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LEGAL AND ORGANIZATIONAL ASPECTS OF CONDUCTING JOINT OPERATIONS OF BG WITH SELECTED ELEMENTS OF INTERNAL SECURITY SYSTEM OF THE STATE

Abstract:

Actions undertaken by various subjects which aim at the prevention of threats, reaction to them or participation in getting rid of their outcomes make one realize that almost no institution is available to effectively conduct the abovementioned tasks on its own. Therefore the Commander-in-Chief of the Border Guard, making an effort to meet the needs resulting from the responsibilities and tasks laid out in appropriate law acts, signed numerous agreements of cooperation which regulate the scope of cooperation of the above mentioned formation with state institutions and NGOs.

Key words: *Prevention, cooperation, collaboration, crisis management.*

Actions undertaken by various subjects which aim at the prevention of threats, reaction to them or participation in getting rid of their outcomes make one realize that almost no institution is available to effectively conduct the abovementioned tasks on its own. Therefore the Commander-in-Chief of the Border Guard, making an effort to meet the needs resulting from the responsibilities and tasks laid out in appropriate law acts, signed numerous agreements of cooperation which regulate the scope of cooperation of the above mentioned formation with state institutions and NGOs.

To cooperate, according to the *Dictionary of the Polish language* means „to act jointly, to work together with someone, to help someone in some

activity”¹. A synonymous term is collaboration, i.e. „work performed together with someone; joint work, activity carried out together with someone”². There is a slight semantic difference between these two notions, mainly that the term „collaboration” is used to pinpoint the longevity of joint actions, whereas „cooperation” is related to one-time actions.³

In pedagogy collaboration is defined as „cooperation of individuals or groups focused on obtaining a common goal, which they perceive to be important e.g. students during group teaching or parents and school in the teaching process”.

The concept of cooperation and collaboration can be discussed in various aspects. Great importance is put on the organization which defines both the main and specific aims of cooperation or collaboration, resources necessary to carry out the tasks, as well as designating tasks to be handled by cooperating or collaborating subjects. Another aspect is related with coordination of activities of various institutions which conduct common endeavours and psychological and sociological issues concerning the effectiveness of common undertakings of units or groups. Proper organization of planned activities is without doubt a very important element that has an impact on the wholeness of the process, as it improves the possibility of reaching the desired goal. It constitutes a basis for the proper and effective collaboration. Coordination of activities helps one get rid of chaos and misinformation which, in turn, assures that the undertaken activities run smoothly and properly. The important issue one has to mention here is the precision of information given, the dependence and precision of tasks for particular subjects. Each one has to be aware of its role – is it cooperating or leading institution, what actions are to be carried out, what kind of equipment can be used, i.e. generally speaking what resources and manpower can be used and the condition for their usage. The arrangements mentioned above are extremely important, but what is even more important in this process is the man himself or, to be precise,

¹ *Słownik języka polskiego*, ed. M. Szymczak, PWN, Warszawa 1981, t. III, p. 768.

² *Ibidem*.

³ Comp. *Współczesny wymiar funkcjonowania Straży Granicznej*, ed. B. Wiśniewski, Z. Piątek, AON, Warszawa 2006, p. 34.

pne's attitude towards the tasks at hand. The success of the whole situation depends on him or her, on their knowledge, skills, involvement, motivation or resistance to stress. One achieves success only when all the elements are in harmony.⁴

In the context of the abovementioned considerations to accurately present the next problems one has to recall important issues related with such terms as: „crisis management” and „internal security system of the state”. Taking into account the intentions of the author i.e. to present problems reflected in the title of the paper both in cognitive and utilitarian aspect, as well as the documents being analysed, the first of the abovementioned terms shall be explained based on the law act of 26th April 2007 on crisis management. This act defines *crisis* management as: „actions of public administration bodies that serve as managing elements of national security, which consists of preventing crisis situations, getting ready to control them based on previously planned activities, reacting in cases of crisis situations, removing their outcomes and recreating critical resources and infrastructure.”

Whereas *internal security system of the state* shall be perceived in this paper as a set of government and public administration bodies isolated from national security system, as well as relations coming between them in which the activity is related to protection of life and health of citizens and national wealth from violent unlawful actions, outcomes of natural disasters and technical accidents.⁵

In order to improve the effectiveness of action, the Commander-in-Chief of the Border Guard signed various agreements to this effect. The most important of these seem to be the agreements signed between the Chief Commandant of the State Fire Service, Chief Commandant of the Police, as well as Polish Medical Air Rescue of the Independent Public Health Care Organization.

⁴ B. Kaczmarczyk, *Racjonalizacja procesów zarządzania kryzysowego Straży Granicznej* (typed manuscript).

⁵ Comp. B. Wiśniewski, *Bezpieczeństwo wewnętrzne jako przedmiot badań*, [in:] *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji publicznej*, (ed.) B. Wiśniewski, S. Zalewski, WSA, Bielsko-Biała 2007, p.15.

In the frames of its duty the Border Guard collaborates with a number of NGOs. The list of these organizations is constantly increasing. The agreements (which have different legal forms accepted by both parties) are being signed both on local and central level (this concerns the agreements signed by the Commander-in-Chief of the Border Guard and Chiefs of BG Regional units). The essence of these agreements is the declaration of help by regional organizations, according to competences owned, mostly in terms of border protection and border traffic control, as well as (without diminishing other aspects) crisis management. The fact of signing such agreements is, on one hand, the sign of appreciation of the Border Guard to NGOs, and on the other hand an attempt to use (in a positive sense) the potential of such organizations. Last but not least, it is also a partaking in creating a civil society.

Recognising the importance of the abovementioned agreements for the support to the Border Guard in crisis situations, they are described in detail in the later part of this subchapter.

On 24th November 2009 the Commander-in-Chief of the Border Guard and the Chief Commandant of the State Fire Service signed an agreement on collaboration and mutual cooperation in terms of preventing and removing the outcomes of such dangers. The abovementioned central bodies of government administration have constant collaboration regarding⁶:

- „detecting, recognising and monitoring any threats that come into existence, in the scope of their own actions;
- alarming and informing through subordinate units of any fires, natural disasters and other local threats;
- supporting fire-fighting and search-and-rescue operations carried out by fire-fighting units on the territory secured by the Border Guard Regional Units, especially in terms of:
- conducting air and water searches and evacuation of endangered people and property, in difficult terrain and in-land water reservoirs;
- air and water transport, especially of rescue teams and equipment to en-

⁶ § 1 Porozumienie Komendanta Głównego Straży Granicznej i Komendanta Głównego Państwowej Straży Pożarnej z dnia 24 listopada 2009 r. o współdziałaniu i wzajemnej współpracy w zakresie zapobiegania i likwidowania zagrożeń.

dangered locations, and afterwards to the designated rallying-points of rescue teams;

- transporting headquarters, operation groups directly opposing the outcomes of disasters and experts with specialized equipment to the places of natural disasters and technical accidents;
- information exchange on threats, natural disasters and technical accidents that may have an impact on state border protection;
- providing mutual support respective to the needs and one's possibilities;
- conducting common trainings and exercises of units, in terms of cooperation during fire-fighting and search-and-rescue operations;
- equipping air vessels and other vehicles in proper equipment and communication devices necessary for the carrying out of the agreement in question.”

The Commander-in-Chief of the Border Guard makes air vessels with their crew and any other equipment accessible for carrying out the abovementioned tasks, while the Chief Commandant of the State Fire Service pledges himself to: secure the proper functioning of the equipment; secure cable and wireless communication devices; inform the Border Guard of the State Fire Service landing sites expected to be used during the action with their respective documentation; secure fire-safety precautions of the landing sites, air vessels and storage places for other equipment, as well as securing those places from outsiders⁷.

The means and manpower of the Border Guard used in the abovementioned situations in terms of operation fall under the command of a person responsible for rescue activities.

The communication in situations described in § 1 of the cited Agreement is done on the following levels:

- central – between managers of proper units of headquarters;
- local – between chiefs of the Border Guard Regional Units and regional chiefs of State Fire Service.

Managers of proper units of headquarters, chiefs of the Border Guard Re-

⁷ More, *ibidem*, § 6.

gional Units and regional chiefs of State Fire Service prepare „Plan of training, equipping and collaboration of regional headquarters of State Fire Service and the Border Guard regional unit in terms of preventing and removing threats using air vessels and other equipment”, that needs to be approved by both the Commander-in-Chief of the Border Guard and the Chief Commandant of the State Fire Service.

On the other hand, the Commander-in-Chief of the Border Guard and the Chief Commandant of the Police collaborate basing on the agreement of 17th June 2004 which specifies the following areas of collaboration:⁸

- „preventing and fighting crime, especially related to terrorist threats;
- protecting the state border;
- securing safety and public order;
- improving the methods of in-service activities;
- logistic support”.

Accepted forms of collaboration include: information exchange, sharing experience in terms of in-service activities, coordination of actions, common logistic and technical support.

Communication in situations described in § 2 part 1 of the cited Agreement is done on the following levels:

- central – between managers of Police Headquarters’ units and managers of the Border Guard Headquarters’ units in the frame of respective material competence;
- local:
 - between regional chiefs of the Police and chiefs of the Border Guard regional units on the area of their territorial responsibility;
 - between local (city, district) chiefs of the Police and chiefs of the Border Guard Outposts and Divisions on the area of their territorial responsibility.

Due to the risk to the BG officers’ health and life while on duty it is necessary to provide a professional paramedical service, as quick as possible, in the

⁸ § 2 part 1 Porozumienie Komendanta Głównego Policji i Komendanta Głównego Straży Granicznej z dnia 17 czerwca 2004 roku.

case of serious injury to officer's health. That is why on 08th June 2010 the Commander-in-Chief of the Border Guard and Polish Medical Air Rescue of the Independent Public Health Care Organization signed an agreement on the organization of rescue operations.

Collaboration in the abovementioned agreement is mostly about⁹:

- „Proving the Border Guard with specialized help in order to save life and health of the officers of the Border Guard;
- Organizing common trainings, exercises and manoeuvres in order to verify and improve the rescue procedures, as well as hone rescue skills;
- Exchanging teaching and training materials;
- Cooperation of training personnel during the process of organizing and conducting trainings and exercises, as well as their analyses;
- Using MAR network and radio communication systems for the purposes of collaboration during service;
- Experience sharing in terms of rescuing operations;
- Conducting the evaluation of the agreement, when need arises, but not less than once every two years”.

According to § 3 of the cited agreement the Border Guard officer may summon MAR helicopter when there is a need to give medical assistance to the BG officer whose health is suddenly threatened and he or she requires intensive care during flight, if any delay in providing medical service could pose a serious threat to their life or health, and especially in the following cases: when time of transport by air from the place of accident/distress call of the injured BG officer whose health is endangered to ER hospital unit or other centre is shorter than the time of transport by other means of transport and may be beneficial for further treatment; in circumstances that make it impossible or seriously hamper the process of getting to the injured BG officer whose health is endangered by other medical teams (e.g. topography of the

⁹ § 2 Porozumienie w sprawie zasad współdziałania Straży Granicznej i Samodzielnego Publicznego Zakładu Opieki Zdrowotnej Lotnicze Pogotowie Ratunkowe w zakresie organizacji działań ratowniczych zawarte w dniu 08 czerwca 2010 roku pomiędzy Komendantem Głównym Straży Granicznej a Samodzielnym Publicznym Zakładem Opieki Zdrowotnej Lotnicze Pogotowie Ratunkowe.

terrain) and in cases of mass accidents resulting in sudden threats where the need for medical services is greater than the capacity of medical teams on the spot, so there is the need for treatment and transport prioritizing of victims.

The coordination of collaboration on behalf of the Border Guard is conducted by the Chief of Staff of the BG Commander-in-Chief in terms of organization, carrying out and supervision of official actions, exercises and manoeuvres and by the Manager of Training and Human Resources Department of the BG Headquarters in terms of organization and carrying out the trainings.

Dislocation of the border Guard forces, as well as the area of their territorial responsibility specifies the scope of cooperation with NGOs. This cooperation is mostly directed at those organizations which in their activities focus on international cooperation (in material dimension) or on border zone (in spatial dimension) which closely corresponds with the essence of the Border Guard functioning in every conditions, especially during crisis situations.

Because of the character of Polish border, the author of this paper decided to present the most important aspects of the agreements that, according to the author, show the essence of the Border Guard's collaboration with NGOs. The list of such organizations also includes non-governmental rescue organizations which provide help to people in the mountains or on water, as well as scout organizations functioning inside the country. The first and second type of organizations are especially important, due to their area of work – mountains and rivers, which always served as natural borders.

A large part of Polish border is located in mountainous, areas therefore such organizations as Volunteer Mountain Rescue Service (GOPR) or Tatra Mountains Volunteer Rescue Service (TOPR) have a serious impact on the process¹⁰.

¹⁰ In the following part of this subchapter, to present the scope of collaboration of the Border Guard with mountainous rescue teams, the author used Porozumienie Komendanta Głównego Straży Granicznej i Tatrzańskiego Ochotniczego Pogotowia Ratunkowego z dnia 21 listopada 2000 r. w sprawie współdziałania Straży Granicznej i Tatrzańskiego Ochotniczego Pogotowia Ratunkowego.

The Border Guard collaboration with mountain rescue services is conducted on the basis of agreements signed between parties.

It is mostly related to the exchange of information about: accidents and facts that may influence the safety of people in the mountains; people traveling in the mountains that had accidents or run the risk of losing one's life or health, as well as any events that may have an impact on protection of the state border. Furthermore, both parties help each other in rescue operations, adequately to their capabilities, and to reach common position in cases requiring an agreement with the bodies of neighbouring countries, especially in cases of receiving an emergency call from the territory of the neighbouring country and conducting search-and-rescue operations in the mountains.

Rescuers-on-duty inform the Border Guard orderly officers about: rescue operations conducted towards missing people or people who have been injured in the mountains, when there is a justified suspicion that they have crossed the state border; threats to safety of people in the mountains due to weather conditions; events and facts which may have an influence on the protection of the state border. At the same time the Border Guard orderly officers inform rescuers-on-duty about people travelling in the mountains who had accidents or run the risk of losing one's life or health; personal data of people missing in the mountains whom the rescuers are searching for and who have crossed the state border in an operational border crossing point; events and facts that may have an influence on the safety of people present in the mountains.

The collaborating parties obey the regulations of the law act of 29th August 1997 on protecting the personal data and they do not violate the regulations of Polish law based on international agreements signed by Poland.

The collaborating bodies provide each other with any required help by sharing their own means of communication, transport and technical equipment, as well as by organizing common trainings on the rules of providing help during natural disasters in the mountains, climbing techniques and using specialized rescue equipment.

Due to the fact that the Border Guard officers serve also on water reservoirs¹¹ another body, that the Border Guard is collaborating with is Volunteer Water Rescue Service (WOPR). The cooperation is based on the agreement¹² signed between the parties. The Border Guard is represented by chiefs of regional units, training centres, outposts and divisions of the Border Guard, whereas WOPR is represented by the presidents of the boards – regional and district WOPR units.

According to this agreement the collaboration shall include sharing mutual help during crisis and rescue operations, especially on border waters, after prior evaluation of available manpower and resources. Furthermore the parties shall prepare common position in cases requiring an agreement with neighbouring countries, especially in cases of receiving a distress signal from the territory of a neighbouring country and conducting search-and-rescue operations on border waters. This collaborations also includes reconnaissance actions in terms of changes to the shoreline, currents and bottoms of inland waters located in the border zone.

The main form of collaboration accepted by both parties is the exchange of information about: events and facts that may influence the safety of people present on inland waters that are located in the border zone, or on internal sea waters, or on territorial waters; people present on inland waters that are located in the border zone, or on internal sea waters, or on territorial waters who had an accident or run the risk of losing one's life or health; events that may have an impact on the protection of the state border; events that may have an effect on recognition, prevention and detection of crimes and offences, and the process of pursuing their perpetrators, that fall under the scope of the Border Guard activity.

Other forms of collaboration include: coordination of activities in cases requiring an unified sequence of actions to improve the efficiency of operation; providing mutual support during operations in terms of facilities, spe-

¹¹ More in annex no. 2 of this study.

¹² Porozumienie pomiędzy Komendantem Głównym Straży Granicznej i Prezesem Wodnego Ochotniczego Pogotowia Ratunkowego zawarte w dniu 3 listopada 2010 r. w sprawie współdziałania.

cialized tools and equipment, as well as manpower, according to one's resources and possibilities; experience sharing obtained during various tasks; organizing and conducting training, as well as sharing training experiences.

A direct supervision over the fluency of collaboration on behalf of the Commander-in-Chief of the Border Guard fall to the Manager of the Border Board of the BG Headquarters, whereas on behalf of the Chairman of WOPR – WOPR Operation Group Coordinator.

Once a year the parties prepare a written report on the fulfilment of the Agreement.

All the undertakings mentioned in the Agreement are being settled, according to the principle that both parties – the Border Guard and WOPR, cover the costs of actions done for their benefit, whereas in case of actions mutually beneficial for both parties the costs are covered by the parties according to the previously agreed proportions.

Furthermore, taking into account the moral values upheld by Polish boy and girl scouts, who over the years many a time participated in the protection of the state borders and in the fights for independence of the Polish nation, but also to keep up the tradition of patriotic upbringing of children and teenagers which dates back to the period of the second Republic of Poland and to popularize the regulations on protecting the state border, the Commander-in-Chief of the Border Guard and the Chief of Polish Scouting and Guiding Association signed a cooperation agreement on 22nd December 1999¹³.

The abovementioned cooperation includes: initiating and organizing activities constituting patriotic behaviour patterns in children and teenagers, developing social skills based on humanitarian ethical and moral standards in children and teenagers, as well as popularizing information about the Border Guard's tasks amongst children and teenagers.

This cooperation includes such actions as organizing together with school principals lectures and contests related to border protection issues, organizing classes for children and teenagers on protecting the state border and compe-

¹³ Porozumienie Komendanta Głównego Straży Granicznej i Naczelnika Związku Harcerstwa Polskiego z dnia 22.12.1999 r. w sprawie współpracy Straży Granicznej i Związku Harcerstwa Polskiego.

titions on general knowledge of the Border Guard tasks. Furthermore, each year the Border Guard Headquarters helps to prepare and run a scouts' training camp for the Scout staff of the Border Guard, during which the officers of the Border Guard serve as specialized staff, and the scout's staff is comprised of the instructors of Polish Scouting and Guiding Association. Boy and Girl scouts also take part in inspection of the marking of the state border and in actions related to clearing of the the border zone.

In the frames of this collaboration Polish Scouting and Guiding Association organizes children and teenagers in special groups – the Border Guard's Scouts, in which, through work with the scouts, the BG officers help children and teenagers become interested in the Border Guard tasks and the issue of the state border protection. Furthermore the officers also look after and educate children and teenagers from the towns and villages located near the border zone.

It has to be added that the Border Guard officers are also responsible for popularizing the issues of the state border protection among children, teenagers and adults belonging to Polish Scouting and Guiding Association. They take an active part in various scouting activities, especially camps, rallies, bivouacs and out-door exercises in the border zone, but also in creating and running Polish Scouting and Guiding Association's training groups. Apart from the abovementioned activities, the Border Guard gives the scouts' organizations redundant and excessive material resources free-of-charge.

It also helps in the organization and development of the curriculum, serving as coordinator and supervisor of the process. All common endeavours need to be agreed by both parties – Polish Scouting and Guiding Association units and the Border Guard units. All common actions are evaluated on a yearly basis.

Summing up, it is important to pinpoint that the abovementioned agreements provide a list of previously declared actions, that may be undertaken during complex conditions, problematic for the process of carrying out the agreements on both sides. Therefore they are related to all the aspects of these agreements. Up until now such agreements were used in situations described

by collaborating institutions as crisis situations. This collaboration is systematically improved by means of briefings, meetings, conferences and trainings, including exercises.

Collaboration with NGOs just as collaboration with government bodies is not a sign of improper structures of organization, erroneous regulations concerning the organization of activities or improper level of the border guards' skill related to crisis situations, but an evidence of necessity of general preparations for opposing various threats and removing their outcomes. The above-mentioned agreements serve also as a attempt by the Border Guard to support NGOs in their statutory actions, which underlines the partnership.

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