Preparation of National Infrastructure for Performing Defensive Tasks in the Light of Applicable Laws

MajGen Dariusz Ryczkowski

e-mail: dryczkowski@mon.gov.pl
Ministry of National Defence, Warsaw, Poland

ABSTRACT:
The article gathers synthesized information on infrastructure for defense use. It is the research query of accessible acts of common law on the subject. Based on general system recommendations, conclusions have been drawn on the development of defense infrastructure at the national level, and at the level of specific sections of public administration. The article is a critical analysis of existing organizational and legal solutions introduced in the period between the time of system transformation in the 1990s and 2018.

KEYWORDS:
national defense infrastructure, national security, government and local government administration, development, civil defense
Introduction

Based on the provisions of the Constitution of the Republic of Poland¹ and a number of other legal acts, including in particular the Act² on Common Obligation to Defend the Republic of Poland, and guided by the assumptions of the Strategy for Responsible Development³, there is a need to assess the long-term development of the country’s defense infrastructure. This process should be an interpretation to prepare, ensure continuity of operation and restoration of key defense infrastructure in the event of a crisis of military and non-military nature.

The Strategy for Development of the National Security System of the Republic of Poland 2022⁴ identifies tasks related to the development of defense infrastructure, i.e.:

– planning and implementation of tasks related to non-military state defense preparations, including projects securing the needs of the armed forces and allied armies;
– the tasks included in the Program for Mobilization of the Economy (PMG)⁵ and the Program of Non-Military Defense Preparations (PPPO)⁶;
– creation of the Government Strategic Reserves Program⁷;
– integration of defense planning⁸ and crisis management processes by ensuring coherence and identity of undertaken actions included in crisis management plans and in operational plans of functioning of public administration bodies, operational plans of using Polish Armed Forces;
– taking action to coordinate the organizational and deployment plans of the Polish Armed Forces with the findings of documents concerning regional development, spatial planning and development, environmental protection and culture and national heritage protection;
– improving the state of preparation and readiness of the state’s transport infrastructure;
– improving the state of support and securing the needs of the Polish Armed Forces and allied forces by subordinate structures, organizational units and entrepreneurs carrying out defense tasks in the period of external threat to state security and during the war;
– taking action to take into account the requirements of state defense and security in local planning and spatial development documents.

³ Resolution No. 8 of the Council of Ministers of 14 February 2017 on the Adoption of the Strategy for Responsible Development until 2020 (with an until 2030), Polish Official Gazette 2017 item 260.
⁵ Program for Mobilization of the Economy.
The above tasks are the responsibility of the government and self-government administration as defined in the applicable acts of law. It should be emphasized that the responsibility for defense tasks is not only the domain of the Ministry of National Defense, which is not always properly reflected in public space.

The development of infrastructure and the security sector are interlinked. Construction of a modern transport system, in particular public roads, modernization of railways, airports and inland waterways combined with the introduction of modern means of transport is one of the key areas in the system of defense preparations and crisis response of the state. Ensuring an appropriate number of shelters and hiding places for the civilian population, combined with the assessment of the preparation of the health care and medical rescue infrastructure, should be coherent with the state development strategy, with particular emphasis on ensuring the safety of large urban agglomerations and industrial centers. This will contribute to ensuring the livelihoods of the population, including the possibility of its evacuation, and will become an important element of support for the Polish Armed Forces and allied forces in the event of crisis or armed conflict. Combining the state training infrastructure with the needs of pro-defense organizations and all organizational units and legal entities that are components of the state security system should ensure the effect of synergy of training and economical use of financial resources for the creation and use of such facilities.

The development of infrastructure in the security sector also affects the development of infrastructure in regions where the sector’s facilities operate. Spatial policy in these areas should, as far as possible, aim at joint use of the infrastructure for both national defense and security purposes, as well as for regional development. All authorities and government administration bodies and all state institutions, local government, entrepreneurs of particular economic and defense importance and other organizational units performing tasks under the general duty of defense as well as crisis response tasks should be actively involved in the process of development and maintenance of the capabilities of this fundamental area of security. Currently, there is no single document that would express the state policy in this area. Defense infrastructure is one of the most important elements necessary for the proper functioning of the country in peacetime and in states of threat to state security. Increasing the defense potential is a common responsibility and an obligation that goes beyond the Ministry of National Defense. An extensive and complicated legal system creates problems of an organizational and coordination nature, which results in protracted decision-making processes. A clear and simple legal system for security and defense is one of the most important factors enabling the organization of an efficient security system and safeguarding national interests. This study attempts to diagnose the current state of affairs regarding the preparation of the country’s defense infrastructure for the implementation of tasks of a military and crisis nature, taking into account only information of an open nature. Moreover, the directions of proper evaluation of the existing compiled system of defense infrastructure development were indicated.

Literature review

The paper analyzes both the source texts and the subject matter of geopolitics, internal and international security, as well as the history of the Polish state, political science, interna-
tional relations and sociology and anthropology. At the beginning of the 20th century, mainly German geopoliticians: Friedrich Ratzel, Karl Haushofer and Carl Schmitt, wrote about the use of large-scale ideas. In the article, however, attention was focused on the matter not touched upon in the literature – the ideas of great space not defined and the geopolitical concept of the Republic of Poland, which appears to be an original conceptual observation of the Polish soft power. This part of the article presents the use of this concept in modern times and possible needs for its strengthening, nowadays in the field of state security.

Methods

The work was based on a study of analysis and evaluation of the functioning provisions of common law. The broad and interdisciplinary approach to research on the ideas of large space allows for a theoretical and pragmatic approach to this phenomenon. Additionally, the following methods have been used in this publication: logical-rational, referring to the technique of deconstruction of theoretical-operational concepts, construction of relations between them and socio-political facts and definition design, as well as heuristic in its dimension of thinking and construction of deductive and inductive judgments. The study is an analysis of the existing conditions and refers to the properties of the idea of large space as a concept, but also to the essence of soft power in the contemporary international security environment.

General characteristics of the components of the national defense infrastructure

Military Infrastructure of Closed Areas

Military infrastructure (as one of the essential elements of the defense infrastructure are all land properties under the control of the Ministry of National Defense and constituting closed areas and stationary (and in exceptional cases mobile) facilities and equipment which, in accordance with their purpose, serve to meet the needs of the Armed Forces, and in particular the command, livelihood, training and movement of troops.

The development of military technology and modernization of the Polish Armed Forces indicates the need to expand the facilities for logistical security and training of military units. The above is systematically implemented within the framework of field plans resulting from the Armed Forces Development Program.

The challenges related to the formation of new military units (including subdivisions of the Territorial Defense Forces) and increased presence of allied forces on the territory of the Republic of Poland indicate the need to acquire additional military properties and to introduce legal and organizational tools to ensure effective use of part of the infrastructure of the Polish Armed Forces by external entities being elements of systemically understood

public security. These needs largely relate to the development of training infrastructure of military training grounds, exercise areas and shooting ranges, as well as to the provision of the protection zones of these facilities required by law.

Civil Defense Infrastructure

The preparation and organization of shelters is one of the main civil protection tasks resulting from the Protocol Additional to the Geneva Convention of 12 August 1949 for the protection of victims of international armed conflicts. At present, there are no executive regulations obliging the investors of multi-family buildings, public buildings to prepare part of the buildings for the function of a protective structure in which it will be possible to organize shelters and hide to ensure the protection of civilians.

In addition to training conducted by the Civil Defense in the field of evacuation and defense and counteraction, parallel activities should be carried out in the development of infrastructure resources of buildings and protective premises. Current resources enable effective protection of less than 3% of the country’s population 11, which is one of the lowest indicators in Europe. A significant part of the resources are constructions with many years of exploitation, even during the Second World War.

In the event of a localized conflict where only conventional weapons will be used, the lack of an effectively functioning protective infrastructure can result in human losses that are difficult to estimate and, if WMD is used, the effects can be disastrous.

The maintenance of functional protective infrastructure is dedicated to creating permanent management points not only in times of crisis and war, but also in times of peace. It will also make it possible to deploy (dislocate) at such points, devices and equipment to support the protection of civilians.

The technical condition of existing protective structures (shelters and hiding places) remains unsatisfactory. Most of them do not perform protective functions, especially in terms of tightness of filtering systems and equipment. Due to the high costs of modernization, building managers resign from maintaining the full efficiency of the installed facilities and equipment of shelters and hiding places, which results in a significant decrease in their usable value from year to year. There are no clear provisions on the technical conditions to be met by protective structures and their operating conditions. The provisions of the Ordinance of the Council of Ministers on the Conditions and Procedures for Planning and Financing of Tasks Performed by Government Administration Bodies and Local Government Bodies as Part of the State’s Defense Preparations12, within the framework of tasks related to the organization of collective and individual civil

11 Adopted by the Minister of Interior and Administration on 29 May 2019. “Assessment of Civil Protection and Civil Protection Preparations in Poland for 2018” – diagnosis of the state of preparation of civil protection bodies and formations, other entities, as well as the population, for the implementation of tasks in conditions of external threat to state security and during the war, with conclusions.

preparation, only indicate undertakings related to the “maintenance of protective structures”. Thus, there are no grounds for investing in the preparation of new protective structures, especially in developing urban agglomerations and highly industrialized areas that may constitute primary targets of attack.

**Infrastructure to Ensure Transport Capacity**

The preparation and maintenance of transport infrastructure in the framework of the state’s defense preparations has a fundamental impact on the implementation of the relocation of military units as well as military equipment and supplies in the form of march, transport or transfer in order to form a deliberate combat grouping or to concentrate forces and resources both in peacetime and in warfare. This includes:

– securing the transport and movement of troops as part of the operational development of the strategic shield forces and other military units during their mobilization and operational development;

– ensuring the reception of PKW forces and resources returning from missions outside the country;

– securing the transport and movement of troops of the main defense forces in accordance with the intention of the operation by directing traffic, ensuring the continuity of supplies to troops assigned to the operation and evacuating supplies, supplies from the immediate emergency areas;

– accepting the forces and means of the Allied Forces of Strengthening and their subsequent supply;

– maintaining continuity of supply of means of supply for operational troops.

Preparation of transport infrastructure as part of the state’s defense preparations also includes undertakings related to ensuring conditions for safe evacuation of people and property from endangered areas. The basis for the preparation of transport and transport infrastructure for defense purposes are the provisions of legal acts of statutory rank and regulations of the Council of Ministers issued from these delegations. Defensive tasks in the field of preparation of transport and transport infrastructure for defense needs are generated in the ministry of national defense (in accordance with established internal ministry procedures), consulted with relevant ministries and voivodeship offices, and then sent

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for implementation in government administration departments (DAR) by ministers and
voivodes. The coordination in the scope of preparation and functioning of transport for the
defense needs of the state in time of peace, increasing the defense readiness of the state
and in time of war is performed by the minister in charge of transport\textsuperscript{15}. Preparation of
transport and transport infrastructure for defensive needs in the departments of govern-
ment administration and at the level of provinces is carried out on the basis of the Program
of Non-Military Defensive Preparations of the Republic of Poland (PPPO RP)\textsuperscript{16} and
Ordinance Z-2 of the Minister of Infrastructure of 25 May 2018 on the List of Roads of
Defensive Importance or Their Sections\textsuperscript{17}. In the network of roads planned for relocation
of own troops and allied forces there are the so-called “infrastructure barriers” which do
not meet the technical and defensive requirements for efficient supranational transport.
The emergence of increased requirements related to securing the relocation of own and al-
lied forces resulted in the need to designate a road network to secure the passage of vehi-
cle columns, including combinations of vehicles transporting heavy technology. As a re-

dult of a detailed analysis of the national road network, routes were selected for the
displacements of high-preparedness forces, including oversized units (weight of about 100
tons and axle loads up to 115 kN). In order to enable full freedom of movement, includ-
ing heavier sets (weight of approx. 120 tons), activities aimed at improving technical pa-

rameters of road sections and engineering structures are carried out on the selected road
network. Deteriorating technical condition of railway loading points causes significant
limitations and threats to the implementation of military rail transport, including mainly
the transfer of materials and military technology. The general state of preparation of the
selected railway infrastructure for defense needs, in particular the infrastructure perma-
nently used to ensure the functioning of the state secures the assumed transport needs. In
order to enable full freedom of movement of railway transports, after the selected railway
network, it is necessary to ensure modernization of railway loading points important for
the needs of the Polish Armed Forces and maintenance of railway lines of exclusively de-
fensive importance. There is an increasing need to use the economic and defense poten-
tial of seaports, especially for reloading for the benefit of the Polish Armed Forces and al-
lied forces, accepting strategic supplies and military transports, as well as for securing the
operation of the entire economy in case of threat. Development of a common database on
port (transport) infrastructure which is possible to secure reloading and further movement
of military transports, being in the management boards of sea ports (local government
units) and managed by the Minister of Infrastructure and organizational units subordinate
to him – necessary to secure the needs of the Polish Armed Forces and allied forces.

\textsuperscript{15} Ordinance of the Council of Ministers of 3 February 2004 on the Conditions and Manner of Preparation and Use
of Transport for the Defense Needs of the State, and Its Protection During War, and the Competence of the Authorities in
These Matters, Journal of Laws of 2004 No. 34 item 294.

\textsuperscript{16} Program of Non-Military Defense Preparations of the Republic of Poland in the Years 2017–2026.

\textsuperscript{17} Ordinance No. Z-2 of the Minister of Infrastructure of 25 May 2018 on the List of Roads of Defensive Importance
or Their Sections.
Infrastructure to Ensure the Functioning of Health and Emergency Medical Services

The assessment of the state of health care infrastructure requires consideration of the directions of its development for the purposes of tasks in crisis situations (including natural and technical disasters, pandemic of infectious diseases) and in situations of warfare.

Additional development needs of military health care infrastructure resulting from:
- the increasing number of the Polish Armed Forces (including Territorial Defense Forces);
- increased allied presence, including American troops in Poland;
- increased training activities of the Polish Armed Forces and NATO Alliance troops;
- technological progress in medicine;
- the existence of threats of a terrorist nature using highly dangerous biological means. They require an analysis of existing tasks combined with the geographical location of the infrastructure dedicated to tasks planned for implementation during the crisis and war.

The overall assessment of the existing situation is influenced by:
- the progressing process of decapitalization of facilities (infrastructure, equipment and facilities) and an increase in the costs of investment tasks in terms of planned expenditures for this purpose;
- ensuring the operation of facilities on the Critical Infrastructure List (CIP) for the health care system, in terms of possibilities to support investment activities;
- lack of legal regulations concerning the provision of financing of medical security for the Polish Armed Forces in crisis situations, which hinders the process of restoring assets and reserves;
- ensuring the functioning and coordinated development of facilities (units) responsible for the prevention and counter-epidemic activities for communicable diseases and other diseases caused by environmental conditions, including those related to the recognition of biological threat factors, including those of a military nature;
- lack of electronic exchange of information on medical events between units of the military health service providing qualified and specialist medical care, and medical entities used for state defense needs, as well as between the above mentioned units and NATO’s system of medical information and coordination to ensure the whole range of medical and prophylactic activities of soldiers typical for a given stage of evacuation.

Training Infrastructure

The level of availability of training and training infrastructure, including district level shooting ranges and exercise areas (tactical, fire), for training the military and non-military system, including certified military uniform classes, is insufficient.

In the resources of the Ministry of National Defense, there are just over 110 garrison shooting ranges, of which just over 50% meet the conditions to conduct a shooting training with the use of live ammunition. One of the main factors limiting the exploitation of shooting ranges with the use of live ammunition is the lack of possibility to designate protection zones in accordance with the requirements set out in the Ordinance of the Minister of National
Defense on Technical Conditions to Be Met by Garrison Shooting Ranges and on Their Location\textsuperscript{18}. Rifle ranges operating outside the Ministry of National Defense are used under separate regulations\textsuperscript{19}. In the documents in question, the legislator does not order the designation of danger and protection zones. It indicates that the shooting range should be located in a manner which does not violate the requirements of environmental protection and excludes the possibility of getting out of their area with bullets fired from the gun from the positions in a manner consistent with the shooting range regulations. However, the general rule does not specify the type of weapon, the caliber of which can be fired at a given shooting range.

There is a need to expand the training capacity of training grounds in order to increase the capabilities of the Polish Armed Forces and allied troops, e.g. by acquiring land for the needs of training ground centers and taking into account the defense needs in spatial planning documents. The procedures of soldiers’ access to the objects (places) of planned exercises being the property of the local government (e.g. bridges, dams, dams, places of crossings, forest areas, roads, etc.) are a certain difficulty.

The current regulations directly and directly allow for free (mutual) sharing of real estate with sports (training) infrastructure between the Ministry of National Defense and other services, local government units. It is only possible to use such facilities on the basis of civil law contracts. In such cases, the only free form is the conclusion of a lending agreement, where the borrower is obliged to bear the ordinary maintenance costs of the borrowed property. The above mentioned way of regulation requires obtaining appropriate individual consent and regulating in the contract with the organizer a number of issues related to security and insurance of persons using military facilities.

Critical Infrastructure

The national security system is based on dispersed legislation. The management of national security is of an interdisciplinary nature, including crisis management regulated by separate regulations\textsuperscript{20} and the management of state defense\textsuperscript{21} - however, there are no legal regulations which would combine activities undertaken in both areas of national security into one coherent system of managing national security. This is reflected in the approach to the broadly understood protection of critical infrastructure and objects of particular importance for national security and defense. The concept of Critical Infrastructure derives from the Act on Crisis Management and is subject to protection in the crisis response system.

\textsuperscript{18} Regulation of the Minister of National Defense of 4 October 2001 on Technical Conditions to Be Met by Garrison Shooting Ranges and Their Location, Journal of Laws of 2001 No. 132 item 1479 with later amendments.


The concept of objects important for state security and defense derives from a regulation\(^{22}\) issued on the basis of the Act on the Common Obligation to Defend the Republic of Poland.

There are no regulations creating a coherent, coordinated system of defense planning and response to threats such as:

– crisis in non-military terms (natural disasters, technical failures, terrorist events, etc.);
– military crisis (before the war threshold), including consideration of the undertakings and procedures of the NATO Crisis Management System (NCRS);
– military crisis in the sense of armed conflict.

The current regulations resulting from the Crisis Management Act do not grant the right to financial support to IK operators in terms of proper preparation of facilities to fulfil their tasks and maintain continuity of operations, i.e. financing investments in the protection and logistic security of the CI facility.

There are inconsistencies and differences of interpretation of the provisions of the Act on the Protection of Persons and Property\(^{23}\) and the Anti-Terrorism Act\(^{24}\) in the scope of the powers vested in the Police and the Minister of National Defense, concerning the agreement of plans for the protection of military facilities deemed to be subject to mandatory protection, as well as the checking of military protection of critical infrastructure facilities, in the case of introducing Second or higher alert levels. There is a complex system of developing and agreeing plans for the protection of critical infrastructure and the obligation to agree on the entire CIP document containing classified information with all voivodeship institutions of government administration, in accordance with the regulation contained in the Regulation of the Council of Ministers on Plans for the Protection of Critical Infrastructure\(^{25}\). Currently, the agreement is also subject to supplementary documents resulting from the regulation contained in the Act on the Protection of Persons and Property\(^{26}\).

**Infrastructure to Ensure the Functioning of the Control System**

Preparation of the infrastructure for the needs of the management system in accordance with the Regulation of the Council of Ministers on the Preparation of the National Security Management System consists in the\(^{27}\) selection of existing or construction of new buildings and the execution of plans for their adaptation and equipment enabling their use in the event


\(^{24}\) *Act on Counter-Terrorist Activities, Journal of Laws of 2016 item 904 with later amendments.*


of internal or external threat to national security and during war. Facilities for management positions are prepared on the basis of general purpose buildings, adapted to the planned function, and special facilities at all organizational levels of the state. The need to develop current requirements for the proper preparation of management positions (main and backup) for the needs of state authorities, governmental and local government administration is indicated.

There are no unambiguous definitions in the legal trade that would define: a special object, an object adapted to the needs of management positions, an object and rooms of a protective character, as well as the criteria of resistance of protective objects to the means of destruction, which results in a variety of interpretations of these concepts and requirements.

At present, the preparation of facilities for the SKBN uses the Conditions to Be Met by Newly Built Special and Other Facilities Adapted for Management Positions developed in 2008 in the Ministry of Infrastructure. Nevertheless, there is a need to clarify the information on how the provisions of par. 23 of the Regulation on the preparation of the national security management system are to be implemented in the scope of the legal delegation implementing the document in question. This problem also applies to the other documents listed in par. 23 of the Regulation in question, which need to be assessed and adapted to modern requirements for facilities intended for management posts. Both the preparation and financing of the construction or adaptation of the buildings for the SKBN, depending on the level of the authority for which the management post is prepared, and even on the type of post (main and backup), rests with the different institutions and depends on the financial resources available. There is no single joint state-financed program that would comprehensively and unilaterally cover the construction (modernization) of facilities to ensure the continuity of the state’s governance in times of security and war, taking into account contemporary threats. The existing regulations are insufficient. Normative documents, which are the basis for defining the requirements and estimating the scope of necessary adaptation works aimed at proper preparation of the selected infrastructure for the needs of backup posts for managing the departments of government administration and voivodes, require clarification. Due to differences in the interpretation by local government bodies of legal regulations concerning benefits in kind, there are problems in obtaining the allocation of facilities (not being in the management board) for the needs of the management system.

There are no clear regulations in the legal cycle:
– making the objects immune to the influence of the means of reconnaissance and weaponization of the enemy, including masking and preparation of hiding places and shelters, as well as special construction;
– imposing benefits in kind on local government bodies with regard to obtaining the allocation of facilities for management positions (not being in the management of a given institution);
– masking of objects, defense infrastructure devices, including those planned to be used for the purposes of the management system, as well as investment projects implemented in this area. The dynamic development of technology for obtaining information, in particular from the space and aviation point of view, combined with information in legal acts, in particular spatial databases created on the basis of these acts,
requires a new approach to the implementation of masking in the broadly understood defense infrastructure.

Defense Tasks to Ensure the Continuity of Functioning of Selected Objects of Particular Importance for the Security and Defense of the State

Insufficient regulations were diagnosed as regards the participation of the non-military system in the process of ensuring continuity of operations and reconstruction of facilities damaged as a result of warfare, particularly important for national security and defense, including reconstruction and preparation for operational use of airports, war ports, road and rail infrastructure used for the needs of the Polish Armed Forces and the allied forces. Insufficient regulation on the creation and maintenance of strategic reserves requiring re-evaluation in order to increase the state’s resilience to non-military and military threats, including the provision of guarantees to secure the reported needs and the creation of effective mechanisms enabling the preparation of material and technical facilities (maintaining stocks or providing supplies of structures, equipment and building materials) as part of the technical protection of particularly important facilities. Insufficient number of construction companies included in the list of entrepreneurs of particular economic and defense importance28, which can support projects implemented during the crisis or war, in the field of defense construction, including fortifications, airports, hydrotechnics, etc. Insufficient number of enterprises managing airports (including airport facilities) and enterprises managing seaports (including port facilities) included in the list of entrepreneurs of particular economic and defense importance29, which could perform tasks in the field of maintenance and reconstruction of infrastructure for the transport system during the crisis and war.

The provisions of the Act on Organization of Tasks for the Benefit of State Defense Performed by Entrepreneurs30 do not directly include entrepreneurs whose object of activity is construction works exceeding the scope assigned to transport infrastructure.

Clarifications require illegible and ambiguous provisions on assurance of:
– participation of the non-military system in supporting defensive activities in the area of land engineering development and preparation of protective facilities;
– priority supply of construction structures, materials and equipment for the urgent restoration of particularly important works which could be damaged or destroyed by war or other crisis factors, including natural disasters;
– in the area of conducting business activities in the field of civil engineering and hydrotechnical construction for the needs of the state defense system. There are difficulties in the proper preparation of non-military operational plans due to organizational and

technical constraints on the performance of classified documents with the required security classification by state and local government administration bodies.

National Spatial Planning and Development, Including Maritime Areas

It should be noted that the provisions of the Act on Spatial Planning and Development obliging local government units to immediately take into account the defense needs in planning documents in the area of spatial development are ambiguous. This state of affairs leads to a situation in which local needs take precedence over the needs of the state.

The current legal status hinders the implementation of a coherent national defense and security policy. Moreover, this situation poses a threat to the smooth functioning of the closed areas of the Ministry of National Defense. The lack of provisions in the above mentioned Act, obliging to agree on the decision to determine the location of the public purpose and the decision on the conditions of development, before they are issued with a competent military authority, creates premises to limit or even prevent the use of military complexes and facilities located on their territory, in accordance with their purpose. In order to ensure the security and defense of the state, the spatial policy must create conditions to take into account the requirements of the defense and security of the state in all planning studies on spatial development at the national, provincial and local levels. The effect of the spatial policy should be, among other things, efficient and collision-free functioning of the armed forces and institutions and services operating in the sphere of national security. At the same time, this policy should use the features of areas serving the defense and security of the state for the development of the region.

A serious problem in this area is the low interest of local governments in the implementation of local spatial development plans for areas adjacent to military confined areas. As a result of the lack of appropriate legal measures mobilizing local authorities to carry out these plans, the issues related to the establishment of protection zones for closed areas requiring it are protracted. This limits the possibility of planning activities by military property managers and results in spatial conflicts related to the functioning of military complexes.

Areas serving the defense and security of the State require, in view of the need to ensure appropriate conditions for the implementation of defense tasks and the need to ensure spatial order, the integration of the space associated with them with the space surrounding them. Therefore, it is necessary to designate buffer zones around them in spatial development planning studies, which will require appropriate inclusion in local spatial development plans. These zones should, on the one hand, serve to protect the defensive functions of these areas and, on the other hand, use their features as far as possible for the proper development of the space surrounding them. This requires appropriate coordination of spatial development activities between the competent authorities of the security sector and the competent local authorities. Spatial development of maritime areas is carried out in accordance with the provisions of the Act on Maritime Areas of the Republic of Poland and Maritime Administration of 21 March 1991 on Maritime Areas of the Republic of Poland and Maritime Administration, Journal of Laws of 2019 item 2169.
Administration. The legal regulations in this respect raise the obligation to take into account the needs of national defense and security. The Minister of National Defense agrees on planning studies in this area. On the other hand, the practical implementation of the above mentioned arrangements may be difficult to compete with the expectations of other stakeholders in maritime areas and despite the “strong” legal advantages (including the provisions on the implementation of defense tasks without restrictions in maritime areas), difficulties may be expected in terms of full provision of defense needs in these studies (e.g. when locating wind farms). The development of maritime areas and the expansion of the existing or construction of new seaports is an important element of the economic development of the country. This development should be connected with ensuring defense needs. In particular, it cannot be allowed that planning or implementation of the mentioned investments would limit the defensive capabilities of the Republic of Poland. Lack of plans for development of maritime areas, especially in the scope of unambiguous determination of areas for the needs of wind energy, results in a number of disputable issues at the stage of planning of the mentioned investments, especially in the scope of potential negative impact of the farms on communication and spatial imaging systems and covering up potential objectives for the defense of the coast. An important element in the light of the operational needs of the Polish Armed Forces and the freedom of movement of the allied forces is the connection of land road infrastructure, railways and airports with roads and railways inside ports. At the European Union level, the Action Plan on Military Mobility was announced on 28 March 2018. The said Plan assumes the possibility of financing the modernization and adaptation of civil infrastructure for military transport from EU funds. These investments are designed to serve the dual civil-military use of transport infrastructure covered by the Trans-European Transport Network (TENT-T). The integrated maritime policy of the European Union creates conditions for effective implementation of the maritime policy of the Republic of Poland. Conducting the maritime policy requires continuous and efficient exchange of information between entities involved in the process of its creation. The Ministry of National Defense through participation in the currently implemented maritime projects (e.g. Spatial Development Plan of Polish Maritime Areas in the scale 1:200 000 together with the Environmental Impact Assessment) in a key way influences their creation and better decision making in matters of effective use of the Polish maritime space, serving the national defense and security.

Forecast of Opportunities for the Development of the Country’s Defense Infrastructure with Recommendations of a Systemic Nature

Bearing in mind the conclusions from the analysis of many aspects of the preparation of the country’s defense infrastructure, it is necessary to undertake actions of a directional nature in the following layers: legal, organizational and scientific and technical to ensure its proper level of development.

The main analytical work should concern the areas of defense infrastructure listed in the diagnostic part with particular emphasis on:

– preparation of infrastructure for the needs of operational programs related to equipping the Polish Armed Forces with acquired military technology;
– preparation the infrastructure for the dislocation of the allied forces on the NATO eastern border;
– preparation of infrastructure for newly formed military units, including Territorial Defense Forces;
– expansion of military training facilities, including mainly field training centers.

Summary

The overriding need to enable the development of the country’s defense infrastructure is to develop a decision-making document of state rank, aimed at systemic regulation of the maintenance and development of infrastructure that can be used for defense purposes. The document should include:

– inventory of infrastructure that can be used for defense purposes;
– to present a transparent, effective and unambiguous system of maintaining and developing defense infrastructure in terms of indicating the competences of state authorities;
– taking into account changes in the security environment in defense planning and crisis response;
– identification of priorities and objectives to be achieved and a timetable for action resulting from the needs analysis of the area.

Achieving measurable effects through:

– ensuring that the Polish Armed Forces and the allied forces have the conditions and capacity to defend the country and fulfil their allied obligations by preparing adequate defense infrastructure;

– ensuring (in the area covered by the document) the possibility of realization of defense tasks by public administration bodies and entrepreneurs, serving the achievement of specific military and non-military defense capabilities, including those enabling the realization of operational tasks related to securing the needs of the SZ RP;

– ensuring a clear legal definition of the scope of cooperation between institutions, organizations and circles in the military and non-military areas and the government and local government administration in the field of infrastructural state defense preparation;

– ensuring that the issue of defense infrastructure resilience is addressed in advance in the light of the progressive development of the means of action by a hypothetical opponent against hybrid threats (below the threshold of war).

An action adequate to meet the above challenges is to develop, adopt and implement, at the level of government administration, a program for the development of defense infrastructure with a perspective converging to that of the Polish Armed Forces, i.e. by 2035.
STRESZCZENIE:
W artykule zostały zsyntetyzowane informacje o infrastrukturze w funkcji jej zastosowania obronnego. Przeprowadzono kwerendę dostępnych aktów prawa powszechnego regulujących przedmiotowy obszar. Sformułowano wnioski o charakterze ogólnych rekomendacji systemowych, dotyczące rozwoju infrastruktury obronnej w ujęciu krajowym oraz poszczególnych działów administracji publicznej. Przeprowadzono krytyczną analizę rozwiązań organizacyjnych i prawnych, obejmującą okres od transformacji ustrojowej w latach dziewięćdziesiątych do 2018 roku.

SŁOWA KLUCZOWE:
infrastruktura obronna kraju, bezpieczeństwo narodowe, administracja rządowa i samorządowa, rozwój, obrona cywilna

Reference


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Corresponding author: MajGen Dariusz Ryczkowski, Ministry of National Defence, Warsaw, Poland. e-mail: dryczkowski@mon.gov.pl

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