations, clearly defining the powers of the authorities, the obligations of citizens and ways to raise public awareness of civil protection³⁰. In addition, the assessment underlines the need to clearly define the tasks of civil protection in the context of applicable laws. This is to create an appropriate framework for providing the conditions necessary to protect human life and health,

²⁸ Najwyższa Izba Kontroli, Informacja o wynikach kontroli, Ochrona ludności w ramach zarządzania kryzysowego i obrony cywilnej, op. cit., s. 24.

²⁹ Uchwała nr 59/2014 Rady Ministrów z dnia 29 kwietnia 2014 r. w sprawie przyjęcia Programu Ratownictwa i Ochrony Ludności na lata 2014-2020.

³⁰ Ocena stanu przygotowań Obrony Cywilnej w Polsce, stan na dzień 31 grudnia 2012 r., op. cit., s. 46.

adequate resources, and cooperation and cooperation of rescue systems and entities performing civil protection tasks³¹.

Improvements in civil protection in peacetime should be based on comprehensive research including applied research. Problems of civil protection in peacetime have been researched in Poland for over a decade now. The turning point for the debate was the introduction of the law on crisis management in 2007. Since that time, numerous articles and conference papers have been published. The issue of civil protection has been subjected to public discussion due to its importance for the security of the state and the safety of its citizens. However, the issue of civil protection in peacetime has not been fully explained in the literature on the subject yet. A preliminary review of the literature suggests that there are just a few monographic scientific papers dealing in detail with the problems of civil protection in Poland. It is worth noting that no comprehensive theoretical studies have been published, in which difficulties in the field of civil protection had been described after 2007. Prospective research should focus on the period after the law on crisis management was introduced. The time delineation should be adopted due to new legal conditions defined in the 2007 Act on Crisis Management, which occupies the main position among legal regulations concerning civil protection in Poland³². The research into civil protection should be limited to peacetime, in which no significant threats to the external security of states exist, as they seem to require the most urgent changes³³. The research should support all tasks related to monitoring, counteraction, proper preparation, reaction and removing the effects of unnecessary events. For the purpose of improvements in civil protection, the issues of civil defence systems, crisis management, state medical rescue, rescue notification and the national rescue and fire-fighting system should also be subject to comprehensive studies and applied research.

Conclusions

There is no consistent understanding of theoretical issues of civil protection in Poland that would be useful in pragmatic activities related to its improvement. Current requirements in the field of civil protection are not articulated within the framework of uniform legal regulations, which makes their application in practice difficult. In addition, currently applicable requirements in the field of civil protection in Poland are not entirely adequate to threats to the security of the population. Organisational solutions for civil protection, due to the incoherence of legal regulations, the failure to prepare adequate plans and procedures, improper financing and insufficient

³¹ Ibidem, s. 47.

³² J. Trocha, *Badania nad ochroną ludności w Polsce w obliczu koncepcji zmian ustawowych*, op. cit., s. 163.

³³ Rozporządzenie Rady Ministrów z dnia 21 września 2004 r. w sprawie gotowości obronnej państwa, Dz. U. 2004, nr 219, poz. 2218, §3.

resources, do not ensure the correctness of the implementation of the assumptions in this regard. In light of the assessment of the current state of civil protection in Poland, improvement is needed in the direction of developing comprehensive legal regulations, preparation of appropriate plans and procedures, as well as more efficient use of financial resources to ensure sufficient resources. It is believed that despite the improvement of civil protection in Poland during peacetime, it will not allow its proper and timely adaptation to the needs of a changing environment.

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