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CONDITIONS FOR THE DEVELOPMENT OF THE POLISH NAVY DURING THE PERIOD OF MARITIME POWERS RIVALRY

ABSTRACT

The 21st century rivalry of the maritime powers took the form of substitute activities. These are military incidents, control, or seizure of a shipping entity, and activities that threaten shipping itself. This determines the state of maritime security of Poland, because the Baltic has become one of the areas of its conduct. The adopted form of importing energy carriers along with the forming an alliance with the US construction of the alliance with the USA creates the possibility of taking hostile actions against it. It is necessary to adapt the form of operation of the Polish Navy to these threats. Based on the analysis of international, and national legal regulations, strategic documents of maritime powers, and applied forms of maritime activity, the scope of changes in Polish maritime policy was determined. Modifications of the definition of terms *maritime piracy* and *unlawful assault at sea* in Polish legal regulations were considered necessary, they should also include activities of maritime terrorism, subversion and sabotage of offshore facilities and installations, as well as ships operating. The principle of linking defense tasks against the sea attack, and maintaining navigation continuity was proposed as an element determining the construction method of the Polish Navy and the scope of combat training. On this basis, its combat potential and scope of training were determined. It should cover four areas (preparation for defense operations, combating non-traditional risks, how to respond to provocative, and criminal activities).

Key words:

maritime policy, maritime security of the state, navy, military activities at sea

INTRODUCTION

Naval forces are created to implement long-term naval strategies of the state. Thus, they are an instrument of political influence, allowing for conducting sovereign policy in sea areas as well as used to obtain a significant political position in the area of placing national interests. This task is the essence of the operation of the war fleet, and its potential should enable it to fulfill the tasks set

out under the maritime policy of the state. Its shape in relation to the medium-potential country (*medium-sized coastal state*)²² is also determined by the concepts of using the sea by other international players, especially the status of a *maritime power*²³. This relationship results from the provisions of the law of the sea regarding the legal status of sea areas, the principles of economic use of the *high seas*²⁴, and the application of the right to free navigation, and the vision of protection of these rights adopted by the maritime powers. This translates directly into the role to be played by the naval forces of the *coastal state* as part of the policy pursued in the waters under its legal jurisdiction and in the open sea, on a supranational, or independent basis²⁵. Translating these theoretical assumptions into Polish realities, it should be stated that the maritime security of the Republic of Poland is, and will be, determined by the role which the Baltic Sea region and its watershed have been assigned to the policy of competing maritime powers, and the vision of conducting maritime trade adopted by the Polish state, especially resulting from the concept diversification of energy carriers. To a lesser extent, the creators of the level of maritime safety will be the processes of exploitation of Baltic waters, and mutual relations of the countries of the region. Ensuring this security should be a fundamental determinant defining the functioning of Polish naval forces, which means that the adopted research objective for this article is to determine the directions of development of the Polish Navy in the context of prospective changes in the security

²² A *medium-sized coastal state* is defined as a state having access to the sea and having the maritime potential to pursue its own maritime interests in waters extending beyond the boundaries of the waters under its jurisdiction, but has no capacity to extend its influence over the entire region. In the division of countries, the author distinguishes maritime, small coastal states (limiting their activity to waters under their jurisdiction), *states that do not have access to the sea, but having defined maritime interests and maritime powers are distinguished*. A. Makowski and T. Szubrycht give slightly different classifications. See. A. Makowski *Siły morskie współczesnego państwa*, Gdynia 2003, See T. Szubrycht, *Rola sił morskich w polityce państwa*, Zeszyty Naukowe Akademii Marynarki Wojennej, 2008, No. 2

²³ The author supports the division of maritime powers proposed by T. Szubrycht, i.e. *global maritime power and regional naval powers of I and II category*. See. T. Szubrycht, *Rola sił ...op. cit.*, p. 132-133.

²⁴ The High Sea Convention (Geneva Convention of 1958) defines *the high sea as all parts of the sea that are not included in the territorial sea or internal waters of the state*, PISM Document Collection, Warsaw 1959, No. 3, p. 393. In the Convention on the Law 1982 seas set the scope of the powers of the states in this basin. These are: freedom of navigation and overflight, laying of submarine cables and pipelines, building artificial islands and other installations as well as freedom of fisheries and conducting scientific research. Article 87 (1) of the Convention on the Law of the Sea, Gdańsk, 1983, p. 77

²⁵ Broadly A. Makowski *Siły morskie op. cit.* Later publications are basically based on this monograph

environment. The author argues that the rivalry of the powers conducted on the waters, and the policy of energy carriers import implemented by the Polish state sets new and fundamentally different tasks. It also determines the directions of its development, which should be reduced to the need to obtain combat potential allowing it to perform a defensive and protective function focused on ensuring the continuity of navigation. This requires a re-evaluation of the concept of ensuring maritime security of the state in the political sphere (adjustment of maritime policy and security to the specificity of threats), and legal (introduction of legal regulations enabling combating these threats). Based on the implemented political and legal solutions, it will only be possible to determine the combat potential of the Polish Navy, the state of naval forces, and the level of combat training of crews of these ships.

1. TRANSFORMATION OF THE FORMULA OF MARITIME ACTIVITY OF POWERS IN THE 21ST CENTURY

The ending second decade of the 21st century is a period of global competition undertaken once again by international players with the status of superpowers. Its purpose is to dominate specific areas, locations of own interests. This rivalry led to a return to – somewhat forgotten – geopolitical theories, especially *navalism*, and the inevitable rivalry between the naval and land powers. The competition conducted according to the theory of Halford Mackinder and Nicholas Spykman (concepts of *Heaterland* and *Rimland*), however supplemented with assumptions about the essence of the functioning of the land power and the point power by Semenov Tyan'-Shanski²⁶. It is essential because modern *navalism* has taken the form of point expansion, conducted by the naval forces of the superpower in order to obtain the ability to base and transfer forces to any region of the world. Forces whose potential allows military-political, or political-economic operations in at least two regions of the globe for at least six months. Therefore, this ability requires not only the fleet, but also places of its base and – above all – the concept of dominance in a given land area, or sea basin. Americans built such a vision at the beginning of the 21st century, striving to create a kind of bridge *Australia – Southeast Asia – Central Asia*. This concept was to allow control over strategic deposits of mining

²⁶ H.J. Mackinder, *The geographical pivot of history*, The Geographical Journal, 23, London 1904,

<https://is.cuni.cz/studium/predmety/index.php?do=download&did=74431&kod=JPM620>, V.P., Semenov Tyan'-Shanskiy, *O mogushchestvennom territorial'nom vladenii primenitel'no k Rossii. Ocherk po politicheskoy geografii*, Petrograd, 1915, [Colin S. Gray](#), *Nicholas John Spykman, the Balance of Power, and International Order*, Journal of Strategic Studies, Volume 38, 2015, p. 873-897

raw materials and their transport routes, which was to guarantee the status of the only superpower. The failure of these plans led to the modification of the above concept, which only assumes the control of nodal points of sea freight exchange, and the preservation of the ability to control the adjacent waters. These activities covered the waters of the Indian and Pacific oceans, as well as the Mediterranean and Arabian seas, as well as the watershed areas of the Caspian and Black seas. In the mid-first decade of the 21st century, the area of Central Asia itself and the glacial ocean were considered less important²⁷.

The scale of American expansion forced the reaction of regional powers whose interests are threatened by global US hegemony. Its effect was to undertake a kind of substitute competition in Eurasia's land areas. It took the form of the involvement of Russia and China in various forms of limiting American expansion by political and economic methods and undertaking direct rivalry with the USA in sea areas. Due to the difference in fleet potentials and the limited – in relation to American forces – possibility of their bases in regions of rivalry it ended in the defeat of regional powers. This was not tantamount to abandoning plans to limit American naval power. This policy has been replaced by activities that can be described as the maritime activity of a land power with specific maritime interests. Its main features are:

- using the provisions of the international law of the sea and the principle of freedom of navigation, promoted by the USA (as the essence of maritime activity), to ensure the right to conduct unrestricted trade in maritime routes;
- self-limiting its maritime activity to sea control on a regional basis, but in a way that limits the possibility / necessity of US naval presence in this basin;
- an attempt to transfer competition to substitute reservoirs, or locations for strategic interests of the maritime power;
- use of the maritime policy and potential of allied coastal states to perform the functions of sea control in adjacent waters, or included in their Economic Exclusion Zones.

The last three features have led to a fundamental change in the forms of competition between state players in sea waters. The possibility of its transformation into a serious international dispute means that it is not conducted in areas of real location of opposing interests of competing powers, i.e. the icy, Indian, and North and Central Pacific oceans. It was focused on their

²⁷ P. Mickiewicz, *Trójkąt Rosja-Chiny Iran i jego miejsce na arenie międzynarodowej*, [at:] *Mocarstwowość na przełomie XX i XXI wieku. Teorie – analizy – prognozy*, edit. S. Wojciechowski, M. Tomczak, Poznań 2010, p. 147–149, Ł. Jureńczyk, *Polityczno-wojskowy wymiar rywalizacji między Chińską Republiką Ludową a Stanami Zjednoczonymi Ameryki w XX i XXI wieku*, *Annales Universitatis Mariae Curie-Skłodowska Lublin*, Vol. XXIV, no. 2 SECTIO K, Lublin 2017, p. 9-27

adjacent waters, namely: the Persian Gulf along with the Arabian and Red Seas, the eastern Mediterranean, the North Sea and - increasingly used for its conduct - the Baltic Sea²⁸. Their formula is two forms of interaction in the following form of:

- conducting indirect actions, in particular by creating maritime incidents, creating shipping threats, or allowing criminal activities by non-state maritime players (acts of piracy, or maritime terrorism);
- application of the right to control navigation by allied coastal states using the right to control, or seizure of a shipping entity.

2. THREATS TO POLISH MARITIME INTERESTS IN THE CONTEXT OF THE COMPETITION OF POWER

The shape and course of rivalry between the powers on selected sea basins largely determines the level of maritime security of the Republic of Poland. Unfortunately, it is not noticed by the Polish political establishment. For three decades, Polish politics has been convinced that the goal of maritime policy is to ensure the possibility of achieving maritime interests and defending one's own waters while not defining them. In the current strategic document, i.e. *the Maritime Policy of the Republic of Poland until 2020 with a perspective up to 2030*, instead of the phrase *maritime interests*, the terms *mission, strategic goal and directions of development of the Polish maritime policy* are used²⁹. The mission is *to maximize comprehensive benefits for citizens and the national economy resulting from the sustainable use of the country's coastal location and the resources of the seas and oceans*, while the strategic goal is *to increase the share of the maritime economy sector in GDP and employment in the maritime economy*. At this stage, a significant discrepancy should be indicated which limits the value of this document. The mission and strategic goal have rightly been derived from the Long-Term National Development Strategy and its sectoral strategies (the

²⁸ Broadly R. Kwieciński, *Chiny na drodze do potęgi morskiej?*, [at:] *Bliżej Azji. Współczesne wyzwania dla bezpieczeństwa*, edit. Ł. Gacek, R. Kwieciński, E. Trojnar, Warszawa 2017, p. 13–31, J. Krupakar, *China's Naval Base(s) in the Indian Ocean—Signs of a Maritime Grand Strategy?*, *Strategy Analis* 2017, no. 41, p. 207–222, P. Mickiewicz, *Rosyjsko-chińska aktywność morska i koncepcje obecności na akwenie bałtyckim. Pomiędzy rywalizacją a współpracą*, *Krakowskie Studia Międzynarodowe*, 2018 no. 1 (XV) p. 84–87. T. Szubrycht, *Morze, bezpieczeństwo morskie i marynarka wojenna w chińskich dokumentach strategicznych*, „*Rocznik Bezpieczeństwa Międzynarodowego*” 2016, vol. 10, no. 1, p. 82–10.

²⁹ By the resolution of the Council of Ministers of 17 March 2015 on the maritime policy of the Republic of Poland until 2020 (with a perspective until 2030), RM-111-37-15, p. 13.

question is whether *the Poland 2030 strategy*. *The third wave of modernity*, being a document of statute law – a resolution of the Council of Ministers is still in force). However, both the strategic goal, which is to increase the share of the maritime economy in GDP, and employment growth, as well as nine so-called *maritime policy directions* have been slightly correlated with the assumptions of the long-term and medium-term (until 2020) development strategies and other sectoral strategies³⁰. Whereas the *Maritime Safety* Direction only refers to the issue of safe navigation, environmental protection in the context of shipping and combating the terrorist threat³¹. The lack of an explicit definition of maritime interests in the most important strategic document means that it is necessary to determine the maritime interests of the state based on other criteria. These were adopted in the *Strategic Concept of Maritime Safety of the Republic of Poland*, deriving them from the Basic Law. According to its records, they are:

- *ensuring territorial integrity and sovereignty of the Republic of Poland in the context of maritime security;*
- *ensuring maritime security of the state and citizens through membership in international security systems;*
- *having the potential to ensure readiness and ability to prevent threats from the sea, across the sea and at sea, including deterrence, defense and protection against them, and to eliminate their consequences;*
- *ensuring the desired conditions for the social and economic development of the state, with particular emphasis on the marine environment and the freedom of citizens to exercise their freedoms and rights*³².

Without diminishing the importance of these provisions, it should be emphasized – resulting from the fact of deriving content from the constitutional provisions – that they are generalized, and have a relatively low relationship with development strategies. Both nationwide, and sectoral, concerning selected branches of the economy or state administration. They were formulated on the basis of the principle that the goal of maritime activity of the state should be to eliminate threats, which means that they only slightly address the challenges to maritime security of the state. However, using this approach, it is possible to determine the scope of the maritime security of the Polish state, which can be reduced to three areas. The first is to maintain political sovereignty and

³⁰ P. Mickiewicz, *Bezpieczeństwo morskie a programy rozwojowe państwa polskiego do 2030 roku*, Rocznik Bezpieczeństwa Międzynarodowego, vol. 8, no. 2, Wrocław 2014, p. 77-95.

³¹ By resolution of the Council of Ministers of 17 March 2015 op. cit., pp. 28-29.

³² The strategic concept of maritime security defines four maritime interests in a strategic dimension. See *Strategiczna Koncepcja Bezpieczeństwa Morskiego Rzeczypospolitej Polskiej*, Warszawa - Gdynia 2017, p. 39

territorial integrity in the event of military action in the region. The second area is the opportunity to conduct maritime trade exchange and control of southern Baltic shipping routes. The third and most important in the next five years (from January 2025) is to ensure the continuity of energy carrier supplies to Polish ports, and transmission systems.

The scope of maritime security thus determined allows for the identification of key threats, and challenges for safety. The first is the possibility of occurrence in waters important for the implementation of Polish interests of maritime disputes of military powers, including those leading to temporary restriction of navigation in a given basin. Therefore, in the case of the Baltic Sea, it should be considered realistic that the Russian Federation attempts to take full control over this body of water, in conjunction with an operation directed against the Baltic State, or only carried out to control the basin. In both cases, this threatens the security of the Polish state, which requires having the potential to level its level. Another form of Baltic rivalry may be activities aimed at creating incidents against the countries of the region, and their selection will result from the alliance agreements that those countries have concluded with maritime powers. The community of political and economic interests indicates that they may take the form of:

- political and economic alliance USA – Poland and possibly USA – Baltic republics;
- close economic cooperation in the PRC – Norway (and Finland) – Germany agreement;
- economic cooperation (and political, but only in relation to the Baltic policy) Russia – Germany;
- political partnership in relation to the Baltic policy, and the shape of rivalry in this area of the maritime powers Sweden – Poland³³.

This allows for the formulation of specific forms of impact using military potential. If Russia takes blocking measures, it should be assumed, that it will take the form of shipping restrictions in the area of the interconnection of shipping routes with the Danish Straits and the Mecklenburg Bay, which will most likely be concentrated between the Bornholm Strait and the Pomeranian Bay. The second direction of blockade activities will be the forced detention of maritime forces in the Baltic States, especially Sweden and Poland. The Russian strike force will therefore focus on the waters between Gotland, Oland and Hanö Bay, and at the entrance to the Gulf of Gdańsk. It should also be assumed that the priority of Russian actions will not be to destroy the fleet, but to prevent it from taking action, which increases the likelihood of sabotage blockade operations,

³³ P. Mickiewicz, *Rosyjsko-chińska aktywność...* op. cit. p. 94-97

and the extensive use of mine weapons. Instead, the locations for creating marine incidents will be the main shipping routes, especially those used to transport processed energy carriers imported by the Baltic States. The object of impact can be both units transporting these carriers, protecting (assisting) them as well as elements of shipping and mining infrastructure in the zone of economic exclusivity. They may take the form of acts of sabotage, or diversion, it is unlikely to take action against them, such as seizing the entity, or permanently damaging it. In contrast, the form of interaction with naval forces will be incidents that have already been applied to American ships, or Great Britain, and selected Baltic States.

Table 1. Selected incidents involving Russian aircraft and warships 2014.

Date	State	Type of incident
23.04.2014	USA	Dangerous maneuvers of a fighter aircraft around US air force reconnaissance aircraft in international airspace
28.04.2014	Latvia Estonia	Maneuvering of fighter aircraft in international airspace along the borders of the territorial waters of Latvia and Estonia
06.2014	Denmark	Sham air attack on targets on the island of Bornholm in international airspace
10.06.2014	Sweden	Dangerous maneuvers of a fighter aircraft around the Kingdom of Sweden air force reconnaissance aircraft in the international airspace east of the island of Gotland
12.06.2014	Latvia	Maneuvering of fighter aircraft in the international airspace along the borders of Latvia's territorial waters
09.2014	Sweden	Dangerous maneuvers of a fighter aircraft around the Kingdom of Sweden air force reconnaissance aircraft in the international airspace east of the island of Gotland
17.09.2014	Sweden	Entry into the Swedish airspace of two SU-22 attack aircraft in the Öland region
29.01.2015	Great Britain	Flight of Tu-95 strategic bombers in international airspace along the Scottish coast
19.02.2015	Great Britain	Flight of Tu-95 strategic bombers in the international airspace along the coast of Cornwall
24.03.2015	Great Britain	Flight of Tu-95 strategic bombers in international airspace along the Scottish coast
13.05.2015	Estonia	Flight in international airspace in the NATO Baltic Air Policing mission zone of the IL-20 reconnaissance aircraft
24.07.2015	Estonia	Flight in the international airspace in the NATO Baltic Air Policing mission zone of a team of 4 Su-34, 4 MigG - 31 fighters, 2 An-36 transporters
11.09.2015	Great Britain	Flight of strategic bombers Tu-160 in international airspace off the coast of Great Britain

Source: Own study based on press data.

The scope of the community of interests of the Baltic states and competing powers also allows to determine the possible scenarios of substitute rivalry conducted in the Baltic Sea. It can take three forms. The first will be the creation of incidents directed against US allies, conducted alone by Russia, or jointly with the Chinese fleet. Their goal will be to provoke the United States to take on the formula envisaged by these powers, or to force their involvement to increase at the expense of presence in areas more important to them (e.g. in the polar region). The main subject of this impact will therefore be the Polish state, especially the LNG and crude oil transport system due to the level of import of these carriers from the USA. Similar consequences for Poland may be brought by the second form of this rivalry, in the form of using the Baltic Sea basin in Russian policy as a place binding the forces of the US and China. Also aimed at limiting the scale of their activity in the Ice Ocean. The way to achieve it will be the policy of creating political and military tension in the catchment area of the Baltic Sea, and on the waters. It can also take the form of an economic rivalry dominated by the China – Nordic countries – West Germany trio. In this case, at the expense of Poland, there may be a change in the spatial arrangement of the Baltic transport system from latitudinal to meridian. This will weaken the scope of the community of interests with Sweden, which will have a direct impact on the possibility of conducting joint anti-blocking measures while increasing the likelihood of Russia attempting to reduce the scale of transport in this formula (Nordic countries – German ports of the Baltic Sea and the eastern part of the North Sea).

The third subject area of modern power rivalry is the confrontation in the open sea. It is run on the main shipping routes, and focused on limiting the possibilities of navigation for selected sea players, especially those with the status of an ally of competing powers. It currently takes the form of incidents that involve the seizure of an individual under the guise of violating international law, and can be expanded to include a range of activities referred to as acts of subversion, sabotage, or similar to acts of piracy or maritime terrorism. In the Polish context, this threat should be considered the most serious for two reasons. The first is the inability of the Polish state to conduct non-Baltic naval activity of its own navy. The second scale of imports of important commodity groups for the security of the state, as shown in Table 2. The concluded contracts and estimates of import needs allow for estimation that from 2001, 36 to 42 tankers will reach Polish ports annually, 39 to 2020, and from 2024 to 64 gas carriers, and about 39 coal carriers (assuming that land-based imports from Russia and Donbass will be maintained).

Table 2. Scale for energy carriers import in 2018

Import scale	State-exporter
64 million barrels of oil (473 million tons)	<ul style="list-style-type: none"> • 18.7 million barrels from Russia (Siberia), • 16 million barrels from the Persian Gulf States, • 5.7 million barrels from the USA, • 5.1 million barrels from the North Sea (4.4 – Norway, 0.7 UK), • 1.3 million barrels from Nigeria.
7.5 billion m ³ of LNG	<ul style="list-style-type: none"> • 37 loads from Qatar, • 9 loads from Norway, USA and Great Britain (64 LNG gas transports from the USA were contracted until 2005)
4.5 million tons of coal	<ul style="list-style-type: none"> • 14 million tons from Russia, • 1, 8 million tons from the US, • 1.3 million tonnes from Colombia, • 0, 6 million tons from Australia, • 0.4 million tonnes from Mozambique.

Source: own study based on data from Port Boards and the Ministry of Energy

3. CHANGES IN THE FUNCTIONING OF THE POLISH NAVY

The range of threats to the maritime security of the state presented requires a relatively quick adaptation of the concept of its provision to the realities of contemporary rivalry conducted in sea waters. The activity of the Polish naval forces should be focused on waters that are the place of implementation of Polish national interests, however, the concept of diversification of energy carrier supplies adopted by the Polish state expands their area. Both the scale of imports and the diversification of suppliers means that the Polish *area of maritime interest*³⁴ is water areas in which it is impossible for sea vessels to conduct maritime activity on their own. The necessary control

³⁴ It is a sea basin in which the national interests of the state are located and from which actions directed against the state can be derived. It conducts in this area a policy of active presence and presentation of the flag, taking into account in the formula of its maritime activity the potential of countries lying in their watershed area, especially the potential of their armed forces, the system of homing and ways of conducting operational activities. In the current practice (until large-scale transport of energy carriers by sea), the Sea of Interest of the Republic of Poland includes the Baltic Sea reservoirs and air space, zones of the Baltic Straits and the eastern and northern parts of the North Sea. See *Regulamin walki Marynarki Wojennej RP*, Dowództwo Marynarki Wojennej, Gdynia, 2003. Quote from *Operacyjno-taktyczny leksykon morski t. II*, [edit.], H. Sołkiewicz, Gdynia 2012 p. 26-27.

of the sea transport system requires, therefore, its conduct in the alliance or by the naval forces of other countries, which may result in the need to engage Polish naval forces in waters of limited importance for the Republic of Poland. Therefore, the political goal is to define Polish involvement within existing alliances in such a way that the form of activity of the Polish Navy within them is maximally convergent with the tasks implemented in the Baltic Sea. The adoption of the above assumption, and the specificity of navigation security tasks means that the role of the Polish Navy must be significantly verified. Pursuant to the provisions of the Strategic Concept for Maritime Safety of the Republic of Poland, it should have the capacity to eliminate threats to the maritime security of the state both as part of a defense operation, and aimed at ensuring jurisdiction over the maritime waters belonging to the Polish state, as well as protecting the maritime interests of the state³⁵. Its defense potential is to ensure:

- ability to monitor the situation in the Gulf of Finland and the central Baltic;
- the possibility of restricting the freedom of operation of the Russian fleet in a part of the central Baltic Sea basin, also using mine weapons;
- preventing – in the NATO alliance, or interested Baltic states³⁶ – the maritime blockade of the southern Baltic, and interruption of navigation in the southern and western Baltic;
- preparing ports for the adoption of allied forces under HNS operations;
- the possibility of successfully repelling the landing operation to the Polish coast.

A similar scope of tasks will be implemented by naval forces under the system of protection of maritime interests. In a crisis situation, they will focus on ensuring the safety of navigation and the possibility of enforcing rights arising from exercising jurisdiction in specific areas of the Baltic Sea, and conducting free navigation. This last task should be extended to ensure its continuity in the western and southern Baltic Sea, and to protect units transporting energy carriers to Polish ports. Due to the considerable territorial spread of their import areas, this task can only be carried out in a supranational system, mainly within NATO, or the European Union, or possibly under bilateral agreements, e.g. with Great Britain. It may also require reacting to a specific maritime incident in the form of an act of seizure of the vessel, forcing it to change the route of the cruise, or an intentional threat to the safety of its navigation. The specificity of these threats makes it necessary to change not only the organizational structure of the Navy, but above all the approach to the issue of maritime security. The maritime and security policy solutions implemented until 2024 should assume a legal and

³⁵ *Koncepcja strategiczna*.op. cit., p. 42.

³⁶ Among other things, this may require defending Bornholm jointly with Denmark, transferring forces to the island, or carrying out a landing to rescue it.

political dimension. On the other hand, with regard to the transformations of the Polish Navy itself, it should focus on the issue of reconstruction and adaptation to the specifics of its combat potential imposed, in particular equipping it with specific classes of naval and air units, and proper training of their crews.

3.1. The scope of political and legal changes

The concept of ensuring continuity of supplies developed and implemented should directly result from the adopted objectives of sectoral policies for which the import of energy carriers is an important element. It is only in this context that the formula for Polish impact on marine waters should be determined. It is necessary to develop tactics for the Polish operation of naval forces on the high seas, and shipping routes passing through the economic exclusivity zones of other countries, and the rules for participation in joint operations carried out under supranational organizations and regional systems. The political goal should be to take initiatives through the construction of a transnational response system to incidents threatening the principle of *freedom of navigation*, and aimed at stopping the navigation of units carrying energy carriers. On the other hand, changes in the Polish legal system should be aimed at adapting the provisions of the Criminal Code related to the perpetrators of acts of *maritime piracy* and *unlawful assault at sea* to the specificity of maritime incidents created by players. These solutions are enabled by the provisions of the Rome Convention³⁷. Article 5 explicitly states that it is the State that is a party to proceedings with perpetrators of criminal acts at sea, and has the right to determine the appropriate criminal sanctions. And Article 6 states that *it may take such measures as may be necessary to establish its jurisdiction in criminal offenses ... it may also establish its jurisdiction in cases against the ship [...] at the time of the offense*, in particular when, *as a result of a crime, a citizen of that State is detained, intimidated, injured or killed, or is committed to force that State to commit or refrain from any action*. In this situation it is also possible to apply point 5 of Art. 6 of this Convention, which literally states *that this Convention does not exclude criminal jurisdiction exercised in accordance with internal law*. These provisions allow, therefore, to define the rules of conduct towards their perpetrators. It is reasonable to recognize as such acts also events that can be qualified as acts of terrorist, diversionary, or sabotage act created by state

³⁷ *Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation*. Rome, 10/03/1988, OJ 94.129.63

players, directed at both maritime units, maritime facilities and structures, as well as port complexes. The only limitation is – it seems – the provisions of art. 4 of the cited convention³⁸, and art. 105 of the Convention on the Law of the Sea³⁹. Assuming that, in accordance with international standards, the purpose of the state's actions should be the release of passengers and the crew of the hijacked ship, neutralization of the attackers who captured, or are trying to get the ship, ensuring the safety of other ships, their passengers and crew, as well as employees of maritime organizations and port facilities (in in the event of unlawful acts in a seaport), it is possible to determine the form of actions against their perpetrators and the rules for using force as a form of response to the above acts. The form of protection measures sanctioned by the Polish state should be – specified in relevant documents – the right to use force against perpetrators, providing for the forcible occupation of a unit, its reflection of a seized and even shelling of a unit suspected of conducting a maritime incident, or an *act of unlawful assault*. Considering the political consequences, the concept of an *act of unlawful interference at sea*, similar to the one in force in aviation law⁴⁰ or similar to the solutions applied in the Russian Federation⁴¹, should be considered in the criminal code.

³⁸ Art. 4.1. *This Convention shall apply if a ship is sailing or is intended to influence, pass through or out of waters outside the external boundary of the territorial sea of one state or the lateral boundaries of its territorial sea bordering adjacent countries.*

³⁹ *Seizure of a pirate ship is possible by a unit remaining in the state service, and the extent of the penalty or further treatment of such an object is decided by the courts of the state whose units seized the ship.* United Nations Convention on the Law of the Sea. Montego Bay. 1982.12.10. Agreement on the implementation of Part XI of the United Nations Convention on the Law of the Sea of December 10, 1982 New York. 1994-07.28. Dz.U.02.59.543

⁴⁰ These are *acts or attempts to make acts that threaten the safety of civil aviation* relating to 7 forms of activity, including unlawful seizure or destruction of a ship. See Annex No. 17 Chapter I 1. International Convention on International Civil Aviation (Chicago Convention), Official Journal of the Civil Aviation Office No. 18 item 109.

⁴¹ *An act of unlawful interference is an unlawful act, including terrorist acts, as well as threats against transport complexes that may result in damage to people's health or lives.* See Article 1 of Федеральный закон от 09.02.2007 N 16-ФЗ "О транспортной безопасности", <https://legalacts.ru/doc/federalnyi-zakon-ot-09022007-n-16-fz-o/>

3.2. The necessary combat potential of naval forces

The principle determining the process of creating the potential of naval forces should be the correlation of defense tasks against attack from the sea, and maintaining navigation continuity. This is not the same as the need to build a seagoing, or sustainable fleet because its possession in the case of Poland does not guarantee the possibility of controlling their water bodies. The essential factor determining the structure of naval forces should be the scope of independent actions aimed at protecting one's own interests and defending the sea waters belonging to the Polish state, as well as the scale and formula of forms of involvement in national supranational system necessary from the point of view of national interests. The correlation of these requirements and the strategic interests of the state makes it possible to determine the areas in which the presence of the Polish Navy is necessary and the tasks to be carried out on them. The waters of the northern part of the European continent and possibly the Mediterranean Sea should become a natural area of the Polish maritime presence⁴². The decisive factor defining such area of operation is both the principle that a state fleet of a medium with a medium potential should be built in a manner enabling the use of its defense potential to protect maritime interests, as well as political and geographical conditions. First of all, the role of the Polish armed forces in the alliance remains the protection of the outer areas of the North Atlantic Alliance, i.e. its eastern and northern flank. It is, inter alia, two of the main reservoirs of substitute rivalry between the powers are the waters of the northern part of Europe (Baltic and North Sea). As part of allied support, it is reasonable to take action on the third of the European reservoirs of substitution competition. A significant part of imported energy carriers will be delivered via the Mediterranean routes. On the other hand, the waters of the Indian oceans with the Arabian, Red and Suez seas, as well as the central and northern Atlantic along with the Norwegian Sea should be the area of operation of other allied countries, also within NATO, or the European Union.

The above conditions directly lead into the requirements that determine the manner of conducting a maritime defense operation, ensuring navigability in the South Baltic Sea during a local crisis, or conflict and enabling uninterrupted

⁴² The strategic concept of maritime security rather provides for operational activities in waters of NATO interest, i.e. everyone. I consider this an incorrect assumption, mainly due to the limited maritime potential and the need to have ships that are rather equipped for ocean fleets. See. *Strategic concept ...* op. cit. p. 42

supply of energy carriers. They also allow the composition of the Polish Navy's naval forces. The somewhat different assumption was made in *the Strategic Concept of maritime safety*. It was considered that an important element of Polish security policy was to ensure the compactness of the North Atlantic Pact, which was reduced to the obligation to engage in its activities. The author considers this assumption to be correct with one exception – this involvement does not have to consist in participating in a number of operations outside *article V of the Washington Treaty*. In the face of the specificity of the powers' rivalry, it seems more appropriate to build the compactness of the Pact based on the principle of collective defense and to conduct a policy of allied support in areas of interest placement. Based on this assumption, Polish political and military activity should be focused on the northern and eastern flanks of NATO, and on activities ensuring security in the areas of locating one's own interests⁴³. For the most part, they are located on energy transport routes. The role of the Polish Navy in the perceived allied community of interests outside the Treaty area should be to take measures to ensure the freedom of navigation and transport safety, and possible stabilization of the situation in their import regions. Tasks defined in this way as part of allied obligations and as part of a defense operation require specific combat potential. Taking the suggestions contained in the Strategic Concept of Maritime Safety (presented in Table 3) as a starting point, it should be recognized that the combat potential of the Polish Navy should be created by a minimum of 3-4 frigates, 6-7 corvettes, or other patrol units with a sea rating of 5 degrees, 5-7 mine destroyers, 2 reconnaissance ships, and several aircraft of different types.

Table 3. Tactical requirements of naval and air units of the Polish Navy according to the Strategic Concept of Maritime Safety of the Republic of Poland

Ship type	Combat features
Frigate	<ul style="list-style-type: none"> • providing area air defense with an adequate range of effectors, • providing information on long-range air, surface and land conditions (including targeting), • implementation of the early warning function for the national air defense system, • provide information on the underwater situation,

⁴³ Broadly P. Mickiewicz, *O NATO, z NATO i w NATO. Apel o racjonalność dyskusji o 20 latach członkostwa Polski w Sojuszu Północnoatlantyckim*, Raport Wojsko Technika Obronność no. 11/2019, p. 48-50.

	<ul style="list-style-type: none"> • projection of force from sea to land by equipping with tactical missiles to attack ground targets (<i>Land-Attack Missile</i>), • combating submarines, • conducting joint operations (in particular, special forces battle groups and reconnaissance / tactical aviation), • conducting activities within maritime task forces, in particular NATO response forces in areas of potential activities, • securing the command of the team of ships by the tactical level commander, • helicopter stationing;
command and support vessel of joint operations	<ul style="list-style-type: none"> • ability to transport forces and resources • placing sea mines • performing hospital functions
Mine sweeping ship <ul style="list-style-type: none"> • classic mine destroyer • Mine Countermeasures, 	<ul style="list-style-type: none"> • ability to search, detect, classify, identify and neutralize, • the ability to combat all types of sea mines, dangerous objects and improvised explosive devices,
Submarine	<ul style="list-style-type: none"> • ability to combat ships and other surface vessels, • ability to combat submarines, • reconnaissance and maritime surveillance, • ability to secure special forces operations with the option of expanding with the ability to project force from sea to land (by equipping with tactical missiles to attack ground targets), • conducting specialized mine warfare activities;
reconnaissance and patrol aircraft	<ul style="list-style-type: none"> • ability to conduct comprehensive maritime reconnaissance (electronic imaging and radiolocation) • ability to combat submarines • the possibility of conducting search and rescue operations;
Helicopters	<ul style="list-style-type: none"> • ability to combat submarines, • able to cooperate with groups of Special Forces • able to cooperate with groups of rescue forces;
Unmanned craft	<ul style="list-style-type: none"> • support activities in the air, on the water and under water

Source: *Strategic concept ... op. cit., pp. 59-60.*

Taking into account the area of operation and geographical extent of the Baltic Sea, it should be assumed that the task of recognizing the situation in the Baltic *operational zone of interest of the Polish Navy* (from the western part of the Gulf of Finland to the eastern parts of the Sund and the Mecklenburg Bay) will be provided by two reconnaissance aircraft and one ship of this type, but remaining in the region or ready for reconnaissance (airplanes). The optimal variant is to equip Polish Navy with two seagoing reconnaissance ships, three reconnaissance planes and a seagoing hydrographic ship supplemented with several small specialized hydrographic security units. The leveling of threats in the form of an act of sabotage, or subversion on main shipping routes should be the task of groups of anti-mine, ASW and patrol ships, which was not included in the Concept, assigning this task to the Maritime Border Guard Department. It should be assumed that the composition of the Naval Forces of the Republic of Poland should include 9-12 (two groups) of mine combat vessels having the ability to be temporarily based in the ports of Kołobrzeg, Władysławowo, and Hel. ASW ships should operate in a similar number (two groups), have the ability to detect targeted underwater vehicles, and focus their activities in the regions of the Pomeranian and Gdańsk bays, with particular emphasis on the LNG terminals in Świnoujście (and the planned floating terminal in Mechelinki), and the fuel port in the Northern Port. It should be assumed that this type of task will also be carried out by guided submarine vehicles and – most likely – submarines⁴⁴. They can be used to combat vessels navigating in Polish sea areas, conducting intelligence activities, placing offensive mine farms, transporting subversive means, conducting blockade and reconnaissance activities in the areas of naval bases and inside territorial waters. Therefore, the Polish Navy should have the ability to conduct a search for submarines in designated areas and to set permanent and temporary hydroacoustic barriers. These activities should be carried out in the north-eastern part of the Polish EEZ to the 30 m isobath, on the crossing of shipping routes and the bays of Gdańsk and Pomerania. In addition, this system should be supported by a pair of ASW helicopters capable of setting up a radio-acoustic buoy line immediately. The basic method of counteracting the likelihood of subversive activities should be the use of ships intended for supervision. The role of basic patrol units should be fulfilled by corvettes, which also perform the task of *assisting the suspected unit* in order to detail information about it, demonstrate interest in its activities and readiness to potentially

⁴⁴ At present, submarines from the Baltic Fleet are relocated to the Black Sea Fleet and are expected to be replaced by submarines. However, their reintegration into the Baltic Fleet cannot be ruled out.

counteract. This task can be performed by frigates, however, for two reasons it is reasonable to use Corvette-class ships for this task. The main reason is the cost of building and maintaining this type of unit. The second is the need to assign other tasks to frigates. In a period of peace and crisis, their primary function should be to respond to any attempts to interrupt navigation in the national and allied system. They can be reduced to conducting activities in the form of presenting strength and assistance, or (less often) convoying selected units. During the armed conflict, frigates should constitute the main striking force and be supported by corvette teams and submarines, whose aim should be to prevent the development of enemy forces and conduct landing operations on the Polish coast.

3.3 The scope of combat training

The level and scope of combat training is usually determined by the form of maritime activity, which means that it should evolve along with the modification of the concept of conducting combat operations. As a consequence of the tasks assigned to the Polish Navy in such a way, it should cover four areas. The leading should be training in the implementation of tactical activities that are part of the naval defense operation conducted together with training in the field of conducting systematic activities and resulting from counteracting non-traditional, or hybrid threats. This training should be extended to include issues related to practical ways of responding to incidents carried out in waters subject to Polish legal jurisdiction, or the open sea. It should include the exercise of tactical episodes, requiring the application of the principle of the need to use force, and the proportionality and adequacy of the military potential used. The third area of combat training should be the preparation of ship crews to eliminate the possibility of using sea basins for criminal activities, or violating the sovereignty of the state, and the fourth – to control sea users for the legality of their maritime activities.

CONCLUSIONS

War fleets are built on the basis of long-term concepts and a plan for using units for a minimum of 30 years. They should be successively introduced to service in a way that ensures both the ability to perform entrusted tasks and an appropriate level of modernity understood as keeping up with modifications

in the manner of conducting military operations at sea. The weakness of the current situation of the Polish Navy, but also its chance is the practical technical and combat collapse of this kind of armed forces, which occurred during the period of radical transformation of the maritime activity of the powers, and thus of the coastal states. It is therefore possible to define the medium-term concept of maritime policy, resulting from the long-term development plans of the state, and based on it, to create the concept of ensuring maritime safety. A vision of conducting maritime activity, treated as a plan to ensure the protection of Polish interests related to the use of sea basins and to defend the state against an attack from the sea, or attempts to seize the sea. This concept will allow constructing a long-term development process for naval forces and determining their combat potential. Potential understood as possessing forces and means of political and military influence allowing to ensure achievement of national interests in itself, or in the alliance. It should be created on the basis of the strategic assumptions of the state policy, successively implemented legal regulations that will allow for the effective achievement of national interests in accordance with international law and the preparation of force instruments allowing support for the process of achieving them. Assuming that the basic instrument of force impact on sea waters is the navy, it should be recognized that the ability to achieve them is determined by its efficiency and ability to use combat properly.

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