

PRÁVNE PODMIENKY PRE ÚČASŤ HASIČOV A OZBROJENÉ SÍLY V BOJI PROTI VPLYVU MIMORIADNYCH UDALOSTÍ

WITALIS PELLOWSKI, ROBERT PICH, CEZARY A. KOZLOWSKI

LEGAL DETERMINANTS OF PARTICIPATION OF THE FIREFIGHTERS AND ARMED FORCES OF THE FIGHT AGAINST THE IMPACT OF EXTRAORDINARY EVENTS

ABSTRAKT

Tento článok sa snaží prezentovať dôležité, z právneho hľadiska, interakcie medzi hasiči a vojenských zložiek vylučovaných na vykonávanie úloh v prípade mimoriadnych a krízových situácií. Navrhované riešenia sú založené na skúsenosti v oblasti chemickej dekontaminácie v krízových situáciách. Tieto riešenia tiež

brať do úvahy existujúce zásady organizácie chemické záchrany a ochranu životného prostredia a technické schopnosti vykonávať sanačné hmoty v národných hasičských a záchranných služieb. Dokument tiež uvádza príklady praktických riešení pre organizáciu súčasťou úlohy.

Kľúčové slová: hasiči a vojenská spolupráca, právne aspekty, hrozba znečistenia, dekontaminácia

ABSTRACT

This article attempts to present important from a legal point of view, the interaction between the fire brigade and military components secreted to perform the tasks in the event of extraordinary and crisis situations. The proposed solutions are based on experience in the field of chemical decontamination in crisis situations. These

solutions also take into account the existing principles of organization chemical rescue and protection of the environment and the technical capacity to carry out mass decontamination in the national fire and rescue services. The paper also presents examples of practical solutions for the organization of task components.

Keywords: firefighters and military cooperation, legal conditions, threat of contamination, decontamination

INTRODUCTION

One of the most desirable needs of any society is the sense of (ensuring) security. It can be achieved primarily through a structured community activities. Peace of mind can only guarantee the survival of an adequate level of organization of society. This is done through the use of security policy, the use of security tools and by stipulating and enforcing the law. Everything seems to take on greater significance when we look through the prism of what risks we face today such as: natural disasters, technical, environmental, and proliferation of weapons of mass destruction, terrorism and organized crime.

A base to efficient operation of crisis management are appropriate legislation where such a document is the main act on crisis management [1]. In Poland, the Act was established in 2007 and consists of thirty-five articles. It was subsequently revised in 2010, but the number of items has not changed. The content of this Act, any regulations which deal with the management at a time when a crisis occurs or a severe situation, and points to the authorities who are obliged to work and perform their duties in conformity with the principles of crisis management and also touches the issues of funding of these bodies. The text of the Act will also find an explanation of various concepts that are used in relation to the whole subject, and so, for example, to clarify the concept: a situation of crisis. In addition, there also will find ways to solve and address the emergency plan. The purpose of the Act was to harmonize all the provisions and operation relating to disaster management.

The crisis management system in Poland

The category of primary contamination include contamination arising directly in the field contaminated (the danger zone), or by contact with contaminated air cloud are hedging activities. Contamination are formed at the time of release of hazardous substances and can cover not only the area, plant, vehicles, but also clothes and exposed skin of people who were in the danger zone at the time of the leak. The category include primary contamination and contamination caused by contact with moving cloud of contaminated air. Hazardous substances moving from the wind can result in contamination of objects by:

- penetration into porous materials or easily absorbing volatile substances in the form of vapors and gases;
- spontaneous (gravity) precipitation of contaminating dust or droplets;
- contact with atmospheric precipitation containing dangerous substances released.

In this category we can also include contamination of rescue equipment and rescue workers residing in the zone of contamination [2].

The crisis management system in Poland is a multi-level and consists of the following components:

- disaster management authorities,
- consultative and advisory bodies have jurisdiction to initiate and coordinate activities in the field of crisis management,
- crisis management centers, maintaining a 24-hour readiness to take action.

In accordance with the territorial jurisdiction, the National Emergency Management System create and coordinate its operation, the following authorities:

- *commune administrator* (mayor or city president) in the terms of reference established by a voivode,
- *foreman*, which defines the tasks and control tasks in the area the district, and of emergency life, health, the environment and property management system with the county emergency response team,
- *voivode*, which defines the tasks and monitors their implementation in the province, in an emergency threat to life, health, the environment and property management system with the provincial emergency response team.

Depending on the scale of the threat (area and anticipated results) are running the appropriate administrative levels of crisis management (Table 1).

Tab. 1 - System of Polish crisis management [3]

Administrative level	Crisis management authority	Consultative and advisory authority	Crisis Management Centre
National	The Council of Ministers, the Prime Minister	Governmental Crisis Management Team	Government Security Centre
Departmental	The minister in charge of government administration, Head of the Central Authority	Crisis Management Team (ministries, central office)	Crisis Management Centre (ministries, central office)
The voivodeship	Voivode	Voivodship Crisis Management Team	Regional Emergency Management Center
Poviat	district administrator county	District Crisis Management Team	County Emergency Management Center
Community	Commune administrator, Mayor, mayor of the city	Communal Crisis Management (Response) Team	They can be created (there is no obligation to set up) communal (municipal) emergency management centers

The central government authority in matters of organization of national rescue and fire-fighting and fire protection is the Commander in Chief of the State Fire Service, subject to the minister responsible for internal affairs. National Firefighting and Rescue System is organized in a way that ensure its continued functioning at different levels, namely:

- poviat, as the primary executive level rescue operations in the municipalities and the county,
- voivodship, as the level of support and coordination of rescue operations in the province,
- central, as the level of support and coordination of rescue operations in the country.

The system works in two stages:

- constant vigil and acute response, which involves making rescue operations by their own strength and resources of the district and the municipalities,
- carrying out rescue operations requiring the use of manpower and resources from outside the county, then the run is the level of support and coordination with the provincial level, and for large or complex rescue operations from the central level (the country).

An outline of the organizational structure is shown on Figure 1.

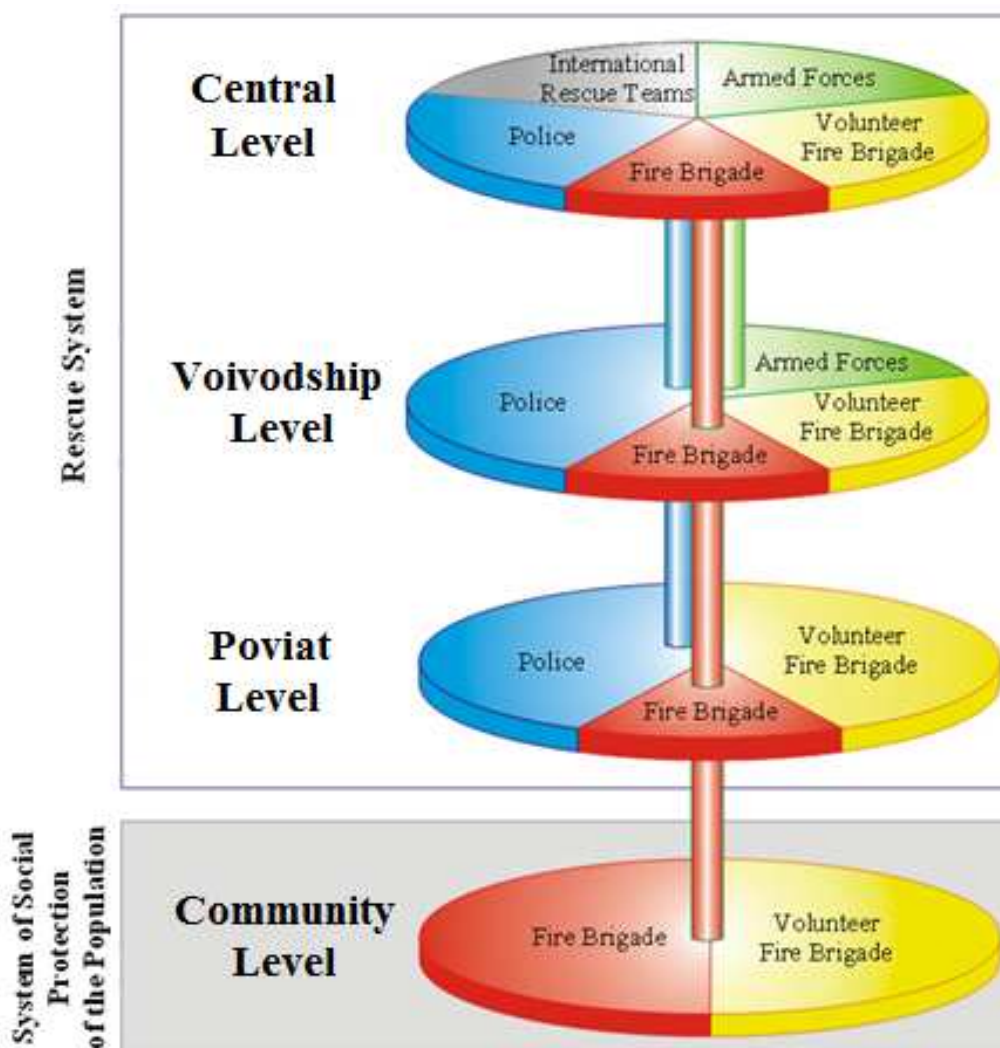


Figure 1. Organizational structure of Rescue System [4]

Chemical Rescue of the armed forces and the National Firefighting and Rescue System

Military chemical rescue (also known as chemical rescue subsystem), its organization, priorities, detailed operational rules and procedures for the use of force, are different from the rules in force in the National Rescue and Firefighting, hence the need to systematize the basic concepts in the field and to compare existing solutions. The armed forces of chemical rescue has been implemented in the system of defense against weapons of mass destruction (CBRN-Def.) - this allows the perception of it as a task force prepared to conduct: reconnaissance, identification and monitoring of contamination, decontamination and disaster recovery chemical or radiological accident.

Table 3 shows the range of tasks in the field of chemical and radiological emergency military and firefighters.

*Tab.2 - The basic tasks of the chemical or radiological emergency**

National rescue and firefighting system - tasks chemical and environmental rescue	Chemical and radiological rescue subsystem Armed Forces
Risk identification, evaluation and prediction of their development, including the identification and sampling of chemical substances	The risk assessment chemical contamination, radioactive and biological
	Forecasting contamination resulting from failure
	Reconnaissance of contamination and identify the real areas of contamination
Evacuation of victims and vulnerable people and animals out of the danger zone	-----
Warning and alarm about the danger position, and information on the rules of behavior	-----
Tied chemical sorbents	The development of applications and proposals for further proceedings, methods of protection and to reduce and eliminate pollution
Posing water curtains	Determination of the possibilities and conditions for the rescue operation and removing the causes and consequences of accidents
Reducing emissions of chemical substances	Limiting the spread of contamination
Keeping decontamination of people and equipment	Decontamination people, equipment, buildings, land
Chemical neutralization, collection of chemicals	Neutralization of toxic industrial materials
Pumping and movement of chemicals into the tank replacement	-----
Posing dams on streams or water areas threatened by spills of hazardous substances	-----
Delivery of water and the preparation and distribution solutions, neutralizing	Delivery of water and the preparation and distribution solutions, neutralizing

* Own elaboration based on:

- *the Guidelines for the organization of rescue chemical and ecological in the National Firefighting and Rescue of 23.04.2007*
- *the Guidelines Deputy Chief of the General Staff of the Polish Armed Forces on the operation subsystem Chemical Rescue the Polish Armed Forces 27.06.2005*

The legislative basis for crisis management

Following the events in Poland and in the world, there are often situations where emergency response, which remain the responsibility of the civil authorities can't effectively prevent yourself without the help of the military. State services in their areas of responsibility will never be one hundred percent self-sufficient and why it is so important is the element of cooperation between the civil service and the military. Referring to the crisis as part of a rising threat or national or international, it is certain that the military is trained and used to work in both Poland and abroad. Depending on the extent of the danger authorities may decide that all or part of the mobilization of the armed forces and, if necessary, ask NATO for support. Participation of armed forces in responding to the crisis is mainly based on the laws on extraordinary and developed on the basis of Regulations.

In discharging the responsibilities allied Polish Armed Forces participate in NATO military operations in the other, which are based on the use of military capabilities for purposes other than combat operations [5]. This means that in special situations where there is a potential risk of a disaster or threat on a large scale it is possible to support the civil service specialist components excreted from the resources of the Armed Forces. This action is intended to prevent the escalation of conflicts, peace-making and assisting with post-conflict reconstruction.

These activities can be divided into [6]:

- ✓ conflict prevention,
- ✓ peace-building,
- ✓ arms control and measures to prevent them from spreading,
- ✓ peace support operations,
- ✓ humanitarian operations,
- ✓ evacuation operations not involved in the fight.

Under normal circumstances the armed forces are the guarantor of the proper, like the undisturbed development of the state, which can shape the sovereign policy and its position in the international arena. The role played by the military in our nation best reflect the provisions of the Constitution of the Third of May: "The army should protect the nation boundaries and general peace, in a word, to be his strongest shield [7] used to be the national army so can the overall defense of the country, the safeguarding of fortresses and frontiers or assistance of law, if its execution would not obey. "

The provisions currently in force the Polish Constitution provides that: "The Armed Forces of the Republic of Polish State shall safeguard the independence and integrity of its territory and ensure the security and integrity of its borders" [8]. Follows from this that the Armed Forces are designed to maintain the independence of the country and ensuring the territorial integrity and borders. However, whereas a much broader spectrum of threats "Strategy for development of the national security of the Republic of Polish 2022" states that: The armed forces may also be involved in responding to non-military crisis threats (including those with a transnational character through support of forces and internal security measures [9]. In paragraph 64, this document also stresses that "Driving forces in crisis conditions will be carried out according to the principles of peaceful direct use of the structures crisis management system of national defense. Military Units dedicated to international groupings, with tasks in the emergency response will lead operational commanders these units. subunits troops used in support of organizational units subordinate to or supervised by the Minister of Internal Affairs, remain in the organizational structure and command system of the Polish Armed Forces. important task of the Armed Forces is also to support other state authorities in ensuring internal security and Polish provide the necessary military assistance to the relevant institutions and central and local government departments, civil organizations and the public in response to public. Such activities include observation and control of Polish airspace, support the protection of land borders and territorial waters, as well as reconnaissance and intelligence operations, monitoring of nuclear, chemical and biological agents in the country and carry out clean-up the area with explosives and dangerous military objects. In addition, the armed forces remain ready to engage - either alone or in cooperation with other state agencies and services - search and rescue. They will continue to participate in the national crisis management system, constantly expanding its ability to assist the relevant public authorities and the public in the event of natural disasters, man-made disasters and terrorist threats [9].

Given these provisions is clearly shown that in case of emergency the public can expect help from the army. Military chemical rescue (also known as chemical rescue subsystem), its organization, priorities, detailed operational rules and procedures for the use of force, are different from the rules in force in the National Rescue and Firefighting, hence the need to systematize the basic concepts in the field and to compare existing solutions.

The possibility of the participation of the armed forces in the fight against natural disasters, says the law on universal duty to defend on November 21, 1967, in Article 3, which refers to this as follows: The Armed Forces may also be involved in the fight against natural disasters and elimination of their impact exploration campaigns and save human life (...) [1].

Legally assistance is also regulated by the armed forces in the event of sudden snowfall through the Council of Ministers of 20 November 1989 on the benefits to the operation of the railway during severe weather conditions. Put it clear that assistance by the departments of the Ministry of National Defence on the basis of the agreement comes the Ministry of Defence and the General Directorate of State Railways. Agreement of 20 July 1990, determined the that in the event of rapid or prolonged snowfall, gainer characteristics of a natural disaster in your area, power and military resources can be directed to clearing hubs and stations which are essential to the operation of railway transport. At the same time stipulating the army will help only if the forces and resources of the State Railways has been used wholly.

Separately, were also imposed on the military police tasks for participation in the liquidation of consequences of natural disasters. As one of the eight tasks Military Police Act defines: the fight against natural disasters, environmental emergencies and elimination of their consequences, and active participation in actions search and rescue and humanitarian, to protect life and health and property [1].

Rules for the participation of the Polish Armed Forces in the event of the introduction of a natural disaster are a bit different and they have been standardized by the Law on State of Emergency on 18 April 2002 Under this law, military detachments can be used in times of natural disaster, where the use of other manpower and resources is impossible or insufficient, the Minister of National Defence may at the disposal of voivode in whose area of operation is a natural disaster, subdivisions or branches of the Polish Armed Forces, together with referral to perform tasks related to the objective of preventing the effects of a natural disaster or deleting [1]. This law, however, stipulates that the sub-unit or units dedicated to aid are still under the command of his superiors but perform business tasks assigned by the competent governor. The tasks can be assigned detachments or units composed of endorser or in the created task forces.

The fact that the armed forces can be used in crisis situations and when and in what cases, says the art. 25 of the Law on Crisis Management in words: If an emergency forces and the use of other measures are not possible or can't be sufficient, unless other regulations do not provide otherwise, the Minister of National Defence, at the request of voivode may delegate his disposal subdivisions or branches Polish Armed Forces' the branches of the Armed Forces ", the time of submission to perform tasks in the field of crisis management. Subdivisions shall be used only in accordance with the provincial disaster management plans if their participation is included and there is dedicated to them the tasks that overlap with the training of a specialist ⁴.

¹ The law of universal duty to defend the Polish - JL No 241(2004) item. 2416

² The Law on the Military Police and military law enforcement bodies - JL No 123 (2001) item. 1353

³ The Law on State of Emergency - JL No 62 (2002) item. 558

⁴ *Crisis Management Act - consolidated text* - JL No 89 (2007) item. 590



The tasks assigned to them under the Act include:

- participation in the monitoring of risks,
- perform the tasks related to the assessment of the effects of phenomena occurring in the area of hazard,
- perform search and rescue duties,
- evacuate injured people and property,
- perform the tasks in order to prepare the ground for a temporary stay of the population evacuated in designated areas,
- participation in the protection of property left in the area of hazard,
- isolation of the area of hazard or place a rescue operation,
- execution of work safety, rescue and evacuation at the risk of building structures and monuments,
- to carry out work requiring the use of specialized technical equipment or explosives which are in the resources of the Polish Armed Forces,
- removal of hazardous materials and their disposal, with the use of forces and means of the facilities of the Polish Armed Forces,
- the elimination of chemical contamination and biological contamination and infection,
- removal of radioactive contamination,
- perform the tasks associated with the repair and reconstruction of technical infrastructure,
- participation in ensuring operability routes,
- perform the tasks included in the provincial emergency response plan.

These tasks in accordance with the Regulation on detailed rules for the participation of sub-units and branches of the Polish Armed Forces in preventing the effects of a natural disaster or deletion are designated as emergency or preventive action. The vast majority of these jobs due to their specific nature will be implemented with the help of specialized troops such as: engineering, chemical - including rescue units, which are the Chemical and Radiation Emergency Teams (CRET) and the Military Health Service (MHS) and the Military Preventive Medicine (MPM).

Chemical and Radiation Emergency Teams (CRET) - were appointed by the Minister of National Defence, the decree of 16.11.1989 No. 85/MON. The Head of the General Staff No. 14/Oper. dated 13.12.1989, he was referred to the composition and rules for the preparation and actions, and conditions of participation in the elimination of chemical disasters in the country. Their primary task is to eliminate chemical and radiological contamination in military units and institutions of the Ministry of Defence. In addition CRET is able to support the National Rescue-Firefighting in disaster recovery, chemical and radiological accidents. CRET is a be supernumerary element previously created the full-time designated and adequately prepared for chemical subunits.

Summary and conclusions

Ongoing of the analysis can be concluded that the current laws are a correct interpretation of the cooperation in the fight against the effects of risks, both for firefighters and soldiers. The issue of crisis management is considered by many institutions and scientific research centers. Since in this process there are many variables (factors of unforeseen nature) there is a need for continuous monitoring and flexible countermeasures.

Extremely important for the decision-making process is an adequate flow of information and selection from levels of management to levels of executive and vice versa. According to the author only permanent improvement at all levels (command and executive) that are involved in the process of combating the effects of threats is able to restore an adequate level of security for citizens.

REFERENCES

[1] Legislation related to the tasks of crisis management in the event of non-military threats:

of the Act:

- The Basic Law - the Constitution of the Republic of Polish - Journal of Laws 1997, No. 78 item. 483
- Law amending the Law on Crisis Management - Journal of Laws 2010, No. 240, item. 1600
- Law amending the Law on Crisis Management - Journal of Laws of 2009 No. 131, item. 1076
- Crises Management Act - consolidated text - Journal of Laws 2007, No. 89 item. 590
- The Law on State of Emergency - Journal of Laws of 2002, No. 62 item. 558
- The Law on State of Emergency - Journal of Laws of 2002, No. 113, item. 985 and No. 153, item. 1271 and of 2006 No. 104, item 711

- The law of the state of war and the competence of the Supreme Commander of the Armed Forces and the principles of its subordination to the constitutional organs of the Republic Polish - Journal of Laws No. 156, item 2002. 1301
- The law of universal duty to defend the Polish - Journal of Laws 2004, No. 241, item. 2416
- The law of the State Fire Service - Journal of Laws 1991, No. 88, item. 400
- The Law on the Protection of fire - Journal of Laws 1991 No. 81, item. 351
- The Police Act - JL 2002, No. 7, item. 58
- The Law on Government Administration - Journal of Laws 2007 No. 65, item. 437
- The law of government in the region - Journal of Laws of 2009 No. 31, item. 206
- The Law on Regional Government - Journal of Laws 2013 No. 0 pos. 595
- Act County Government - Journal of Laws 2013 No. 0 pos. 594
- The Law on Local Government - Journal of Laws 1990 No. 16, item. 95
- The Law on the Protection of People and Property - Journal of Laws No. 114, item 1997. 740
- The Law on Protection of Classified Information - Journal of Laws No. 182, item 2010. 1228
- Water Law - Journal of Laws No. 115, item 2001. 1229

Regulations:

- Regulation on the organization of the Government Security Center - Journal of Laws of 2011, No. 86 item. 471
- The Regulation on the Report of the risks to national security - Journal of Laws 2010 No. 83, item. 540
- The Regulation on the National Programme for Critical Infrastructure Protection - Journal of Laws 2010 No. 83, item. 541
- Regulation on the protection of critical infrastructure plans - Journal of Laws 2010 No. 83, item. 542
- Ordinance setting out the government bodies that create emergency management centers, and the way they operate - Journal of Laws of 2009 No. 226, item. 1810
- Strategy for the development of the national security system of the Republic of Polish 2022, M.P. 2013. 377

Ordinances:

- Decision No. 332/MON, Minister of National Defence on 19 October 2012 on how and when to perform tasks related to the implementation of the "List of projects and procedures for crisis management system" in the Ministry of National Defence - Defence Official Journal No. 86, item 2013. 403
- Decision No. 53/MON, Minister of National Defence on 5 March 2013 on the introduction into service "manual security sanitarnohigienicznym and przeciwepidemicznym army in time of peace, crisis and war" - Official Journal of 03/06/2013 MON item. 62
- The decree on the organization and operation of the Government Crisis Management Team - MP 2011 No. 93, item. 955
- Ordinance on the list of policies and procedures for crisis management system - MP 2011 No. 95, item. 957
- Annex 5 - stage alarm
- Attachment 6 - the manner and mode launch projects and crisis management procedures.

- [2] MONOŠI, M., a kol.: Hasičská technika. - Vysokoškolská učebnica, vedecký redaktor: Anton Osvald. - 1. vydanie - Žilina: Žilinská univerzita, 2013, ISBN 978-80-554-0705-0 - 402 s.
- [3] Rządowe Centrum Bezpieczeństwa. Warszawa [on-line] Available on - URL: http://rcb.gov.pl/?page_id=489 (04.07.2014)
- [4] PELLOWSKI W., Some problems of critical infrastructure protection in Republic of Poland [Niektóre problemy ochrony krytycznej infrastruktury w Polsce] / Witalis PELLOWSKI. In: 18. Medzinárodná Vedecká Konferencia - RIEŠENIE KRÍZOVÝCH SITUÁCIÍ V ŠPECIFICKOM PROSTREDÍ; 5 - 6. Jún 2013 Žilina - ISBN 878-80-554-0702-9. - CD-ROM, s. 457-462.
- [5] Operational doctrine combined forces of NATO multinational AJP-01/AJP-1CA, (1999) p 243
- [6] PELLOWSKI W., ŠIMONOVÁ M., PICH R., 2012. Selected aspects of the ability to cooperation between the fire department and the subunits CBRN. [Vybrané problémy spolupráce medzi hasičskými jednotkami a vojskom.] In: European journal of security and safety [elektronický zdroj]. - ISSN 1338-6131. - 2012. - Vol. 1, no. 1 (2012), online, s. 16-23. - [on-line] Available on - URL: <http://www.esecportal.eu/journal/index.php/ejss/article/view/12>
- [7] [on-line] Available on - URL: <http://www.konstytucja-3-maja-pl.com/rozdzialy2.html> (10.07.2014)
- [8] The Basic Law - the Constitution of the Republic of Polish - JL No 78 (1997) pos. 483 Art. 26
- [9] Strategy for the development of the national security system of the Republic of Polish 2022, M.P. (2013) 377

ADDRESS OF AUTHORS:

Witalis PELLOWSKI, Assoc. Prof., Ing., PhD, Faculty of Security Affairs; The General Tadeusz Kosciuszko Military Academy of Land Forces; Czajkowskiego Street 109; 51-150 Wrocław; Poland, e-mail: witalis_pellowski@wp.pl



Robert PICH, Ing., PhD, Faculty of Security Affairs; The General Tadeusz Kosciuszko Military Academy of Land Forces; Czajkowskiego Street 109; 51-150 Wrocław; Poland, e-mail: r.pich@wso.wroc.pl

Cezary A., KOZŁOWSKI, Assoc. Prof., PhD, Cathedral of inorganic chemistry, analytical and environment; The Jan Długosz University in Częstochowa; 42-200 Częstochowa al. Armii Krajowej 13/15; Poland, e-mail: c.kozlowski@ajd.czest.pl

RECENZIA TEXTOV V ZBORNÍKU

Recenzované dvomi recenzentmi, členmi vedeckej rady konferencie. Za textovú a jazykovú úpravu príspevku zodpovedajú autori.

REVIEW TEXT IN THE CONFERENCE PROCEEDINGS

Contributions published in proceedings were reviewed by two members of scientific committee of the conference. For text editing and linguistic contribution corresponding authors.