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Foreword

Contrary to what the futurologists expected, the collapse of the bipolar world did not bring about the beginning of 'the end of the world' – i.e. the appearance of conditions that would enable a triumph of the liberal political order. Meanwhile, it prompted the appearance of a new form of conflicts, whose axle of confrontation was determined by competition taking place on areas where intercultural borders and agreed borders of prosperity overlapped. The sides of this conflict are formally and informally organised participants of international relations and their most crucial determinant are social effects of globalisation. What has become the most important contemporary challenge to security is the asymmetry of the level of economic and social development both globally and inside states, which overlaps with the necessity of verifying the attitude of societies and nations towards ethical values or even towards culture. The more and more common reaction to the culture homogenisation is social alienation and separatism, fundamentalism or radical extremism in their aggressive forms. These attitudes are not only and exclusively a consequence of transformations faced by late-industrialised states or „*collapsed states*”. Extreme movements are present also in countries where institutions and society lack enough political will to solve minority problems. A new significance has been given to terrorism in particular, which evolved from the tactic of extremist movements into the strategy of groups which usurp themselves a right to represent certain civilisations and to conduct war on their behalf. Actions resulting from such incentives should be considered particularly threatening, as the aim of the perpetrators is to deal the most painful blows possible on whole societies that represent cultural models despised by them. Evaluating its dynamics it should be stated that, despite the real threat reduction, it may take on the features of a new global conflict in the shape of a *total global civil war*. Local conflicts, which are going on in various parts of the world evolve in a similar way. They are no more specific *proxy wars, conducted on behalf of superpowers*, but simply a means that allows to liquidate the regional international order, which had been created by these powers or by international community. The force of their actions bring about thousands of refugees and the new dynamics of such phenomena as trade of weapon, drugs, resources and other valuable ore, which constitute a specific driving power of many current wars.

The processes outlined above have created totally new threats to the security of modern states and their citizens, which in turn determines challenges which must be faced by researchers of this problem. What is the basic and fundamental difficulty thereof, and this does not concern only Poland, is to evoke principal changes in the way of thinking about security. The contemporary international order, which can be defined as the era of „*global non-peace*”, is a period of a slow transformation of the so-far disputes into a social and cultural conflict. This problem is more and more visible in a prosperous society, which is characterised by individualisation of attitudes and tremendous opportunism in the area of social reforms and the system of social care. These processes constitute a crucial challenge

both to a democratic state as well as to international community. It is necessary to undertake complementary actions that would take into account several aspects covering political, cultural, social and economic issues. It also constitutes a threat to democracy, because a state and its bodies must take on an obligation of restricting or making the actions of alienated social groups impossible, which directly or indirectly affects a system foundation of open democratic societies. An effective counteraction sometimes requires undertaking radical actions of restricting civil rights and freedoms. The applied restrictions may lead not only to the crisis of the system, but they may also cause a strong polarisation of social attitudes and the appearance of insurmountable antagonisms between particular social groups. Due to it, the scope of actions undertaken by state bodies cannot be limited only to the execution of preventive and controlling programmes.

It is the intention of the Academic Council and the Editors that *Rocznik Bezpieczeństwa Międzynarodowego* (*The Yearbook of International Security*) is to serve precisely this aim – a change of the way of perceiving the above-mentioned problem by the means of a wide discussion among the representatives of social, humanistic, economic and technical sciences. The security problem requires an open, interdisciplinary approach, where each of these science fields may prove to be useful. The purpose of the annual magazine is also to be a discussion forum about the transformations of this sphere of international order. Following this idea we try to present in its each edition the meandres of global processes – in a synthetic and concise form. Its thematic scope results from the interests of Editors and invited Writers.

We believe that the task of the Academic Council and the Editors of an academic periodical is not only to care for its academic level, but also to promote junior research workers. Following this conviction each edition consists of four principal parts (*Articles, Materials, Debuts, Reviews and discussions*). The Editors particularly care about chapters of **Debuts** and **Materials**. PhD students and graduates publish their articles therein. This idea is permanently treated by the Editor-in-Chief as one of the most important tasks of the periodical.

In this edition we are presenting our subjective evaluation of the functioning of the international security sphere. We are evaluating selected processes which, in our opinion, are important, showing them also in the Polish context. We believe that the presented policentrism will allow to better understand national determinants and their role in creating a global security system. I hereby invite Readers to take up discussion with our theses and observations. I hope that due to such an approach of Writers, Readers and Editors the yearbook will be a useful tool of monitoring and documenting this sphere of international order. I also kindly ask you to send comments and opinions about this publication at the following address: ibism@dsw.edu.pl or *Instytut Bezpieczeństwa i Spraw Międzynarodowych DSW, ul. Strzegomska 47,53-611 Wrocław*

Piotr MICKIEWICZ
Editor-in-Chief

Articles

Jarosław Gryz

Contemporary significance of military power in international politics

Artur Gruszczak

Is NATO still needed? An unorthodox perspective on the North Atlantic Treaty Organization based on the example of the Afghan conflict

Krzysztof Kubiak

The North Atlantic Alliance in the second decade of the 21st century.
A critical reflection

Piotr Mickiewicz

Energy and ecology security of Poland vs. expansion of the Baltic system of energy resources transportation

Contemporary significance of military power in international politics

The change in character and the use of military power in international politics that began in the early 21st century indicates an important cognitive field of security studies. The reason for this is the current situation where the significance of the military power is rising as both a factor in the changing international security environment and as an effective instrument of the country's policy. This article attempts to answer the following questions:

- In what way is military force used in international politics? What mechanisms of acting and engaging particular countries, organizations or international community are used for that purpose?
- In which way is military force in international politics generated? What are its key criteria? How do countries develop concepts of institutional forms of the use of military power?
- How is military power used in the Afghan conflict?

Thanks to answers given to these questions, even if only partially, there is made at least a brief systematization of the knowledge about the use of military forces in the international politics. The article also provides a basis for a further in-depth analysis and research.

Introduction

The thesis of this article is that the function of military power used in international politics is equal to the function of economic, diplomatic or information power. Its use is the most effective when the other factors of power are used equally effectively. The lack of meeting this requirement makes the military success not a final victory, but it may be the beginning of failure of the subject which uses this power, i.e. a coalition, allies or an international community. What is crucial here are political, social and economical costs.

In order to systematize the concepts the following terms appear in the article: Afghan conflict and Afghan operation. The Afghan conflict is understood as a conflict between international forces and a part of Muslim community who, by the means of political terror, carries out the idea of Islamic teocratic state based on Shariat law. The term of Afghan operation refers to the involvement of international forces of NATO (International Security Assistance Force – ISAF) on the territory of Afghanistan.

1. The use of military power in the international politics

The use of military power in the international politics is dictated by its use as a tool that serves the defence and protection of the interests of a subject, allies, coalition partners, and more widely perceived international community. The fact of using this type of power is always examined with respect to the conformity with the binding international law. It results from the stipulations of the Charter of the United Nations and a variety of conventions and normative documents that create international regimes, which impose some obligations as regards the use of military power¹.

The use of military power in the international politics is currently examined with the regard to:

- protection of one's own territory and its defence in case of armed aggression;
- protection and defence of the territory of allies in case of armed aggression;
- protection of the international order, stability and security using armed power for limiting the effects of regional conflicts (e.g. through imposition of embargo weapon deliveries to parties in conflict);
- protection of human life and health in the situation when the interstate or intra-state conflict threatens a community or its part;
- protection of one's own interests in case of potential or real threat with the use or a threat to use armed force as an instrument of politics.

The circumstances mentioned above of using military force in international politics are examined in many aspects. They are usually evaluated as regards the lawfulness of their application, effectiveness or, finally, achievement of the intended objectives by use of force. The answers arrived at create „an image” of the use of force and it is either accepted or not by the international community, particular countries or their communities.

The use of military power in order to protect and defend one's own territory or allies' territory, in case of armed aggression, is reflected in the Charter of United Nations (chapter VII, art. 51). It does not arouse any controversies. The situation is similar as regards the protection of the international order, stability and security by using armed forces to limit the effects of regional conflicts – Charter of United Nations (art. 41). The disputes, however, may arise when there is a necessity of protecting such human values as life and health in the situation when it regards a sovereign subject. What is decisive here is the decision of the United Nations Security Council (art. 39, 40, 42). Its lack may mean that the actions are not in conformity with the international law. The last of the circumstances mentioned, referring to protection of one's own interests with use or threat of using armed forces, is the most controversial for it means breaking norms and simultaneously decreasing the level of trust to the existing international regimes. As a consequence, it means questioning the existing legal and international order.

¹ See M. Flemming, *Międzynarodowe prawo humanitarne konfliktów zbrojnych* (International humanitarian law of armed conflicts), a set of documents, complementing and editing, M. Gąska, E. Mikos-Skuza, Warszawa 2003.

The use of armed force in international politics in the 21st century is connected, first of all, with political, economic, social and military crises. Undoubtedly the current as well as future crises are unpredictable and may turn up suddenly, with tendency to uncontrolled transformation into conflicts of various scale. This situation brings about the necessity of developing various complex mechanisms of actions that involve particular countries and organisations as well as international community. Of these mechanisms the following may be mentioned:

- An institutional mechanism of coordinating the international, political, economic, military or social cooperation. The questions that may be posed here concern the global role of the United Nations as a coordinator of undertaken actions; the role of supra-regional organisations, such as NATO and UN. Finally, the role of regional organisations as fundamental factors of changes in the environment of international security;
- An institutional and social mechanism of legitimization of armed actions. No wonder, that the present status quo, where the key position of the United Nations Organisation undergoes gradual erosion, raises a question of whether and, if yes, which international regimes will be in effect in the future. Total disappearance of the present regimes or their marginal significance will deepen the anarchic character of the environment of international security and of subjects' behaviour with regard to power;
- An institutional mechanism of building up military forces of diversified basic readiness, i.e. the capability of gradual increase in military potential dedicated to a planned operation. This mechanism has a special importance for carrying out immediate prevention actions, controlling crisis in its early development stage or solving it in the situation of escalation. However, it should be emphasised that its creation is a result of correlation of the security policy of states and their organisation.

What is the most significant with respect to the use of military power in international politics is the political will of states and/or their allies. In the context of the current, as well as future challenges identified in the field of international security, such as:

- deepening communication processes in various spheres of social life;
- changes in the hitherto balance of economic forces;
- demographic assymetry among various regions of the world;
- scientific and technological progress;
- competition for energy²;

the use of military power becomes even more probable than at present. The character of future armed conflicts indicates, at the same time the fact that countries, in particular the ones which are highly developed, will find themselves in a permanent conflict of diversified intensity with fallen or hostile countries.

² An initial long-term Vision for European Defence Capability and Capacity Needs, LTV – 3 October 2006 – SB MoDs Levi, p. 6-7.

At present the use of military force in international politics can lead to two basic situations:

1. the use of military power in an ad hoc situation, being a result of the political or social need to take actions which are evidence of a specific effectiveness of a state, allies, coalitions and international community.
2. the use of military power dictated by pragmatism, resulting from the assessment of the political, social, economic or military situation.

In the former case, i.e. the ad hoc use of military power, all possible emotions get the upper hand and demand taking actions. The classic example thereof may be „a CNN effect” inducing to operations in Somalia in 1993-1995 (UNSO I, II), in former Yugoslavia in 1992-1995 (UNPROFOR)³ or in Afghanistan in 2001. In the situation of the ad hoc use of military power application of the 7th chapter of the United Nations Charter may usually become a problem. Such examples include the NATO air operation in Kosovo in 1999 and the coalition operation in Iraq in 2003. Employment of military power dictated by emotions generates numerous difficulties, for instance obtaining the approval for the actions of the international community. Its lack may deepen difficulties, which, if approved by the international community could be minimised, at least in the context of receiving humanitarian aid for the inhabitants of the conflict area.

In the latter case, i.e. the use of military power in a pragmatic way, we deal with a situation, where actions are based on the consent of the international community to take specific actions. The examples thereof include the operations ‘Desert Storm’ and ‘Desert Shield’ carried out against Iraq in 1991 or IFOR operations (1995-1996) and SFOR operations (1996-2004). The EUROFOR RD operation by the European Union in 2006 in support of the UN Observation Mission (MONUC) during the election in Kongo is also an appropriate example.

Evaluating these two cases of using military power in the international politics it should be stated that the latter should be preferable. However, it is not a rule.

Nowadays we have to face the situation where the military power in the international politics is used by countries which form multinational coalitions and act in accordance with the common alliance obligations. As a matter of fact, there is no difference between the use of military power in these two cases, but one can ponder on the issue of its application in the context of legitimisation of the undertaken political decisions. The differences, however, are visible in the method of establishing the forces. The countries which are members of a coalition establish temporary forces and the countries which are members of an alliance establish forces at maximum efficiency, as a result of cooperation and synergy of joint efforts.

In the case of the countries which belong to the North Atlantic Alliance the use of military power results from art. 5 of the Washington Treaty which reaffirms their right to defence of own and allies’ territory or taking actions which are not mentioned therein, unconnected with conduct of war⁴. This division assumes de facto a double construction of forces:

³ The term UNSOM I, II stands for the United Nations Operation in Somalia, the term UNPROFOR stands for the United Nations Protection Force.

⁴ L. Robertson, Transforming NATO, NATO Review, Spring 2003.

- defence forces, activated in the case of a conflict which constitutes a threat to the territory and for the country's population, allies, coalitioners;
- reaction forces (e.g. response forces) meant for managing military and humanitarian crises and conflicts threatening the territory and country's population, allies and coalition members.

Therefore, the use of force in the international politics comes down to classic armed conflicts of war character and to actions meant for their stabilisation and solution. In the second case the use of military force is connected with various types of operations, whose aim is to stabilise the security environment in a region, subregion or locally.

2. The way of building military power in international politics

Military power as a factor in state politics has a special significance. It can be a tool of deterrence, aggression or retaliation. These traditional functions of an armed force mentioned were, in the 21st century, joined by new ones, connected with preventing and overcoming crises. The use of military power over the centuries was only a function of a doctrine and strategy. What remained constant was its use as ultima ratio in shaping the security environment of a subject. In the 21st century, in addition to traditional subjects such as states there appeared their organisations and, as an expression of a particular bond linking interested parties, international communities.

The use of military power, after the end of the cold war, was dictated by the willingness to establish a new security environment, where armed forces play a special role of strengthening peace, stability and order in accordance with the provisions of international law included in the United Nation Charter⁵.

The use of military power in international politics at the turn of the 20th and 21st centuries was connected with numerous political and military requirements. The political requirements include:

- international conflict resolution with the use of armed forces in accordance with the mandate of the United Nations Organisation;
- internal conflict resolution, in accordance with the mandate of the United Nations Organisation;
- providing security and supporting the so-far administration of UNO;
- performing supporting tasks (e.g. organisation and protection of local election);
- management and supervision of mine clearing actions;
- counteraction of the violation of human rights;
- supporting and granting humanitarian aid to civilian population;

⁵ In accordance with the United Nations Charter the UNO has the right to dispose of military forces granted to the United Nations Security Council (chapter VII, art. 43 of the Charter) in order to undertake operations of restoring peace and security (art. 42). More A. Józwiak, *Użycie siły militarnej w operacjach pokojowych prowadzonych na podstawie mandatu Organizacji Narodów Zjednoczonych, rozprawa doktorska (Using military power in peace-keeping operations conducted on the basis of the mandate of the United Nations Organisation, a PhD thesis)* Warszawa AON 2006, p. 55 and subsequent ones.

- restoration of public order and law observance;
- supporting and strengthening the institution of state⁶.

What can also be included in the military requirements is the necessity of creating joint supranational forces which consist of land, air and sea components. Against the background of this requirement detailed requirements were formulated. These are as follows:

- the requirement of interoperability expressed by the rule of joining efforts of particular types of armed forces within one task structure;⁷
- the requirement of force readiness, preparation and separation, in a short time, of operational modules for international task concentrations;
- the requirement of mobility and force deployment;
- the requirement of effective leadership and reconnaissance (e.g. by the means of delivering information in real time);
- the requirement of support and security (e.g. by the means of mobile elements of logistics and supply transport adjusted to the size of the contribution; a field system of medical support);
- the requirement of stabilisation and protection of order within the mission area (e.g. by means of capability to fight against terrorism);
- the requirement of national contribution of air and sea forces⁸.

What should be emphasised here is that the above requirements of using armed forces were being shaped in the course of actions taken under the auspices of the United Nations in the 1990s. They were an expression of the execution of the so-called operation of the 2nd generation, which was a result of extending the range of actions of armed forces carried out under the auspices of United Nations. Furthermore, the requirements were a manifestation of the development of capabilities of armed forces to act more flexibly than during the time of the cold war. The difference in approach to the use military power by countries and their organisations was in the extension of the range operations considered peacekeeping ones.

⁶ A. Józwiak, *Użycie siły militarnej w operacjach pokojowych prowadzonych na podstawie mandatu Organizacji Narodów Zjednoczonych, rozprawa doktorska (Using military power in peace-keeping operations conducted on the basis of the mandate of the United Nations Organisation, a PhD thesis)*, Warszawa AON 2006, s. 48-49.

⁷ The requirement of the interoperability is characterised by the following features:

- perfect linguistic skills of personnel;
- the knowledge of rules and procedures of work of the general staff binding in military international structures;
- having at the disposal modern technologies of integrated command, management, reconnaissance and intelligence;
- preparation of combat and specialist components to meet the demanding operational criteria of international joint task groupings;
- providing operational and logistic support – adequate to the contribution.

More: *Polska wizja przyszłego pola walki (Polish vision of a future battlefield). Systemy uzbrojenia i wyposażenia Sił Zbrojnych RP w pierwszych dziesięcioleciach XXI w (Systems of arming and equipping Armed Forces of the Republic of Poland in the first decades of the 21st century). Udział przemysłu obronnego w zabezpieczeniu potrzeb Sił Zbrojnych RP (Participation of defence industry in meeting the needs of Armed Forces of the Republic of Poland)*, Raport OBRUM, Warszawa 2006.

⁸ *Ibidem*.

The „traditional” range of actions, such as inspection and supervision as well as observation of abiding by provisions of UNO resolutions, i.e. keeping peace, increased by adding new ones, i.e. peace enforcement and providing humanitarian aid.

The development of military power capable of taking on new types of task along with the political need to involve countries, which functioned in opposite political and military blocks during the cold war were behind for the emergence of so many concepts of multinational forces in the 1990s. These concepts became identical for such organisations as the UNO, the WEU and subsequently for the UE and NATO.

In the case of the United Nations the concepts considered military formations of quick reaction forces. The assumptions thereof indicated the need of existence of such forces as Secretary General’s special ‘strategic reserves’. However, financial and political issues revealed the inability of the UN to realize the idea⁹. It was the reason for marginalisation of the function of political and military organisations in the environment of international security and partially taking over this function by NATO or by the EU.

In the case of the West European Union, and subsequently, the European Union establishing the military power to be at the disposal of these organisations was a prerequisite of starting military operations by the Union. Establishing these forces, as well as developing the concept of their use was at the same time the result of the correlation of actions between the UE, the WEU and NATO, and currently, between the UE and NATO. The multinational formations established as a result of the actions of the West European Union, such as Eurocorps, Eurofor, Euromarfor and many others, e.g. Forces Answerable to WEU (FAWEU) were then taken over by the European Union. Since 1999 this organisation has been carrying out European Headline Goal, which is to allow putting into practise the idea of Common Security and Defence Policy.

In the case of North Atlantic Alliance developing new abilities in the area of military operations has become a requirement of adjusting the organisation to the contemporary realia. The participation of NATO in the operations of IFOR, SFOR and KFOR, on the territory of former Yugoslavia was an incentive to make a change in order to create multinational forces and command structures. The implementation of the concepts of Combined Joint Task Force (CJTF), the Partnership for Peace Programme or, finally, since year 1999, NATO’s Defence Capabilities Initiative, expressed by the emergence of NATO Response Force, is a manifestation of new functions of the organisation in the 21st century.

The organisations mentioned above are currently the ones which create conditions for establishing multinational forces capable of conducting full scale partnership operations. The North Atlantic Alliance and the European Union have at their disposal appropriate forces, funds and the concept of how to use them. Therefore, special attention must be paid to three organisational forms, which are the result of their activities. These are Combined Joint Task Force, NATO Response Force and EU Battlegroups, discussed in the further part of the article. Other forms related to, for example, the West European Union, currently the European Union or to the Partnership for Peace Programme have been omitted.

⁹ More: P. Piątkowski, *Międzynarodowe siły szybkiego reagowania ONZ (International quick response force)*, Seria „Fakty, analizy, syntezy, opinie” (Series „Facts, analyses, syntheses, opinions”), DBM MON Warszawa 1997 nr 52.

2.1. Combined Joint Task Force

Combined Joint Task Force is based on an ad hoc appointment of operational command subordinate to NATO command¹⁰. They are the result of military formations established for operational needs and are capable of redeployment and quick adjustment to the requirements of an operation to be conducted according to the provisions of Art. 5 or other than these¹¹.

In the development of Combined Joint Task Force two parallel processes may be distinguished: political and military.

The former one is connected with execution of the European Security and Defence Identity by the North Atlantic Alliance (taking into account the role of the West European Union in the past as a European pillar of the organisation, currently the European Union as a cooperation partner)¹².

The latter one is connected with implementation of the idea of Combined Joint Task Force. Within this framework in 1994-1997 the bases for conducting a single (maritime) operation were built, then, in 1997-2007, capabilities for conducting two operations (a maritime or alternatively a land one) were developed. In accordance with the schedule of executing the plans, in 2007-2012 capabilities to simultaneously conduct two operations (a maritime and a land one) are to be achieved.

2.2. NATO Response Force

In 2002 following the arrangements made at the meeting of the heads of states and governments in Prague NATO adopted a concept of Response Forces. These are forces that consist of multinational, combined, highly mobile and interoperational military units kept in very high readiness¹³. They comprise separate land, air and maritime components as well as special forces, which are selected depending on the needs of a given operation¹⁴. The NATO Response Force is based on a rotational system. Allied states commit their forces for a period of time, which, after completing a training course, remain in high combat readiness and can be used at any time by the strategic commander responsible for operations. NATO Response Force comprises the most technologically advanced army concentrations, which are capable of immediate deployment and employment in the operation area. Furthermore, their actions should be highly independent, they should have a long endurance

¹⁰ MC 389/1 – Guidelines of NATO Military Committee specifying the rules of establishing CJTF, command structure and responsibilities of particular function teams.

¹¹ Madrid Declaration on Euro-Atlantic Security and Cooperation Issued by the Heads of State and Government, Madrid 8 July 1997.

¹² “The Brussels Summit Declaration”, Brussels, 11 January 1994; Madrid Declaration, Madrid 8 July 1997.

¹³ More: Military Concept for the NATO Response Force, included in the guidelines of the Military Committee MC 477.

¹⁴ NRF base on the potential of Quick Reaction Force available from the general structure of the Allied Forces, maintaining readiness to perform tasks within 0 to 90 days.

and their structure should comprise components of all types of armed forces. The NFR is commanded by CJTF command¹⁵

2.3. European Union Battlegroups

The initiative of establishing the forces of the European Union capable of acting in regions distant from the European continent was undertaken after the meeting of British and French state heads in Le Tourquet in February 2003. It was adopted following the decision of Defence Ministers of the European Union states on 22 October 2004 in Brussels. The concept assumes establishing 13 battlegroups, fully operational in 2007 and capable of conducting an operation up to 6000 km away from Brussels. Each group should be capable of conducting an operation for 30 days, and after a possible reinforcement up to 120 days¹⁶.

The analysis of contemporary armed forces made on the basis of Combined Joint Task Force, NATO Response Force and EU Battlegroups indicates the way of generating military power in the contemporary international politics. It is built through international cooperation of states and organizations and specification of particular requirements dictated by the conditions for use of armed forces. These conditions include the character of a military operation, its length in time and identification of components.

3. Military power in the Afghan conflict

The present Afghan conflict can be treated as an expression of conflicts of new type, characteristic of conflicts of the 21st century. They involve countries and local communities and are characterized by cultural (sometimes religious). What is important, the Afghan conflict shows also the complexity of security in the 21st century, expressed by its regional and supra-regional impact. Therefore, it is necessary to briefly characterise this conflict. It is:

- a conflict of political and ideological character between countries – parties involved in its resolution and extremist groups of muslim community propagating ‘a holy war’ (jihad) against everything that is not part of Islamic religion and tradition (Talibans, Al Kaida and others);
- a conflict of economic character where Afghanistan, destroyed by wars, constitutes the main source of financial income from drug trade (opium);

¹⁵ M. Szkodzińska, Z. Pękala, *Od Pragi do Stambułu – implementacja założeń wojskowego wymiaru transformacji NATO (From Prague to Istanbul – implementation of assumptions of the military aspect of NATO transformation)*, DPO MON, Warszawa 2006, p. 14 and subsequent ones.

¹⁶ The assumed target of the European Union is to be capable to react to two independent crisis situations. Its consequence is the maintenance of two battlegroups in full readiness, whose potential will provide the European Union a possibility of conducting two operations limited in time or will allow for the execution of the initial phase of one large operation. In accordance with the assumptions these forces should reach the capability to act on the operation territory within five to ten days (after the process of decision-making by the EU Council lasting maximum five days). Military Capability Commitment Conference. Declaration on European Military Capabilities. Brussels 22 October 2004.

- a social and ethnic conflict between sunnites, shiites, Pastunes and Tajiks, Khazars, Uzbeks, Turkmens, etc. where social and national connections (clan organisation of communities) play a crucial role;
- a conflict where the structures of state authorities control restricted areas of the country (Kabul and Kandahar), whereas they do not exist or are weak and inefficient the others;
- a conflict which generates a humanitarian disaster for about three million Afghan refugees staying mainly in neighbouring countries.

As a result of the above at present Afghanistan is a state only by name, as a matter of fact it is a geographical land¹⁷.

Referring to the military character of the Afghan conflict it should be emphasised that this conflict is being solved almost solely unilaterally by countries that create the transatlantic community. It generates certain difficulties as well as some advantages.

The difficulties consist in, amongst others, the necessity of coordinating all the political, economic and military processes in the region geographically distant from their borders. It is connected with the need to improve the existing cooperation mechanisms under the North Atlantic Alliance and its relation to the European Union. Furthermore, the difficulties concern also the regional cooperation and they result from the need and necessity of working out the mechanisms of regional cooperation between the countries situated there. It means that the Afghan conflict affects not only internal regulations, but also the complex security of the whole Middle Asia. Simultaneously, a thesis can be put forward that the resolution of the Afghan conflict will definitely influence the regional and supraregional security. This security may lead to:

- free use of transport routes;
- access to energy sources located in Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan and Kyrgyzstan;
- stabilisation of „Euroasian Balcans” and, as a consequence elimination of humanitarian disasters and other social situations that generate negative phenomena, e.g. terrorism.

Therefore, the difficulties arising from establishing the new social, economic and political reality in Afghanistan and the international one in the region are very serious.

The facilitation regards the possibility of working out a complex approach to both the resolution of the conflict in Afghanistan as well as to the regional security. In order for that to happen the states of the transatlantic community should adopt an overall concept of solving the Afghan conflict with participation of countries from that region and with involvement of international organisations. The assumption of such concept would be, first of all, the expression of expectations, aspirations and goals of the countries of the transatlantic community, which potentially gives an advantage of correlating needs, interests and aims

¹⁷ More about the function of the state and its scope in: F. Fukuyama, *Budowanie państwa. Władza i ład międzynarodowy w XXI wieku (Building a state. Power and international order in the 21st century)*, Poznań 2005, p. 21-25.

of other subjects with own ones. Its prerequisite is a political will of states, which must take into account the following determinants:

- political, economic and sometimes social and cultural interests of the main subjects involved in the regional politics – Russia, China, Pakistan and Iran;
- cultural and social ‘mosaics’ of Afghanistan, which requires skillful handling of the Afghan conflict.

Pragmatism and effectiveness should be the chief directive. Axiological treatment of social reality can be a serious obstacle. This results mainly from the social and cultural development of the communities inhabiting Afghanistan as well as from the system and political difference of the regional countries.

Currently, the Afghan conflict constitutes a real challenge for the countries of the transatlantic community involved in its resolution. This challenge is caused by the following factors:

- this is a long-term conflict; its resolution may probably take place about 8-15 years since the start of the Afghan operation in 2011;
- this conflict requires significant, permanent financial expenditures both for maintaining the military potential as well as for strengthening the political and social structures, and the economy of the Afghan state;
- the actions of this conflict take place in a remote area and in the terrain of diversified climatic and topographic features which cause logistic difficulties.

It should be emphasised that the long term of the Afghan conflict results from the necessity of changing the present social and political structures and setting the ‘new’Afghanistan in the new regional security environment. The terminal objective of the countries of the transatlantic community could be establishing a Middle Asian cooperative security system similar to the one established in Europe in 1990s¹⁸. As a result it would allow them to create, amongst others, one homogenous cooperation region. This, in turn, would make it possible to exploit natural resources (oil, gas) in the North (Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Tajikistan) and to transport them to the South to the region of the Arabic Sea – the Indian Ocean¹⁹.

¹⁸ In the context of the security of the Middle Asia the words of Muni Akram, Permanent Representative of Pakistan to the United Nations, should be quoted. In his opinion the success of the undertaking depends on three conditions:

1. The first one is the process of rebuilding Afghanistan and the redevelopment of the region of the Middle Asia. It requires a complex, multi-aspect approach characteristic of individual decisions without using cliches. The three basic instruments co-creating this process should be: defence, scaring, diplomacy;
2. The second one is the cooperation and activity of regional ‘actors’ not only in regular (operational) issues, but chiefly to the benefit of establishing economic complementarity of the regional states – linking the North and the South of Central Asia;
3. The third one is international cooperation, which assumes that the international community will stay in Afghanistan for at least a decade, and at the same time – the confirmation of becoming involved in the Asian „Marshall’s Plan” – being successful „in hearts and minds of the Afghans”.

J. Gryz, Sprawozdanie z 23 warsztatów nt. bezpieczeństwa światowego (A report from the 23rd workshop on world security), *Zeszyty Naukowe Akademii Obrony Narodowej*, Warszawa 2006, nr 3 (64), p. 308-309.

¹⁹ *Ibidem*.

Connecting Afghanistan to the regional security is not only desirable, but even constitutes a requirement of a successful performance of allied actions in that country. In this light it seems that only a new definition of interests of the regional states may be inductive to the successful end of the Afghan operation.

The long term of the Afghan operation causes specific problems for political decision makers, first of all, as regards the social legitimisation of the military presence. The larger the number of victims, the more difficult the social support in this area is. Therefore, it is reasonable to identify the political goals which would be easily recognisable in democratic societies. An appropriate information policy connected with real and not declared goals, would be very well-grounded. This type of action may give a new perspective to the Afghan operation and, as a consequence, to the international policy pursued by the North Atlantic Alliance and the European Union. As far as the issue of financial expenditures on the stabilisation and the resolution of the Afghan conflict is concerned, it is reasonable to set up a cooperative system of cooperation of international organisations. The correlation of the actions taken by the United Nations, the European Union, the North Atlantic Alliance and others, who could support the resolution of the Afghan conflict, would be very desirable not only for generating forces and funds, but also for creating cooperation mechanisms to the benefit of solving similar conflicts in the future.

As regards the problem connected with the distance between the operational bases and the theatre of the actions numerous logistic difficulties should be mentioned. What it means for the use of military power is, first of all, the necessity of creating necessary infrastructure that allows taking actions on the territory of Afghanistan. It should be emphasised that the use of military power in the Afghan conflict has a triple role as follows:

1. deterrent, with regard to talibans and the opponents of the present Afghan government;
2. protective, with regard to the population, processes of rebuilding and developing the country;
3. stabilization, with regard to the situation inside Afghanistan and in the region of the Middle Asia.

The deterrence role of the military forces in the Afghan conflict consists in its demonstration. It is realised through actions by immediate response forces and through conducting operations which are targeted at eliminating Taliban.

The role of protecting people and processes of rebuilding and developing consists in using the military power for patrolling, establishing permanent and temporary checkpoints, blocking and searching the territories, which could be the place of actions for extremist groups. This function is largely convergent with the deterrence function.

The stabilisation role of the military power in the Afghan conflict consists in its presence and impact on the regional states and local communities. Thanks to it there is a chance of rebuilding Afghanistan and establishing a new security environment in the Middle Asia.

The use of military power in the Afghan operation is very peculiar in the context of national and international conditions. As regards the national conditions it is chiefly the problem of social legitimisation for the actions undertaken. The legitimisation has a chance to be stronger if the human losses in national contingents are smaller. This is where the

basic directive and priority in the Afghan operation, i.e. limiting losses, comes from. It is all the more difficult that the soldiers of the allied countries are exposed mainly to the actions by Talibans, drug dealers, terrorists and various types of extremists. Due to this, the requirement of this mission is an appropriate information policy which would contribute to the understanding of the goals of armed forces and also to propagating their successes.

As regards the international conditions it is necessary to distinguish at least two types of cooperation: the allied one, conducted jointly by NATO and UE, and the regional one, carried out by the allies and regional states.

The description of the problem of using military power in the Afghan conflict explicitly specifies it as a basic factor that enables changes. It clearly indicates that these changes can be made with other than military means, i.e. using mainly political, economic and social methods.

Summing up, the evolution of military power in the international politics indicates that, nowadays, it is a factor which supports and conduces to desired changes. At the same time it is not a means in itself which can solve all the problems. In the complex and turbulent international environment it is solely an instrument thanks to which one can initiate a desired direction of changes, of an international or state security environment. The use of military power in the international politics requires at the same time a wider concept of acting, which does not come down exclusively to military actions, since a military success is not a guarantee of political, economic or social success. This interdependence is visible in the Afghan operation.

The Afghan conflict indicates also the complexity of national and supranational actions. As regards national actions it is necessary to redefine the so-far perception of security by societies, replacing the way of thinking about security in the categories of security state with the category of security process. Otherwise, the gap in the understanding by societies and by political decision makers what the security is like will be deepening. As a consequence, there may occur a decision-making paralysis or undertaking ad hoc actions, including the use of military power. Afghan operation is such an example.

In the area of international actions, the Afghan conflict reveals a weakness in coordinating actions by the international community. The success of not only of the Afgan operation but also of any other missions that may take place in the future depends on the strength of the international community its will of acting.

In the light of the above it is crucial to create or to improve the so-far cooperation fundamentals and co-acting within the United Nations. The alternative is its further marginalisation, which may lead to the situation known from the 19th century, i.e. solving problems through ad hoc-called international conferences with participation of the countries which dominate on the arena of international relations.

Concluding, one can risk a statement that the Afghan conflict meets the criteria of the 21st century conflicts, which consist in:

- the necessity of long-term involvement in its resolution;
- maintaining substantial military power in the region of the conflict;
- the necessity of having a long-term strategy of involvement.

It shows the need and, at the same time, a requirement of having a long-term concept of conduct based both on a vision of actions to be undertaken as well as of the desired terminal objective. Both the former and the latter depend, in the contemporary world, on the effectiveness of the organisation of states and their political will. These factors are decisive both in the conflict discussed and in future conflicts. The evolution of military power in the international politics also depends on them.

Is NATO still needed?

An unorthodox perspective on the North Atlantic Treaty Organisation on the example of the Afghan conflict

The North Atlantic Treaty Organization (NATO) is facing the necessity of redefining its identity. NATO is working on a new strategic concept as an institution which will be responsible not only for the security of its members as well as for the global stability and prevention of threats to the international order. It has been emphasized many times that for NATO the Afghan conflict is 'a task' and not 'a test'. However, it is in fact both a test and a task. It is an operation which will determine the role of the Treaty in the second decade of the 21st century. It does seem that this, asymmetrical in its character, test of the management of local crises and conflicts will fail and the United States will have to take on the responsibility of escaping from the Afghan trap. Such solution results from the logic of the NATO existence and its *raison d'être* as an organization protecting the Western territory against aggression. Military operations under the aegis of NATO – the organization which is heterogeneous and has limited operational capabilities, will expose it to loss of identity and will deepen the conflicts and reduce NATO to the role of the 'US adjutant'.

After the end of the cold war, the dissolution of the Eastern block and the collapse of the Soviet Union the North Atlantic Treaty Organization underwent an institutional and conceptual transformation accepting new member countries, reorganising the command structure and taking on expeditionary tasks outside the territory of member countries.

The globalisation of the action area of the Treaty brought about principal consequences for its identity and strategic, operational and organisational foundations. Using military means out of the North Atlantic area was forced by the weakness and disfunctionality of the U.S. forces and it gave rise to the development of expeditionary actions launched outside the collective security system of the UNO. The transformation of the Alliance started on 24 March 1999. The attack of the U.S. air forces on Yugoslavia, air raids on military and civilian targets, firing missiles from warships were a consequence of the lack of consent of the Serbian leader Slobodan Milošević to the implementation of the peace plan for Kosovo by international NATO units. The decision to use of power against a sovereign state, incompatible with the United Nations Charter, was made by the North Atlantic Council under the influence of the U.S. secretary of state, Ms Madeleine Albright with regard to the necessity of taking all necessary measures to prevent further cases of systematic violation of human rights towards Albanian population living in Kosovo.

The humanitarian intervention specified again *raison d'être* of the Alliance in the world, whose structures of global management were more and more dispersed and whose susceptibility to normative and institutional actions in the area of international law was lowered. The belief of the West in the normative power of the North Atlantic community and in the power of global combination strategy using elements of 'soft' and 'hard' power¹ strengthened the tension between 'a single-pole moment' and the increasing manifestations of contesting American global leadership. The events of 11 September 2001 launched a new global strategic game called 'a war against terrorism', where, initially, the main player was the North Atlantic Treaty. The reaction to the terrorist attack on the United States fully corresponded with the logic of collective defence, nonetheless the means, instruments and methods used under NATO differed from the model of cooperative security, shaped in the 1990's of the 20th century.

The operation of 'Enduring Freedom' undertaken in response to the terrorist attack on the USA was an attack of the United States – supported by the allies from NATO – on the country, which challenged 'the transatlantic security community' and was a severe punishment for the lack of the cooperation of Afghan authorities against the fight with Islamic terrorism. The North Atlantic Council, justifying the decision on using power against Afghanistan, based on art. 5 of the Washington Treaty, without too much thinking, made a breakthrough step towards the delegitimation of NATO and deconcentration of the American leadership. By this decision, the achievements in the stabilisation of the Balkans were pushed into background and the centre of gravity was shifted into expeditionary operations carried out by the 'coalition of the willing ones' appointed by the USA. It must be borne in mind that it was 'a mission that decided on a coalition'².

Article 5 of the Washington Treaty, apart from its geopolitical anachronistic nature, says that 'each state-side of the Treaty shall take on 'actions, which they recognise as necessary, including the use of armed force, in order to restore and maintain security of the North Atlantic territory'. This 'security restoration and maintenance' by the means of an *out-of-area* operation in practice forced the adoption of a convention of 'a war as a compound warfare'³, which meant conducting complicated operational actions under one leadership by grouping regular and armed forces and irregular anti-partisan units⁴. Moreover, those operations were carried out thousands of kilometres away from the territory of the state, which, according to the logic of the Washington Treaty – became a victim of 'an armed aggression'. Their target was not to allow for the re-creation of ruling structures and mechanisms in Afghanistan built by the Taliban and also closing the internationalised internal conflict of the Afghanistan war within the territorial borders of this state. The chances of achieving these goals, which were slim already at the beginning of the operation of 'Enduring freedom',

¹ See J.S. Nye, Jr., *Soft Power. The Means to Success in World Politics*, New York 2004, p. 25-30.

² Fraser Cameron in: *Should the European Union be able to do everything that NATO can?*, For and Against: Debating Euro-Atlantic Security Options, p. 14, <http://www.nato.int/docu/debate/debate-eng.pdf>.

³ I refer to a concept of 'a compound warfare' presented by Thomas M. Huber. See T.M. Huber, *Compound Warfare: A Conceptual Framework*, in: Th.M. Huber (edit.), *Compound Warfare: That Fatal Knot*, Fort Leavenworth, Kansas 2002, p. 1-9.

⁴ F.G. Hoffman, *Hybrid vs. compound war*, *Armed Forces Journal*, October 2009, <http://www.armedforces-journal.com/2009/10/4198658/>.

decreased almost to none due to the fiasco of plans of the 'afghanisation' of the civil war and the concept of departing from armed combat to stabilisation and humanitarian missions.

The expeditionary character of NATO operations turned attention to the strategic concept of the Alliance. Voices on the need of adopting a new strategic concept appeared soon after the events of 11 September 2001 and the intervention in Afghanistan. However, so far it has not been possible to agree on such a strategic document, although in July 2009 an official debate on the assumptions of the new concept was started. Its result was the adoption of the new document in 2010⁵. For the time being, since the meeting in Riga in 2006, during subsequent meetings, the leaders have been adding new elements to the Washington concept from 1999. It resembles sealing cracks and mending holes that appear on the surface of the Alliance, instead of putting a new and durable surface.

The jubilee NATO summit, on the 60th anniversary of signing the Washington Treaty was held in three cities – German health resort Baden-Baden, French Strasbourg and a German town of Kehl situated on the other side of the Loire river from 2-4 April. Glancing at the final declaration one could not help the impression that in front of them there is a document adopted by the United Nations General Assembly – there were so many issues included therein, so many contemporary international problems, which can be solved by the organisation. One could see a recital of „key words” of the current international policy: a transatlantic cooperation, security of euroatlantic territory, Afghanistan stability, regional security in the Balkans, piracy, humanitarian aid for Sudan and Somalia, war against terrorism, media policy, extending the partnership with Russia, security and stability of the Mediterranean region and Persian Gulf, Alliance transformation, IT security and 'cyberdefence', arms control and non-dissemination of mass destruction weapon, energy security⁶.

Seeking a keynote and strategic orientation of the Alliance in this tangle of problems and concepts is not easy. Even two other documents adopted by the heads of the member states, i.e. the declaration on the Alliance security and the declaration regarding Afghanistan⁷, which specified action priorities of the Pact, gave no right to use the term 'identity' with reference to NATO.

Certainly, Afghanistan is the greatest challenge for the Alliance, both militarily and geostrategically, which results from the global role of NATO in the system of international security. This article includes a critical analysis of the NATO role in the Afghan conflict, from the perspective of the involvement of the Pact in the operation of 'Enduring Freedom' led by the United States.

In the light of works on the new strategic concept of the Alliance this analysis is based on an unorthodox approach to the NATO role in the system of global security, which

⁵ See NATO's New Strategic Concept, <http://www.nato.int/strategic-concept/index.html>.

⁶ Strasbourg / Kehl Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg / Kehl on 4 April 2009, http://www.nato.int/cps/en/natolive/news_52837.htm?selectedLocale=en.

⁷ Declaration on Alliance Security issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg / Kehl on 4 April 2009, http://www.nato.int/cps/en/natolive/news_52838.htm?selectedLocale=en; Summit Declaration on Afghanistan issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg / Kehl on 4 April 2009, http://www.nato.int/cps/en/natolive/news_52836.htm?mode=pressrelease.

emphasises the necessity of principal redefinition of the expeditionary dimension of the policy of the North Atlantic Alliance and the development of managing post-conflict situations.

Afganistan – a failed state

Over eight years from the start of the operation of 'Enduring Freedom' none of the targets planned in 2001 and confirmed during the NATO summit in Bucarest in 2008 was achieved. The Taliban movement broken by American air forces was reborn, reorganised and achieved significant military and strategic successes, transferring insurgency to the Pakistani territory and threatening the integrity of this state. 'Democratic leadership' of Afghanistan seems to be a farce. Hamid Karzai – the ineffectual, isolated and deprived of the support of most Afghan tribes and protected by American mercenaries – embodies a failure of the strategy of democratisation of Afghanistan imposed by Western powers. The presidential elections in August 2009 were held among so numerous gross irregularities, that they imposed on the government-controlled Afghan Election Commission a consent to another election. A poker move of Abdullah Abdullah, the main rival of Karzai, consisting in the resignation of participation in the repeated presidential election additionally weakened Karzai's position and, furthermore, showed that the only alternative to the surface rule, protected by the West is the return to the competition of local bigwigs standing at the head of ethnic parties who are unable to effectively rule the country⁸.

At the same time it should be emphasised that NATO fell into a strategic trap resulting from the lack of a real plan of social and political stabilisation of Afghanistan. The reference to the election procedures which are democratic, honest, representative and give an authentic legitimisation of election procedures was good and noble from the point of view of the principles of liberal democracy that executes ideas of a civil society. Yet, in the context of a multi-ethnic and backward⁹ Afghan society which is soaked in a political culture of violence, the institutions of democratic participation and political representation petrify traditional social, religious and regional divisions and strengthen the conflictogenic nature of political, tribal and clan structures of this country¹⁰. Democracy as perceived by the inhabitants of Afghanistan is an invention of the unfaithful, a straightjacket forced by the

⁸ See Afghanistan: Elections and the Crisis of Governance, International Crisis Group, Asia Briefing N°96, Kabul/Brussels, 25 November 2009, p. 15-16.

⁹ In the ranking of civilisation development prepared by the UN Development Program (UNDP) Afghanistan was at the penultimate place among 182 states included in the list. The average longevity of a resident of this country is the lowest in the world and in 2007 amounted to 43,6 years. Over 40% of population die before the age of 40. 78% of population have no access to potable water. 39% children are undernourished. The percentage of illiterate people in 2007 equalled 72 and was one of the highest in the world. Only 1/3 girls and 2/3 boys fulfill schooling obligation. Average public expenses for healthcare equal 8 dollars and are one of the lowest in the world (lower ones are only in Burundi, Birma and the Democratic Republic of the Congo). See Human Development Report 2009. Overcoming barriers: Human mobility and development, New York 2009, p. 146-202.

¹⁰ Compare A.J. Enterline, J.M. Greig, Perfect Storms? Political Instability in Imposed Polities and the Futures of Iraq and Afghanistan, *Journal of Conflict Resolution*, 2008, 52 (6), p. 886-91.

invadors, who replace the obedience to the Quran with the equality towards the law established by the West. For many years, this surface democracy has been mending 'a black hole of global security' constituted by Afghanistan in the 1990's of the 20th century. Cultivation and smuggling of drugs, illegal weapons trade, training members of radical islamist groups who join the ranks of islamist groups, common petty crime and, finally, fundamentalism of the Talibans shaped the reality of Afghanistan. This agricultural country, inhabited by rural population in three fourths, without industry, in 90% creates their revenues on the basis of informal economy, where the rules of free market, corporate ethics and the idea of modernisation are something incomprehensible and strange¹¹.

Picking Hamid Karzai and Pashtuns' rule was, as it seemed, after concluding the Bonn agreements in December 2001, a clever manouvre of the West satisfying the ambitions of the nation of Pashtuns, for centuries politically disadvantaged and simultaneously keeping the victorious Northern Alliance, consisting of Tajik and Uzbek units, in check. However, a weak political back-up, superficiality of democratic legitimacy of their government after the elections in 2004, tolerating corruption and embarrassing relations with opium producers and heroine dealers thwarted Western attempts.

Under the rule of Hamid Karzai Afghanistan transformed into „narco democracy"¹². Since the moment of overthrowing the Talibans and establishing Karzai's government, the cultivation of opium poppy has been growing systematically, significantly exceeding the level from before the year 2001. Under the Taliban rule the area of poppy cultivation was growing gradually, reaching the biggest size in 1999 (91 thousand ha). After the breakdown in 2001, both as a result of anti-drug crusade announced by the Taliban leader Mullah Mohammad Omar, as well as the intensification of the combat and, in the end, the NATO intervention, in 2002 as many as 74 thousand ha were sowed with poppy¹³.

In May 2003 the Afghan government adopted 'a national strategy of controlling drugs', which assumed the reduction in the drug production from 70% in 2007 and complete elimination of illegal cultivation and drug production until 2012. In the meantime in 2007 a record level of cultivation was reached – 193 thousand ha. Although the following year the area of poppy cultivation decreased to 157 thousand ha, however, it exceeded the level from years 2002 and 2003 twofold. In 2009 this area was reduced to 123 thousand ha. While the cultivation area clearly decreased – by 19% in 2008 and 22% in 2009 – the size of opium production was only slightly reduced: by 6% – from 8 200 tonnes to 7 700 tonnes in 2008 – and by 10% – from 7 700 to 6 900 tonnes – in 2009¹⁴. Fighting the turnover with the precursors of producing heroine is even less effective. In 2008 out of 14,5 thousand tonnes of

¹¹ K.K. Frank, *Democracy and Economics in Afghanistan: Is the Cart Before the Horse?*, *Mediterranean Quarterly*, 2006, 17 (1), p. 107-109.

¹² "Narco democracy" is a system of exercising power based on strong and pathological connections between institutions of a democratic state and organised crime groups that deal with production, smuggling and trade of drugs. This term was first used in 1984 by the U.S. ambassador in Columbia – Lewis Tambs. An example of narco democracy was Columbia in the 1980's and 1990's of the 20th century.

¹³ Report of the International Narcotics Control Board for 2008, New York 2009, p. 92.

¹⁴ Afghanistan Opium Survey 2009. Summary Findings, p. 1-5, http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghanistan_opium_survey_2009_summary.pdf.

chemicals used for opium production the government forces seized only 68 tonnes¹⁵. At the same time the productivity of the crops increased, probably due to the use of artificial fertilisers taken from farmers, who had received them from the Afghan government for the needs of the so-called alternative crops¹⁶. The cultivation of the opium poppy concentrates on areas traditionally dominated by the Taliban – the southern and south-western provinces. The real ‘opium-growing region’ are provinces of Helmand and Kandahar, which are the bastion of the Taliban. Besides opium poppy also cannabis is cultivated in Afghanistan. The area of this cultivation grows rapidly: from 30 thousand ha in 2005 up to 70 thousand ha in 2007¹⁷. The profits which come only from a special tax collected from the farmers who cultivate poppy and cannabis amount to as much as 200-300 million dollars per year¹⁸.

However, it is not only the Taliban who make a living from the cultivation of poppy, and cannabis, opium production and heroine smuggling to Europe, Middle East and North America. The closest people from the president’s surrounding were accused of involvement into the ‘narcobusiness’ and heroine trade, including his brother Ahmed Wali Karzai¹⁹. In October 2009 American media revealed that Ahmed Wali Karzai is a paid CIA agent, who helped create paramilitary Kandahar Strike Forces that carried out special operations on the south of Afghanistan against the Taliban²⁰. Voices of outrage that could be heard in media are completely unjustified in the circumstances of the strong, internationalised internal conflict of assymetric character, where the organised forces of interventionists use *double standards*²¹. Jeff Stern noticed quite level-headedly in the comment for the Foreign Policy portal: ‘So what that Karzai is on C.I.A. payroll?’²² As long as he delivers valuable sensitive information and data to the United States, supports American and Canadian logistic units and even helps DEA agents (American Drug Enforcement Administration), he remains a precious acquisition. The chairman of the Senate Committee on Foreign Relations, John Kerry, openly stated ‘We should not condemn Ahmed Wali Karzai

¹⁵ Threat Matrix: Afghanistan’s war on drugs: Child ‘chemists’ and Counternarcotics, The Long War Journal, http://www.longwarjournal.org/threatmatrix/archives/2009/11/afghanistans_war_on_drugs_chil_1.php.

¹⁶ V. Felbab-Brown, Afghanistan: When Counternarcotics Undermine Counterterrorism, The Washington Quarterly, 2005, 28 (4), p. 66-67.

¹⁷ Report of the International Narcotics Control Board for 2008, New York 2009, p. 97.

¹⁸ *Ibidem*, p. 96.

¹⁹ J. Risen, Reports Link Karzai’s Brother to Afghanistan Heroin Trade, The New York Times, 5.10.2008. Former officials of the Afghan ministry of internal affairs said that the greatest advantage of Ahmed Wali Karzai as the appointed by the Loya Jirga (Grand Assembly – the highest traditional body of state authority) chairman of the council of the Helmand province, is the control of bridges over Helmand river linking opium-growing regions in the provinces of Kandahar and Helmand. According to the journalist of The New York Times, president’s brother extorted protection money from opium traders for making the drug transport through the Helmand river possible. See D. Filkins, M. Mazzetti, J. Risen, Brother of Afghan Leader Is Said to Be on C.I.A. Payroll, The New York Times, 28.10.2009.

²⁰ D. Filkins, M. Mazzetti, J. Risen, Brother of Afghan Leader Is Said to Be on C.I.A. Payroll, The New York Times, 28.10.2009.

²¹ It is worth coming back to the classical work that justifies the global anti-communist strategy of Ronald Reagan’s administration, J. Kirkpatrick, Dictatorships & Double Standards, Commentary, November 1979. This article was then developed and published as a book as Dictatorships and Double Standards, New York 1982.

²² J. Stein, The Brothers Karzai and the CIA, ForeignPolicy.com, 28.10.2009, http://www.foreignpolicy.com/articles/2009/10/28/the_brothers_karzai_and_the_cia.

or damage his special relations with brother – President Karzai on the basis of press articles or rumours²³.

The tolerance for the Afghan president's brother is an effect of one of the key assumptions of anti-partisan policy used by the United States and carried out by NATO: transforming Afghanistan from a failed state into a managed state. Unfortunately, the costs of this undertaking are continuously growing and the effects bring more and more irritation of both the leadership of international forces, as well as of politicians of the states that give funds for building an efficient apparatus of the Afghan state.

The history likes repeating itself. Americans brought up another 'son of a bitch of ours'²⁴, who can count on a wide range of tolerance and with deliberation uses the little room for manoeuvre, which Americans and their allies have in Afghanistan. Karzai's government, in particular after the 2009 elections, can without any obstacle pursue a cynical policy of political and tribal distribution of privileges, advantages, influences and funds guaranteed by the West²⁵. He can implement a principle, which he formulated in the middle of 2008 in an interview for the weekly *Der Spiegel* „You cannot expect us to punish an Afghan who has lived his whole life in this country, who has suffered, sacrificed his family, given blood for this country, for having committed a little crime or a little corruption”²⁶

As *Financial Times Deutschland* wrote 'without a credible central government NATO has no partner in their efforts to restore peace in this country'²⁷. The main problem is that the central government is not able to effectively manage political and social issues of the province as well as its economy and their credibility was questioned by the very Afghans. However a chance for coming to an agreement with local tribal leaders is even slimmer than the probability of curing Karzai's government of corruption, nepotism and wrong management of public funds. Therefore, NATO and ISAF go up a blind alley executing a principal goal formulated in the report on Afghanistan in 2009: „The basic task of NATO-ISAF in Afghanistan is supporting Afghan authorities in ensuring peace and security to the inhabitants”²⁸.

²³ Chairman Kerry's Statement On Brother Of Afghan President Karzai, <http://kerry.senate.gov/cfm/record.cfm?id=319430>.

²⁴ A well-known metaphor of the methods of the American foreign policy aimed at the national interest of the USA regardless the form of rule in the allied countries or ruling methods used by the governing teams. It usually refers to 'the friendly dictators', who violate human rights and fight against the opposition with cruel methods, yet they protect American political, military and economic interests. The author of this term is Cordell Hull, secretary of state in F.D. Roosevelt's administration and the said 'son of a bitch' – is a former dictator of Nicaragua, Anastaso Somoza García. „When the secretary of state Cordell Hull presented to Roosevelt [in 1939] a list of politicians planning a visit to Washington, the president spotted Somoza's surname, pointed at it and asked: 'Isn't it this son of a bitch?'. Hull calmly answered 'Somoza may be a son of a bitch, but he's our son of a bitch'. A. Gruszczak, *Ameryka Środkowa (Central America)*, Warszawa 2007, p. 161.

²⁵ Compare. H. Cooper, In Leaning on Karzai, U.S. Has Limited Leverage, *The New York Times*, 12.11.2009.

²⁶ SPIEGEL Interview with Afghan President Hamid Karzai: 'I Wish I Had the Taliban as My Soldiers' *Spiegel Online*, 2.06.2008, <http://www.spiegel.de/international/world/0,1518,druck-557188,00.html>.

²⁷ Quoted from *The US and NATO Are Responsible for the Afghan Fiasco*, *Spiegel Online*, 2.11.2009, <http://www.spiegel.de/international/world/0,1518,druck-658730,00.html>.

²⁸ NATO Afghanistan Report 2009, http://www.nato.int/nato_static/assets/pdf/pdf_2009_03/20090331_090331_afghanistan_report_2009.pdf.

Expeditionary operations – dilemmas of anti-partisan strategy

The strategy of American army and forces of the North Atlantic Alliance in Afghanistan is based on 'the afghanisation' of the conflict and the further extension, training and strengthening of government forces, the pressure on the cooperation with local authorities in order to stabilise and restore Afghanistan as well as on seeking the international legitimisation and support for the Afghan government. The most important goal is to strengthen the institutions of state security: National Armed Forces, police and security services. NATO declared help and support by means of the planned Training Mission-Afghanistan (NTM-A)²⁹, operational teams for assistance and training, acting as links between the government forces of Afghanistan and ISAF and also groups of organisational support for the time of universal elections. Another task is strengthening the role of Provincial Reconstruction Teams (PRT) both in contact with civil population as well as in the cooperation with local authorities and government representatives in the area of e.g. war against drug cultivation and production. NATO strategists care in particular about the standardisation of the action formula of several dozen teams spread across Afghanistan and about the departure from the „anti-partisan character of PRT to the benefit of a humanitarian and developing profile of operations³⁰. The last element of the „afghanisation” of the conflict is the legitimisation of the Afghan government on the international arena by NATO and particular member states as well as organising international support for the NATO-managed operation of stabilising and reconstructing Afghanistan. NATO attempts to strengthen the Afghan government on the internal arena and also tries to expunge the image of Afghanistan as 'a puppet of the West'.

An important element of NATO strategy in Afghanistan, emphasised during the 2009 summit in Strasbourg/Kehl is the necessity of an integrated approach to the Afghan conflict by all the actors involved in solving the problem of instability of Afghanistan. In the declaration it was stressed that the coordinator's role is played by the United Nations Organisation, granting a mandate to the international operation of stabilisation and reconstruction and delegating the UN Assistance Mission for Afghanistan (UNAMA). Another important partner is the European Union maintaining a political mission (EUPOL) from June 2007, which is responsible for preparing and training the National Police. The NATO leaders also noticed the need for involving the European Military Police in the operational teams for assistance and training of the Afghan police. The third key partner of NATO was to be the Afghan government, whose democratic legitimacy was to be reinforced as a result of presidential elections in 2009.

The development of the situation since the summit in Strasbourg/Kehl undermined the assumptions of the strategy formulated by the North Atlantic Council. In the strategic and operational context the basic problem is the insufficient readiness of the force structures subordinate to the Afghan government to perform tasks to ensure state internal security and to enable proper functioning of public administration. It is a result of the diverse

²⁹ The training mission-Afghanistan started its activity on 21 November 2009 in Camp Eggers in Kabul under the command of gen. William B. Caldwell, IV. See: NATO's new training mission for Afghanistan is activated in Kabul, http://www.nato.int/cps/en/SID-C77E12AF-57332687/natolive/news_59372.htm

³⁰ R. deVillafranca, *Reconsidering Afghanistan: Time for an "Azimuth Check"*, *Parameters*, 2008, 38 (4).

organisational structure of government forces, the lack of appropriate coordination, low morale, claiming attitude towards the international coalition and also pathological links with crime, smuggling and terrorist organisations³¹.

The Afghan government forces are almost a mirror reflection of divisions, conflicts and problems of contemporary Afghanistan. The British expert on the Middle East, Samuel

Chan, in an article with a tragicomic title 'Guardians of Afghan democracy', referring to the report by British link teams acting under CIMIC described the soliders of the Afghan National Army (ANA) as follows: 'cowardness during fire exchange, unwillingness to participating in patrols, tendency to extortions among local population and addiction to smoking drug substances. One of the tribal leaders claimed that every day in the Helmand province at least half of the soldiers are in a state of hashish narcosis'³². In addition to this, the training, equipment and remuneration are very low. There is involvement in illegal weapons and drug trade and a high number of desertion cases and, what is the most important, the lack of loyalty in relation to the leadership and government which is dependent on Western countries. The Afghan National Police (ANP), which was expected to take over the responsibility for maintaining public order and fighting petty crime is completely corrupted and unable of effective actions, which is exemplified by the riots in Kabul in May 2006 put under controll only after American army and ANA units had taken action.

In the face of weakness and ineffectiveness of the Afghan police, Karzai's government, with the permission of ISAF, encouraged establishing the so-called armed support groups (ASG), i.e. private armed units or local militia supplied with weapons, military equipment and telecommunication devices by secret service on condition of cooperation with local ANP stations and ISAF forces. Although, the government of Afghanistan tried to control the development of local militia introducing permits for their formation, the phenomenon grew so huge that it slipped from the government supervision. For instance, as many as 200-400 units appeared only in the very Kunduz province³³. The permission for the militia units to oprate brought about certain consequences. It started the process of remilitarisation of Afghan residents, who, after the appearance of the NATO forces, had been forced or encouraged by a 100-dollar bonus to give away their weapons.

The activity of ASG serves concrete material advantages, i.e. taking from the state significant amounts for equipment and armament and also for the so-called own costs. The estimates are that 10-20% of funds for maintaining security coming from the funds for the country reconstruction go to the armed support groups, i.e. 300-600 milion dollars per year. These enterprises are so prosperous that the following prominent government representatives became involved in the establishment of the armed support groups licenced by the Afghanistan Ministry of Internal Affairs: president Karzai's brothers Haszmat and Ahmed Wali, the son of the defence minister Hamid Wardak, the governor of Nangarhar

³¹ Seth G. Jones, *Averting Failure in Afghanistan*, Survival, 2006, 48 (1), p. 114-17.

³² S. Chan, *Sentinels of Afghan Democracy: The Afghan National Army*, Military Review, January-February 2009, p. 34. Comp. M. Moyar, *The L-Word in Afghanistan*, <http://www.foreignaffairs.com/articles/65681/markmoyar/the-l-word-in-afghanistan>.

³³ J. Berger, *NATO forces rely on illegal Afghan militias, report says*, Guardian, 16.09.2009, <http://www.guardian.co.uk/world/2009/sep/16/nato-forces-afghan-militias>; M. Gebauer, *Emergence of Anti-Taliban Militias and Cause for Concern*, Spiegel Online, 12.11.2009, <http://www.spiegel.de/international/world/0,1518,druck-660905,00.html>.

province and previously the Kandahar governor Gul Agha Szirzai, a former governor of Uruzgan – Jan Mohammed Khan or general Nazri Mahmad³⁴. Many of them, such as Ahmed Wali Karzaj or general Mahmad, are accused of connections with opium producers. Moreover, according to the information obtained from local sources by New York University researchers³⁵, ASG working as ‘suppliers’ to the Afghan government and ISAF forces also take advantage of *outsourcing*, paying the Taliban for the protection of their transport. The growing number of ASG and the growing range of their actions caused doubts about the financial and organisational efforts for the reconstruction of Afghan armed forces, national policy, security forces and even of the forces of public protection. They posed a serious dilemma for the command of ISAF and American forces, connected with the delegitimation of Afghan government forces and the temptation of *outsourcing* as an effective method of reaching the goals of the Western coalition at low political costs and, first of all, low human costs. A report by the Centre of International Cooperation at the New York University includes the following statement: „Using unregistered private security companies and militia groups by the International Security Assistance Force of NATO and the U.S. military contingent are common. Many of these private security units act like militia ready to take action and are competitive with state authorities and often commanded by former military commanders responsible for violating human rights and involved in illegal drug trade and black market. Financing alternative armed structures of government meets the security needs for a short time and at the expense of the consolidation of the long-term government power”³⁶.

The privatisation of the ‘afghanisation’ strategy is a sign of failure of the attempts to connect ‘tough’ military security, under the anti-partisan strategy executed by the American army with ‘soft’ humanitarian security, created together with ISAF forces. What disappears in the conditions of an asymmetric conflict is a basic element which builds the civilian and military cooperation (CIMIC) on the territories of armed combat, i.e. a mutual trust³⁷. The commander of the American army and NATO forces in Afghanistan, general Stanley McChrystal makes a tremendous mistake saying that ‘in the end it is the Afghans that have to conquer the rebels’³⁸. Despite constant extension of government force structures and, in particular, of the army and police, their effectiveness is disproportionately low in relation to the costs borne by NATO and insufficient to gain a strategic advantage over the Taliban, which would provide a relatively constant base for normalization of the political situation in the country. This does not mean only the lack of possibilities of carrying out coordinated military operations by Taliban units and the ability of an effective response to the asymmetric armed operations, such as suicidal attacks, bomb attacks and distribution

³⁴ J. Sherman, V. DiDomenico, The Public Cost of Private Security in Afghanistan, Briefing Paper 09/2009, Center on International Cooperation, New York University, p. 1-2.

³⁵ *Ibidem*, p. 8.

³⁶ *Ibidem*, s. 1.

³⁷ Th. Brouns, Exploiting Insurgent Violence in Afghanistan, *Military Review*, July-August 2009, p. 19.

³⁸ General Stanley McChrystal Address, 1 October 2009, International Institute for Strategic Studies, <http://www.iiss.org/recent-key-addresses/general-stanley-mcchrystal-address/>.

of exploding traps (the so-called IEDs³⁹). First of all, it refers to ensuring a certain level of public security, to be felt chiefly by the civilian population and entrepreneurs.

The aim of the anti-partisan strategy is the creation of such conditions for the residents, field workers and public administration where they are not likely to support the rebels and they recognise and support government actions as well as realise that the principle of „gaining hearts and minds” is not feasible and the authorities should ensure security in the most important, strategic areas of the territory, such as the capital city and big cities, airports and seaports, main transport routes and industrial centres. However, even this task of „minimum” exceeds the stabilisation capabilities of the Afghan government forces. Even to protect precious economic resources, such as copper deposits in Aynak and water dams of Salma and Kajaki, with foreign investments, the government hired private armed groups acting under the aegis of „the Afghan Public Guard”.

David Kilcullen, a former advisor of the US army on anti-partisan strategy and a leading representative of counter-insurgency operations described the above mentioned problem in the following way: „We created police as a weaker version of a well-armed and trained army and we threw them to fight against partisans. Meanwhile, actually no one performs the work of police – law obedience, providing security to people.... enforcing criminal and civil law. The Taliban covered this gap”⁴⁰.

Traps of multilateralism

Modern threats to the security of NATO member states have a global and transborder character, i.e. their propagation does not face major obstacles and is a mobility function of global flows of people, goods, information and even atmospheric fronts (vide climate threats). One of possible implications of the above is recognition (as in e.g. the European Security Strategy dated 2003) that no country is able to effectively prevent such threats acting single-handedly, therefore, the state national security largely consists in mechanisms of collective and functional cooperation of state and non-state participants who are interested in establishing and consolidating structures and mechanisms of international order. This factor only seemingly stimulates cooperation, since many modern countries, in particular superpowers, try to work on individual and particular solution of the security dilemma anyway, frequently accepting the syndrome of ‘freelancer’ or ‘free riding’.

The military involvement in Afghanistan and military and civil operations carried out by ISAF units require the provision of proper transport infrastructure, an efficient logistic chain and the passable transport routes connecting Afghanistan with harbours and bases of external supply. The scale of the delivered equipment and provisions for the stabilisation forces excluded in practice the supervision of transport routes by NATO units and, in addition, forced the NATO/ISAF command to the common use of private transport services. The main transport route leading from the Pakistani harbour of Karachi across the Indus Valley through the Punjab province to Peshavar and then through the Khyber pass to Kabul

³⁹ IED – mens Improvised Explosive Device.

⁴⁰ G. Packer, Kilcullen on Afghanistan: It’s Still Winnable, But Only Just, *The New Yorker*, 14.11.2008.

goes along the borders of Pakistani provinces Balochistan and Southern Waziristan, where, since the beginning of 2009 confrontation between the Pakistani army and armed Taliban groups has been taking place. The Taliban's attacks occurred more and more often in Punjab province. On the route from Peshavar to Kabul transport is more and more exposed to Taliban's attacks, who seize the transported goods, kidnap drivers for ransom or demand high fees for letting the lorries go. Similar expectations were often reported by officers of police or government security forces⁴¹. NATO was forced to diversify supply routes of their forces and to direct part of deliveries to the so-called central Asian route leading from the Kyrgyz airbase Manas and Uzbek bases in Termez and Nawoi. In autumn 2009, as much as 30% of the supplies were transported along the so-called Northern way, leading from Uzbekistan and Tajikistan, mainly for the army of the United States. The transit bases in the countries of Middle Asia are used also by NATO member countries participating in the operation „Enduring Freedom”, amongst others Germany and Denmark⁴².

Such situation requires that the United States and their allies undertake complex diplomatic and political efforts in order to ensure access to the elements of transport infrastructure located in the countries of Central Asia. Usually it is connected with the necessity of involving Moscow in negotiations with leaders of the countries in these regions. The former general secretary Jaap de Hoop Scheffer, turning attention to the joint strategic interests of NATO and Russia in the context of the situation in Afghanistan, war against terrorism and piracy as well as the prevention of proliferation of weapons of mass destruction, stated clearly: „NATO-Russia relations are too precious to become stuck as a result of the discussion about extending or – for example – about the missile defence or Kosovo⁴³.

Afghanistan has not become only an arena of an internationalised internal context, one of the planes of the global war against terror or a test of the usefulness of Western military doctrines. It was transformed into a place of a global competition of superpowers, where the United States have to prove, in dramatic circumstances, that the loss of ‘a hyperpower’⁴⁴ does not mean the expiry of the capabilities that secure the vital interest of the USA in the global perspective. The stake is all the higher because the competition is joined by the main pretender of the United States to the world leadership, i.e. People's Republic of China⁴⁵. The Chinese strategy concerning resource security covers also the territory of Afghanistan. The copper ore deposits Aynak in the province of Logar are particularly popular. They are the second greatest in the world and their value is estimated at 88 billion dollars⁴⁶. The Chinese Metallurgical Corporation of China (MCC) won the contract for the exploitation of the copper deposits in Aynak for the price of 3,5 billion dollars. Additionally, they obliged

⁴¹ M. Green, High costs to get Nato supplies past Taliban, *Financial Times*, 13.11.2009. Por. A. Saikal, *Securing Afghanistan's Border*, *Survival*, 2006, 48 (1), p. 137-38.

⁴² K. Zasztowt, *Rywalizacja Rosji i NATO w Azji Środkowej* (Competition of Russia and NATO in Central Asia), *Bezpieczeństwo Narodowe*, 2009, volume 10, p. 135-139.

⁴³ J. de Hoop Scheffer, *NATO at 60*, *NATO Review* 2009, p. 5.

⁴⁴ I use the term introduced into the politics language in 1999 by the French minister of foreign affairs Hubert Védrine. See *Hyperpuissance* (politique), Wikipedia, [http://fr.wikipedia.org/wiki/Hyperpuissance_\(politique\)](http://fr.wikipedia.org/wiki/Hyperpuissance_(politique)).

⁴⁵ *Having it both ways*, *The Economist*, 5.11.2009, http://www.economist.com/world/asia/displayStory.cfm?story_id=14794723&source=hptextfeature.

⁴⁶ Ron Synovitz, „China: Afghan Investment Reveals Larger Strategy”, *Afghanistan Online*, 29.05.2008, http://www.afghan-web.com/economy/china_investment.html.

themselves to build a powerful power plant and a railway line that leads from the province of Logar to the Pakistani harbour of Gwadar⁴⁷. Beijing is interested in searching for and the future exploitation of deposits of oil, natural gas and copper and gold ore⁴⁸. At the same time Chinese authorities take advantage of the weak points of Karzai's government corrupting government clerks⁴⁹.

Japan shows anxiety, since her position in Asia and the Middle East weakens systematically at the expense of the growing influence of PRC. Observing Chinese interest in Afghanistan, Japan decided to strengthen their commitment to the stabilisation and economic reconstruction of this country, declaring at the beginning of November 2009 the donation of 5 billion dollars in the form of development (non-military) aid, which makes it the second donor of financial aid for the reconstruction and social and economical development of Afghanistan. The Japanese government of Prime Minister Yukio Hatoyama said openly that the promised help is an element of stopping the Taliban rebellion and Japan also offers help to security organs, in particular, to Afghan National Police⁵⁰.

In the further perspective such actions serve geostrategic interests of China. The limited capability of the Afghan authorities to rule the state and making its functioning dependent on the Western financial and military protection, provided so far by the USA and NATO at the cost of a hundred billion dollars and thousands of casualties, offers ample scope for activity to the Chinese government. Geopolitical closeness, the possibility of logistic back-up facilities for NATO caused China to conduct inconvenient negotiations with governments of Central Asia countries. Moreover, the losses suffered on the transport route in Pakistan and, first of all, the political and economic influences in the Central and Southern Asia are undoubtedly advantages which will be used in the game against the West.

Although Obama's administration openly counted on bigger commitment of China to the reconstruction of Afghanistan and training of police forces, Beijing consistently refused to cooperate with Western countries in managing the Afghan internal crisis⁵¹. NATO launched efforts to involve PRC in the cooperation. The deputy secretary general Claudio Bisogniero paid an official visit to China on 9-11 November 2009, as the first high-ranking representative of the Alliance. During his speech in the Chinese Institute of International Relations he said 'China is a rising global superpower and NATO leads a large stabilisation operation in Afghanistan, a country that borders with China. In the world where global risk factors are still increasing our security interests will be in future more and more convergent.

⁴⁷ A. Kuhn, China Becomes A Player In Afghanistan's Future, <http://www.npr.org/templates/story/story.php?storyId=113967842>.

⁴⁸ J. Fox, D. Korski, Can China save Afghanistan?, http://www.ecfr.eu/content/entry/can_china_save_afghanistan/.

⁴⁹ According to Washington Post, the MCC corporation won a contract for the exploitation of copper ores in Aynak thanks to handing a bribe of 30 million dollars to the Afghan minister of natural resources. See J. Partlow, Afghan minister accused of taking bribe, *The Washington Post*, 18.11.2009.

⁵⁰ M. McDonald, Japan Pledges \$5 Billion in New Afghan Aid, *The New York Times*, 11.11.2009.

⁵¹ G. Dyer, Obama to press China on Afghanistan, *Financial Times*, 12.11.2009, <http://www.ft.com/cms/s/0/7f2bf2d0-cf78-11de-b876-00144feabdc0.html>.

I am convinced that NATO and China will be cooperating to face common challenges⁵². It seems that the perspective of failure of the Western coalition have not aroused any concern in Beijing. Unlike, for instance, Moscow, which, since the withdrawal of its army from Afghanistan has been making attempts to prevent the spread of radical islam in the region of Central Asia.

The regional context of the Afghan conflict changes also as a result of the progressing destabilisation in the neighbouring Pakistan⁵³. Spreading the Taliban actions onto the territories of Pakistan, the weakness of president Zardari, two faces of military secret service ISI and uncertainty in Pakistani armed forces mean the loss of an important and predictable partner of the USA and NATO, namely Pakistan under the rule of Musharraf. Taking control of the Swat valley near the border with Afghanistan by the Talibans, armed forays into Afghanistan of bands belonging to the so-called Haqqani network, battles on the Federally Administered Tribal Areas and the rebellion in Balochistan reinforced by islamic radicals strengthen the strategic position of the Talibans in the Afghan conflict⁵⁴. This does not only enable moving the attacks out of the Afghanistan territory, but also gives shelter, safety and the possibility of regrouping in the case of the necessity of withdrawing to the Pakistani enclave. The complicated Afghan and Pakistani knot was noticed during the summit in Strasburg/Kehl, but the proposals to its solution seem to be little realistic. NATO counts on multilateral diplomacy under the Ankara process (initiated in April 2007), G-8 group and direct talks between the governments of Pakistan and Afghanistan stimulated by the United States. Probably, this will be another splinter of matter of the Western policy on the Middle East, dragged into a black hole at the borderland of Afghanistan and Pakistan. The European NATO members hope that the United States will force the Pakistani government to undertake a major offensive against the Talibans and the Alliance will be able to concentrate on the execution of new tasks assigned to ISAF.

The new ecosystem of the Afghan conflict

So far almost all elements of the 'afganisation' strategy mentioned above have failed. NATO got stuck in 'Chaosistan'⁵⁵, where the syndrome of paragraph 22 paralyzes strategic planning and hinders the operational activities. As the Afghan conflict becomes exacerbated, the NATO units and the ISAF forces commanded by them lose the influence on the development of the situation in Afganistan simultaneously increasing the strategic, operational

⁵² Speech by NATO Deputy Secretary General Claudio Bisogniero at the China Institute for International Studies, Beijing, China, http://www.nato.int/cps/en/natolive/opinions_59185.htm. Zob. także: NATO Deputy Secretary General visits China, http://www.nato.int/cps/en/SID-A327CA49-5AAB5F92/natolive/news_59191.htm?

⁵³ T.C. Schaff er, Pakistan: Transition to What?, *Survival*, 2008, 50 (1).

⁵⁴ R. deVillafranca, *op. cit.*, p. 91-94.

⁵⁵ Neologism ascribed to the chief commander of ISAF and USA forces in Afghanistan gen. Stanley McChrystal (see General Stanley McChrystal Address 1 October 2009, International Institute for Strategic Studies, <http://www.iiss.org/recent-key-addresses/general-stanley-mcchrystal-address/>). Its author is a journalist-economist Richard J. Maybury, who as early as in 1992 used the term „Chaostan”: <http://www.chaostan.com/chaostanA.html>. See also: M. Hosenball, Chaosistan, *Newsweek*, 19.10.2009.

and logistic dependency on the American armed forces. The idea of increasing the number of coalition troops in Afghanistan, put forward by the commander of the US armed forces and ISAF, Stanley McChrystal, met a restrained reaction of the USA allies. Europe is not going to spend more on defences as the deep economic crisis, which started in the second half of 2008, did not only restrict the possibilities of covering military expenses by governments, but also provided a strong argument to the opponents' of strengthening the allies' military potential and, in particular, further military involvement in Afghanistan. The more so as, as accounting services of the U.S. Congress estimated, an annual cost of maintaining one soldier in Afghanistan amounts to at least a million dollars. Sending additional 40 thousand American soldiers would cost the tax-payers 40-54 billion dollars per year. As a result the military budget of the USA would grow in 2010 to the monstrous amount of 734 billion dollars, which is by 10% more than in the peak period of the administration of George W. Bush⁵⁶. Noone will guarantee that these billions of dollars would not be wasted.

The U.S. Ambassador in Kabul, retired general Karl Eikenberry, discouraging the increase in the number of the American troops under the hitherto executed strategy, emphasised that picking the corrupted and inefficient Karzai arouses deep doubts⁵⁷. However, it is Hamid Karzai, as a representative of Pashtunes, who is the only politician that is able to start talks with the Taliban. He frequently talked in a conciliatory manner about the main enemies of the Western coalition: 'The Taliban [...] did a lot of evil, but they also did some good things. I wish I had the Taliban as my soldiers'⁵⁸.

The basic indicator of NATO expeditionary actions, concentrated in Afghanistan, is the specific symbiosis between the Taliban, Karzai's government, ISAF forces and external actors, who came to terms with the low intensity of the conflict and are interested in ending the eight-year-long operation of 'Enduring Freedom'. Obviously, such situation does not make the main actors, who influence the dynamics of the Afghan conflict, happy. However, it enables 'the familiarity with the conflict': strategic planning, forecasting opponent's movements and a gradual rationalisation of material costs with the simultaneous limitation of losses in people.

Due to that, controlling the Afghan conflict seems to be an unusually difficult task, which requires a new approach to stabilisation tasks. David Kilcullen emphasised that 'in modern counter-insurgency actions security forces rather have to control a complex 'ecosystem conflict' than defeat selected hostile partisan groups'⁵⁹. In the 'conflict ecosystem' multiple, competitive units attempt to maximise their influences and survival abilities. The aim of the anti-partisan war cannot be defeat of the enemy and control of a fragment or of the whole of the territory, but the introduction of a relative order into the unstable and chaotic environment⁶⁰. A strategic key is the focus of actions by the armed forces, police and government administration on the population of the conflict area in order to provide them

⁵⁶ C. Drew, High Costs Weigh on Troop Debate for Afghan War, *The New York Times*, 15.11.2009.

⁵⁷ M. Green, US envoy opposes Afghan troop surge, *Financial Times*, 12.11.2009, http://www.ft.com/cms/s/0/ffdf861e-cf6c-11de-b876-00144feabdc0.html?ncklick_check=1.

⁵⁸ SPIEGEL Interview with Afghan President Hamid Karzai, 'I Wish I Had the Taliban as My Soldiers', *Spiegel Online*, 2.06.2008, <http://www.spiegel.de/international/world/0,1518,druck-557188,00.html>.

⁵⁹ D. Kilcullen, Counter-insurgency Redux, *Survival*, 2006, 48 (4), p. 122.

⁶⁰ See D.J. Kilcullen, Countering global insurgency, *Journal of Strategic Studies*, 2005, 28 (4), p. 614-615.

with security and protection against extremists⁶¹. John Chipman, the director of the International Institute of Strategic Studies (IISS) in London, stated that in the conflict ecosystem the basic goal is not to control a certain territory, but to shape the whole environment, including the collective memory of the residents, which requires the soldiers simultaneously carry out armed tasks and the efforts of humanitarian nature⁶².

Already in 2003 General Götz Gliemerth, the commander of ISAF of the time, described the strategy of Afghanistan stabilisation in the following way: ‘Small force components dispersed throughout the country in strategic locations, backed up by rapidly deployable Quick Reaction Forces and Close Air Support, would create platforms to boost security throughout the country. This is an effective way to extend influence and bring stability to remote areas without committing many thousands of troops on the ground. Ultimately, it represents a valuable vehicle to nurture a process of good governance in the provinces under the legitimate and accountable ownership of the central government. Moreover, this strategy minimises the risk of ISAF being perceived as an occupying force’⁶³. However, the counter-insurgency actions, under the leadership of the United States, made it impossible to effectively implement these assumptions.

The strategy of the United States in Afghanistan, as a result of the lack of sufficiently effective methods and instruments, concentrates on maintaining the Afghan conflict at a low level of intensity that enables the non-dissemination of the regional and global security threats. It brings about the following effects for NATO as an organisation responsible for the stabilisation of the situation in Afghanistan, but also as an alliance of 28 states that attempts to play an important role of a global guarantor of security:

- 1) NATO expeditionary tasks concentrate on crisis management, stabilisation of social and political relations of institutional character and maintaining public order through actions of police character. With reference to the Afghan conflict the stabilisation capability of NATO-ISAF is inversely proportional to the activity of counter-insurgency operations led by the armed forces of the United States. To achieve the strategic advantage that opens a perspective of imposing, on the opponents of the Afghan government, a solution to the conflict in accordance with the pattern developed by the West it is necessary, apart from the stabilisation actions, to include active anti-partisan operations conducted by NATO expeditionary forces, based on the so-called kinetic actions. However, the political, military and logistic reasons practically rule out such an option.
- 2) To achieve the NATO strategic and political objectives in Afghanistan would require disturbing the balance of the ecosystem in the Afghan conflict, based on the symbiosis of the Talibans, Karzai’s government, the U.S. and ISAF forces and external actors, mainly Russia and China. Neither local parties that participate in the war in Afghanistan nor the United States are likely to make a breakthrough, thus

⁶¹ A.M. Exum, N.C. Fick, A.A. Humayun, D.J. Kilcullen, *Triage: The Next Twelve Months in Afghanistan and Pakistan*, Center for New American Security, June 2009, p. 4, http://www.cnas.org/files/documents/publications/ExumFickHumayun_TriageAfPak_June09.pdf.

⁶² *The Military Balance 2005-06*. Remarks by Dr John Chipman, Press Statement, Arundel House, London, 25 October 2005, <http://www.iiiss.org/EasySiteWeb/GatewayLink.aspx?alId=1173>.

⁶³ Interview – General Götz Gliemerth: Commander of ISAF forces, NATO Review, Winter 2003.

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- the influence of the NATO member states on the perspectives of solving the Afghan problem is slight.
- 3) The United States as a key global actor and a part in the Afghan conflict must carry out a multi-level game on the political, diplomatic, military, economic and ideological plane. It resembles a game of chess played on many chessboards, linked with each other in various dimensions. Moving one figure brings about simultaneous consequences for the layout of figures on the other chessboards. The American authorities naturally aim at simplifying the game and at reducing it to the decisive game on a military chessboard in the internal territorial perspective of the Afghan conflict. In any event, the effects of movements on the military chessboard will be noticeable on other game squares and will change the general context of the American strategy. In such a fluid and unstable situation the role of NATO-ISAF units will be a function of many dependable variables, which will not restrict only the real results of the operations by armed forces, but will also weaken the legitimacy of the ISAF mission.
 - 4) The attempt of the United States to isolate the Afghan conflict will shift the gravity centre of the operation 'Enduring Freedom' to the Afghan and Pakistani border. The fear of radicalisation of the population in the Western provinces of Pakistan and destabilisation of not only this country, but also of Afghanistan, forces the USA to use diverse impact measures on Pakistani authorities and also more precise tools of armed combat, which will restrict the risk of the outbreak of an anti-Western insurgency and uniting the forces of radical islamists in Pakistan with Afghan Taliban. In these operations the United States will count on support by the reliable allies, mainly the British. Nonetheless NATO as an organisation will not have an influence on the American strategy in the Asian Middle East.

The North Atlantic Alliance in the second decade of the 21st century. A critical reflection

The writers who address the issue of challenges faced by the North Atlantic Alliance usually treat the subject in a 'technical' way. Discussing the provisions of subsequent summits of the organisation they specify the needs articulated then, simultaneously suggesting that meeting them will be identical to preparing NATO to face what future brings. The issue of further existence of the organisation, rooted explicitly in the times of the cold war, and the structural challenges faced in the conditions of the principal change in the global security organisation is quite rarely a topic of a public dispute. It is the writer's intention to prompt such an exchange of opinions, based on the assumption that the North Atlantic Alliance finds itself in its crucial phase and that within the nearest years it will be clear whether it will remain an organisation that is effective and capable of effective action to build security in its surroundings, or, whether it is another „discussion box“, which, as a matter of fact, owns military instruments, but is not able to use them effectively.

For over half a decade the North Atlantic Alliance guaranteed peace and stability in Europe and was a highly effective instrument of maintaining a strategic global balance of power. There is not much exaggeration in the statement that becoming a part of the philosophy of 'mutual assured destruction' NATO played a crucial role in preventing 'the nuclear Armageddon'. By the end of the cold war the North Atlantic Alliance had been a relatively cohesive political and military organisation, whose management, despite the obligation of the principle of unanimity among the member states, could flexibly and effectively react to arising challenges. The truly classical example thereof was the reaction to the deployment by the Soviet Union of SS-20 medium-range ballistic missiles (Soviet marking RSD-10 Pioneer) in Central Europe. During the summit in Guadelupe (on 6 January 1979) the heads of the most important countries of the Alliance – French President Valéry Giscard d'Estaing (although France was not a member of the military structures of the organisation), President of the Federal Republic of Germany – chancellor Helmut Schmidt and Prime Minister of Great Britain James Callaghan consented to stationing the total of 464 BGM-109 Tomahawk cruise missiles and 108 MGM-31 Pershing ballistic missiles on the territory of their states. It allowed for a relatively prompt restoration of the strategic balance.

At the turn of the 1980's and 1990's of the 20th century the Alliance, which fulfilled its basic functions highly effectively in the times of the cold war, faced a very serious dilemma connected with a fundamental restructuring of the international safety architecture. The fall

of the Soviet empire¹, followed by the collapse of the very Soviet Union (Russian empire²) imposed on the Alliance a thorough redefinition of functions and tasks. NATO was transformed from the defensive and a 'simple' counterbalance for the soviet block into a subject active on the European theatre and open to cooperation with most European countries and not only³. There were taken strategic decisions on extending the organisation into the east and to include not only the countries which were still under the Soviet influence (Poland, the Czech Republic, Hungary, Slovakia, Romania, Bulgaria), but also some former Soviet republics (Lithuania, Latvia, Estonia). Furthermore, the membership in the Alliance was obtained by one 'post-Yugoslavia' country (Croatia) and by Albania, which was strongly connected with China during the cold war. The Alliance started active stabilisation actions in the regions covered by and threatened with conflicts, both directly (Bosnia and Herzegovina, Kosovo, Mediterranean Sea, Afghanistan) and indirectly (supporting the European Union in Congo or the African Union in Darfur). This geographic extension of the 'interest zone' resulted in entangling NATO in the most difficult actions in its whole history, i.e. the war in Afghanistan launched as 'a stabilisation operation'.

The evolution of the North Atlantic Alliance briefly outlined above, which has taken place after the year 1989, has led to completely new challenges to be faced by the armed forces of the member countries face, generated by the following (the specified challenges were enumerated according to the importance, upwards):

- a fundamental redefinition of NATO tasks, currently the priority is the prevention of potential conflicts and crises as well as stabilisation of safety in the surroundings of the Alliance, reaction to crisis threats by the means of controlling the appearing crises and protection against their effects, the maintenance of continuous readiness to conduct war actions effectively and to win a war imposed on the Alliance⁴,
- a change of action territories dedicated to armed forces resulting from the redefinition of tasks,
- complex psychosocial and social problems faced by armed forces of the most developed countries,
- the lack of cohesion in politics and army resulting from the extension of the alliance.

¹ The writer, following Zbigniew Brzeziński distinguishes „three layers of the Moscow empire” – the Russian empire identified with the Soviet Union within its then-borders, the Soviet empire, i.e. the states of the Warsaw Treaty and Mongolia and a communist empire, covering the so-called “imperial customers”: Cuba, Nicaragua, Vietnam, Angola, Ethiopia, North Korea and South Jemen (Z. Brzeziński, *Plan gry. USA vs ZSRR (Plan of the game. USA vs USSR)*, transl. J. Kowalski, Warszawa 1990, p. 13-14.

² Ibidem.

³ An example here can be the Mediterranean Dialogue, covering Algeria, Egypt, Israel, Jordania, Marocco, Mauretania and Tunisia or the Euro-Atlantic Partnership Council, to whose works contribute Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Ireland, Kazakhstan, Kirgyzstan, Macedonia, Moldova, Sweden, Switzerland, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

⁴ S. Koziej, *Nowe wyzwania dla Sojuszu Północnoatlantyckiego w XXI wieku (New challenges for the North Atlantic Alliance in the 21st century)* [in:] *Bezpieczeństwo w stosunkach transatlantyckich (Safety in transatlantic relations)* [edited by J. Gryza], Toruń 2008, p. 208-209.

The analysis of the current situation of NATO makes one risk a statement that probably such a complex political and military structure had, never in the history before, been forced to undergo such a deep transformation in such a short time.

The challenge of new tasks

The armed forces of the North Atlantic Alliance were built and later modernised with the intention of carrying out wars in the European War Theatre, where the settlement was to take place in the area of the Central European Theatre of War Actions. In 1989 the principal element of land forces were heavy armoured and mechanised formations and in air forces – units designed to win a permanent supremacy in the air over the battlefield and to support their own land forces (i.e. the so-called „tactical aviation”).

Table 1. Tactical formations of NATO states in 1989

Country	Armoured divisions	Mechanized divisions	Infantries (other /equivalent)	Total
Belgium	—	3	1	4
Denmark	—	2	1	3
France	8	4	4	16
Greece	1	11	1	13
Holland	1	1	—	2
Canada	—	—	1	1
Portugal	—	—	1	1
Federal Republic of Germany	6	4	2	12
The United States	4	6	6	16
Turkey	1	2	20	13
Great Britain	4	—	1	5
Italy	1	3	3	7
TOTAL	26	36	42	104

Own study

What results from Table 1 is that out of 104 tactic formations at the level of a division (equivalent ones) over a half (62) belonged to heavy divisions (26 armoured ones and 36 mechanized ones), and the infantry tactical formations were mainly territorial formations. Some formations of the landing or expeditionary character (in the armed forces of Great Britain, France and Holland) had not changed. Therefore, in the first half of the 1990's the armed forces of the Alliance were still perfectly prepared to a war against an opponent, who

had ceased to exist and pose a real threat (at least theoretically, because the war in Georgia in year 2008 painfully verified this thesis).

Meanwhile, the actions in the Balkans showed a need to have forces of lower individual combat potential, but which are mobile and able to be relatively quickly deployed in the area of conflict (threatened by a conflict) and operate there for a long time without an excessive burden on the supply system. The process of building such formations, however, ran relatively slowly, mainly because of the following reasons:

- the wish of maximum fast consumption of 'the peace dividend' present after the end of the cold war in the Old Continent, which was expressed by the attempts of reducing armed forces and not of their restructuring,
- the lack of the permanency of the observed tendencies, characteristic particularly of countries, which were still in the Soviet influence zone, which in turn resulted in the lack of a strategic decision on to which extent the armed forces are to be used for expeditionary actions (light formations) and to what extent – for defending the national territory (heavy formations of 'the cold-war roots')⁵,
- a relatively slow formation of the new strategic concept of the alliance, which would include the necessity of fundamental political restructuring and not just a mere reduction of armed forces,
- a slow-down in the global economy (called 'crisis'), to which added the problems of 'the euro zone' resulting in the necessary reductions of military expenditures.

The only 'expeditionary' instrument of the Alliance, capable of quick use, are (or were) to be the NATO Response Force. However, since the beginning of the concept there have been serious difficulties with bringing it into life. They have been multiplying as the strength of the force has been increasing in the subsequent rotations and member states' involvement in the current operations has been growing. It should be stated clearly that at present the NATO Response Force are losing their priority importance for some countries of the Alliance⁶.

Since the first two task groups of the Alliance are connected with the widely understood crisis reaction it should be assumed that they will be carried out on the territories of the 'collapsed countries', such as Afghanistan, which is becoming such a country at an alarming rate, or Somalia, which has been like that for several years. The opponent here will not be regular armed forces of a country, but an irregular formation, which use partisan and terrorist tactics. The armed forces of NATO states are not prepared to act in such conditions, as shows the example of, for instance, Afghanistan.

Therefore, a thesis may be posed that the Alliance (perceived as a whole) currently has at its disposal armed forces which are not fully adequate for expeditionary actions, and at the same time, are significantly worse prepared to conduct a conventional war than in 1989.

⁵ In Poland this problem is worsened by the will of political elites to practice active diplomacy by the means of armed forces, but without the lack of readiness to accept financial and social costs of such actions.

⁶ E. Gągor, *Zmiany w militarnym wymiarze funkcjonowania NATO i związane z tym problemy (polski punkt widzenia)* (Changes in the military perspective of NATO functioning and problems connected therewith (Polish viewpoint), *Zeszyty Naukowe AON*, 2008 nr 2, p. 8.

Furthermore, what results from the change of the character of the tasks performed by the Alliance is not only the necessity of establishing units of significantly higher readiness, but also of making essential changes in training the forces, not to mention – making a fundamental change in the way a modern armed conflict is perceived. In order to discuss challenges resulting from this challenge it should be mentioned that at the end of the cold war the leading armies of NATO were entering a phase of dynamic transformations called ‘the revolution in military affair’ (RMA). It ensured the technologically-advanced armies an unquestionable primacy. This translated into the possibility of an effective elimination of armed forces, at minimal own losses, which had not undergone the process of radical transformation for various reasons. The first armed conflict, during which the capabilities given by RMA were widely used, was the war of liberating Kuwait where the special crowning achievement of technical capabilities provided by ‘the revolution’ was the attack on Iraq in year 2003⁷.

The primacy of technology seemed to make the war resemble an event similar more to a computer game than to a bloody confrontation. The fact of gaining, by a limited group of countries, an indisputable military supremacy over other subjects of international relations had a deep multi-aspect impact on conduct of armed conflicts regarding both merely military tactics, operational arts as well as strategic and political plane.

First of all, the political factors (governments) started using the armed instrument significantly easier, when the element, which burdened the decision to use the military power most (i.e. the risk of people losses) vanished and the victory was at hand’s reach. The political risk connected with starting a war disappeared or was definitely less significant – the loss of political support as the aftermath of losses unacceptable by society was one of the most important elements that mitigated war inclinations of heads of democratic countries.

As a consequence, significant political restrictions related to the use of the military power died out in the political practice of some NATO countries and, what is more, it was accompanied by the absolutisation of the military factor taking place at the expense of political thinking⁸.

Military leaders and planners absolutised the technical and technological aspect of conducting war actions at the expense of tactical and operational reflection leading to a particular atrophy of the classical ‘tactical thinking’ or, as one can also call it – ‘the warrior’s

⁷ As a reminder it can be said that during its course, after the air operation lasting from 17 January 1991 (‘Desert Storm’) land forces (‘Desert Sword’) joined the actions on 24 February and they achieved all assumed targets within as few as five days. American losses amounted to the 148 killed in action and the 145 killed in other circumstances, the British ones – respectively the 38 and 9 killed ones, the French ones – the two killed ones. The contingents of Arabic countries lost (excluding Kuwait) the 37 killed ones (18 Saudis, 10 Egyptians, 6 soldiers of the United Arab Emirates and three Syrians). To compare – reliable evaluations of Iraqi losses made by Americans on the basis of interviews with prisoners of war say about 10 000-12 000 killed people as a result of actions of the allied air forces and further 10 000 ones during the land campaign. During another war in the region of the Persian Gulf in 2003, the American and British forces completely defeated the Iraqi army and made the regime, which was ruling the country, collapse at the expense of the 150 killed (139 Americans).

⁸ The main aim of Republican Administration when starting the intervention in Afghanistan and Iraq was winning the war (what was achieved at a relatively low expense thanks to RMA), whereas a well-thought over plan for the time after the military victory was in both cases fragmentary. It turned out that even the most advanced military technology is not sufficient ‘to win peace’.

instinct'. The burden of such key elements of actions as, for instance, reconnaissance, was shifted almost completely to technical systems, from pilotless flying machines to the systems of cosmic reconnaissance. The attempt of obtaining a surprise effect was replaced by the conviction of the opponent's capabilities of precise drumfire of their earlier recognised positions. As a result, tendency in decrease of typical soldier's skills in the personnel of typical line units (the exception are only special-operations formations) was recorded (clinch fighting with an opponent, conducting reconnaissance to the benefit of own platoon or company, the ability of improvisation in the face of unexpected turnarounds on the battlefield, etc.). An average serviceman in a mechanized unit from technologically advanced countries was getting used to the thought that he would not see an opponent 'in person' (a soldier of a hostile army) either at all or, if yes, he will see him from a safe distance, mainly using of technically advanced sight of his weapon. A similar process, but regarding another area of 'military practice', was taking place among commanders of various ranks, for whom being successful became – putting it simply – a function of the number and quality of the technical means applied which enabled a precise allocation of the assigned gauge of an explosive in a planned venue at a specific time.

Parallely, the process of saturating the operational formations with the most modern military technologies was accompanied by the decrease in the percentage participation of personnel for direct confrontation with enemy, since the completion of operators of the new systems took place at the expense of ordinary „shooters“. As a result, a crucial part of the personnel of modern armies does not consist of 'soldiers-warriors', but of 'technical maintenance staff of computer networks' in uniforms, 'experts at operating applications', 'personnel of tropospheric communication station' as well as 'logistics specialists' without whom, as a matter of fact, a modern army cannot exist, but who do not directly participate in a battle. Finally, this noticed and negatively evaluated drainage of „lines“ resulted in the fact that armed forces (e.g. US Army), acting under a specific political factor of maximum number, more and more frequently turn to a peculiar „outsourcing“ and they employ 'private military companies' (PMC) to perform logistic tasks and sometimes also to carry out some elements of combat support. The consequences of this process, already noticed and anticipated, go beyond this text. The writer will content himself only with the statement that the 'crawling privatisation' of war is undoubtedly a fact.

Therefore, armed forces of the alliance countries face the necessity of 'learning' how to conduct irregular war with simultaneous maintenance of capability to carry out war actions in the case of a conflict of medium and high intensity. This is an enormously complex task, which has an effect on the whole organisation of armed forces, from elementary weaponry and equipment to the training of soldiers of all levels.

At the same time it should be emphasised that from the very military point of view professional military forces, after the transformation caused by RMA, are very sensitive to losses, because, due to limited personnel reserves, it is very difficult to replace the dead and wounded with highly qualified reservists. This is what Americans experienced in Iraq and Afghanistan and, as a result, they had to lower the criteria to be met by the would-be soldiers. This, in turn, required an increased training effort. Despite this, however, the qualifications of replacements arriving in both conflictogenic regions were lower than expected by the commanders. Thus, it is difficult not to notice the truth in a sentence presenting

modern, technologically advanced professional armies as *eggshells armed in hammers, capable of doing damages, but irresistible to them* [...], *in favourable conditions they reveal exceptional advantages, acting effectively in every detail, [...] they will appear invincible there where the power of fire is a decisive factor; they will perform much worse in any different form of combat, unable to suffer heavy losses and little fit to a direct fight with the opponent, where it will be difficult for them to make use of their natural advantage or to protect weak points*⁹. Experiences of NATO from Afghanistan confirm the truth of the above diagnosis.

Geography-related challenge

The analysis of conflictogenic zones in the world clearly shows that if the North Atlantic Alliance is really to prevent potential conflicts and crises effectively and to react to crisis threats – the basic kind of military activity will be expeditionary actions, often carried out significantly far away from national territories of member countries. This requires an efficient system of army deployment and delivery of supplies. In fact, at present, such an allied system simply does not exist. Joint efforts, such as, e.g. the initiative of Strategic Airlift Capability develop very slowly. It is sufficient to say that the Heavy Airlift Wing received their first aircraft C-17 Globemaster III on 27 July 2009, although the need of equipping the alliance with heavy airplanes for strategic transport had already appeared during the war for liberating Kuwait, and the Kosovo conflict (1999) clearly revealed the weakness of the alliance in this area. However, even the organisation of the international heavy airlift wing does not solve the problems and NATO is still dependent largely on the AN-124-100 airplanes made available through the consortium SALIS GmbH by the Russian carrier Wołga-Dniepr and Ukrainian airlines Awialinia¹⁰.

The situation is further complicated by the fact that not only the Alliance, but also member states – in their national military systems – have very limited strategic airlift capabilities of quickly deploying fully armed and equipped tactical formations in distant areas. Except for the United States, only Great Britain with their six Globemasters and older machines of Tristar K1 and VC-10 C1K types have some real assets at their disposal. The air fleet of the other countries is dominated by C-130, C-160 and similar airplanes, which fall into the category of tactical transport.

The situation with sealift is similar. Eventhough the Sealift Coordination Centre was established in the Dutch airbase of Eindhoven in 2002 up to now this structure has the possibility of fast acquisition of as few as ten ships, which meets current needs, but in the case of carrying out an expeditionary expedition on a big scale it would not be sufficient to cover the transport needs¹¹. Analogically to airlift, only the United States, have at their disposal,

⁹ J. Ferris, *Siły konwencjonalne w współczesnej wojnie (Conventional forces in a modern war)*, [in:] J. Baylis, J. Witz, C. S. Gray, E. Cohen, *Strategy in a modern war. Introduction to strategic studies.*, Kraków 2009, p. 287.

¹⁰ B. Głowacki, *Pierwszy Globemaster wiosny nie czyni (The first Globemaster doesn't make a summer)*, Report, 2009 nr 9, p. 56-64.

¹¹ Three ships to transport rolling cargo available at once, seven ships to transport rolling cargo available after the earlier announcement of the demand. The maintenance of units in readiness for military cargo is financed by a group of countries, led by Norway (except for it – there is Canada, Denmark, Italy, Holland, Portugal,

national means of airlift that are capable of effective force projection in the distant regions (units subordinate to Military Sealift Command) and, to some extent, Great Britain (units that compose the Royal Fleet Auxiliary).

There are a few causes of the above mentioned inability of NATO to quickly deploy forces into distant regions (i.e. the real inability to carry out some tasks, considered by NATO as priority ones). The first one, mentioned already earlier in a different context, is the fact that NATO was established during the cold war and during most of its existence it prepared itself to conduct combat actions in Europe. Thus the strategic transport was not needed by most of its members (the deployment of the reinforcement forces from the United States into the European War Theatre was to be provided by the powerful American airlift forces and the means of sealift). In 1990 the 16 states of the alliance owned in total approximately 400 of C-130 class aircraft which meant both their number and transport potential corresponded with the needs. The European NATO states entered the cold-war era without strategic transport. Due to the 'peace dividend' and discussions about the character of the Alliance in the conditions of a radically changed global safety structure this status quo was altered relatively late and with limited commitment. The present status quo is the result thereof, which, as it is believed, will be maintained also in the coming years.

Psychosocial and social challenges

The states the North Atlantic Alliance is currently composed of face serious social and psychosocial problems. It is acknowledged that one of the most important – in the context of this article – is the proceeding evolution of the „European” value system and. This brings about a change in social attitudes towards the war as such and, subsequently, towards the participation in the collective defence, particularly in the expeditionary actions not connected, in the common perception, directly with ensuring national security. What starts to play a dominant role in the richest countries, that is those which have at their disposal the greatest military capabilities, is the post-heroic attitude¹², but in a simplified, not to say – vulgarized version. It assumes the belief of those societies which live in peace and prosperity, that the whole world is principally the same as the West, but only more or less 'backward' with regard to it. In the international perspective, it first of all, favours soft impact means (persuasions, negotiations, limited economic sanctions) dissociating itself from the use of power. The use of the armed instrument is so limited that the effectiveness of „hard means” is very small. Governments established in democratic procedures must take into account such, principally pacifistic, attitude which does not accept losses (first of all of people), both on their side as well as on the opponents' side (especially among civil population). Thus, as the European attempts at controlling the Balcan crisis proved, in order to effectively use the

Spain and Great Britain.

¹² This term was spread by a German philosopher Peter Sloterdijk in a famous work published for the first time in 1983. Compare P. Sloterdijk, *Krytyka cynicznego rozumu* (Criticism of cynical reason), Wydawnictwo Naukowe Dolnośląskiej Szkoły Wyższej, Wrocław 2008.

military power, political will, which is often missing, is of the greatest importance. Such attitude may lead to such tragic events as the ones which took place in Srebrenica¹³.

Two more phenomena are characteristic of the tendency mentioned above: ageing of European societies and their progressing juvenalisation combined with the consumption cult. As a result, on the one hand, a percentage of population capable of carrying a gun is decreasing and on the other hand, the armies filled in by volunteers face more and more difficulties connected with supplementing the headcount¹⁴. In the few countries where the military service is still compulsory it is more and more difficult to obtain social acceptance for sending conscripts abroad. As Rupert Smith wrote: *the high level of soldiers' education – typical of Western European armies and the expectations of the society regarding their service and treatment have an impact on the character of the European armed forces and also on a possibility of their operational actions. To put it simply – these armed forces are greatly dependent on technology and they require large expenditures for ensuring them some comfort in the battlefield conditions; moreover, the commanders are very reluctant to expose the soldiers to a risk during the combat*¹⁵.

Furthermore, some armed forces, mainly British and French, but not only, have reservations about recruiting naturalised immigrants coming from unstable areas which are a potential area of expeditionary operations. This problem, which had been kept in confidence for many years because of the political correctness, became a subject of a stormy debate in Great Britain after the death of Jabron Hashmi in Afghanistan, the first Muslim soldier killed in that country¹⁶. It can be assumed that the problem of recruiting volunteers, who come from ethnic minorities, will soon become a subject of discussion also in other European countries: Spain, Holland and Belgium. This is a very difficult and potentially sensitive issue.

Nowadays in most NATO countries, a problem already seriously hindering an effective use of the armed forces in expeditionary actions is a low social support for armed commitment abroad. Analysing the ongoing social processes one can pose a thesis that such attitudes will be reinforced and that, with the passage of time, „the lack of acceptance” may turn into an explicit ban. Thus, one cannot exclude a situation when, despite owning military instruments potentially enabling an effective solution of a crisis situation, NATO will remain passive due to the lack of social acceptance for an intervention by the biggest and strongest states that create this organisation. Certainly, these tendencies will get stronger after the withdrawal of the alliance forces from Afghanistan, because the long-term commitment

¹³ What is interesting – various military organisations and their leaders perfectly understood how big significance for military actions of the West has the issue of losses. It can be said that the role of the first lesson was played by stopping the intervention in Somalia after the episode presented in the film 'Black Hawk Down'. On 3 October 1993, in Mogadishu during the fights, which broke out during an attempt of arresting one of the local leaders elite American sub-units (the team of operators from Delta group secured by the soldiers of the 75th Ranger Regiment). The Americans lost 17 soldiers, one was imprisoned and 84 became injured.

¹⁴ It results, amongst others, in the progressing feminisation of the army. Professional armed forces of rich countries, facing the problems of supplementing the headcount were simply forced to open their doors for women.

¹⁵ R. Smith, *Przydatność siły militarnej. Sztuka wojenna we współczesnym świecie* (The usefulness of military force. The art of war in the contemporary world), Warszawa 2010, p. 47.

¹⁶ Currently in the British army there are 248 Muslims, which constitutes 0,3% of the total headcount. The rear admiral Amjad Hussain born in Pakistan (promoted in 2006) is of the highest rank .

will finish, at best, only with a time deadlock. Furthermore, it can be said that a government supported by the West will simply not last long, which means that the principal aim of the mission will not be achieved.

The challenge of the lack of the cohesion

The North Atlantic Alliance was established in 1949 as an organisation of ten countries (eight European ones and the United States and Canada) determined to defend the Western Europe against the Soviet threat. Thus, the aim of NATO existence was rather clear and acceptable by all members. Except for Salazar's Portugal, all member states had democratic political systems, and, what is more, there were many significant similarities as regards social and cultural perspective. The United States was naturally a strong and unquestionable leader.

Currently the Alliance consists of 28 states, and in Europe it stretches from Portugal, Great Britain and Norway in the West to Eastern borders of Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary, Romania, Bulgaria and Turkey. Although in the alliance there are no non-democratic countries anymore, it is difficult not to notice that despite this fact, the organisation is significantly less cohesive and consistent internally than before. As a result it is less capable of undertaking concrete actions. There are at least a few lines of separation running through the community consisting of 28 sovereign participants of the international game. The most important are as follows:

- the attitude to the 'historical' opponent, i.e. Russia – the Baltic states, Poland, Romania, Bulgaria and even Turkey to a big extent have fears connected with the possibility of the rebirth, in changed historical conditions, of 'imperialistic' Russia, attempting to rebuild and extend their zone of influence. The states of Western Europe do not understand this attitude and they perceive the fears of the new members connected with the politics of Moscow as an alleged 'anti-Russian phobia',
- the attitude towards a further extension of the Alliance, which is largely a consequence of the attitude towards Russia – the countries of „the Eastern frontiers of NATO” would much more willingly see a strong relation of Ukraine and Georgia with the Alliance and, as a result, their full membership in the organisation; the restrained approach to the further extension of the Atlantic security space results from Russian opposition,
- the attitude to geographic directions of the Alliance activity – the Mediterranean states call for a deeper commitment of NATO into solving the problems in the Middle East, Maghreb and Black Africa at the expense of the activity carried out in the East.

The divisions in the modern NATO are much deeper than they have ever been. Their constructive overcoming constitutes the most important challenge faced by the North Atlantic Alliance.

Table 2. NATO member states in 2009

State	Year of joining the alliance	State	Year of joining the alliance	State	Year of joining the alliance
Albania	2009	Holland	1949	Romania	2004
Belgium	1949	Iceland	1949	Slovakia	2004
Bulgaria	2004	Canada	1949	Slovenia	2004
Croatia	2009	Lithuania	2004	The United States	1949
The Czech Republic	1999	Luxembourg	1949	Turkey	1952
Denmark	1949	Latvia	2004	Hungary (since 1999)	1999
Estonia	2004	Germany	1955	Great Britain	1949
France	1949	Norway	1949	Italy	1949
Greece	1952	Poland	1999		
Spain	1982	Portugal	1949		

Own study

Energy and ecology security of Poland vs. expansion of Baltic energy resources transportation system

The paper presents an evaluation of consequences of the development of the Baltic energy resources transportation system concerning the level of energy and ecology security of Poland. The major determinants of the level of energy security of Poland are the Nord Stream gas pipeline under construction, the dynamic development of the maritime system of oil transportation and the planned construction of the LNG Terminal. These factors determine the known levels of threat in the form of the possibilities of effective control of the scale of deliveries of energy resources to Poland and the ecological consequences of oil spill and its products. Yet, the author believes that apart from posing a threat to national security, the growing importance of the Baltic energy resources transportation lines may be an important development opportunity. The proper use of this opportunity is dependent on national state and regional economic policies. The most important undertaking is developing the national resource transportation system and the transportation network. The emphasis should be put on maximized use of necessary investments for stimulation of development processes in selected areas of the country and increase in significance of Polish seaports in the European transportation system.

1. Energy security of Poland vs. the EU plans of purchasing energy resources

What the European strategists recognized as one of the greatest restrictions in the development of the European Union in the first half of the 21st century is the increase in the demand for the electric energy. In order to minimize this threat European countries decided to implement an appropriately designed energy policy. One of the most crucial elements of this policy was developing the system of delivering natural gas¹. The central place in the system of delivering this resource was allocated to the Russian Federation² and the basic

¹ The shape of the energy policy of the EU was specified in the following documents: Green Book. Towards a European strategy for the security of energy supply from year 2000, Green Book. A European strategy for sustainable, competitive and secure energy from year 2006, European Parliament resolution towards a common European foreign policy on energy from year 2007, the so-called climate and energy package adopted in December 2008 and the EU Second Strategic Energy Review: Energy Security and Solidarity Action Plan from year 2008.

² Currently the Union imports from Russia 32% of the total oil and 42% of gas, whereas the forecast additional demand means the necessity of additional gas import at the level of 235-280 billion m³ per year. In accordance with the assumptions – as much as 100 billion m³ of natural gas will be purchased and transmitted by the means of ground systems from Russia.

form of distributing part of the contracted deliveries is and will be sea transport conducted mainly in the Baltic Sea. Such defined structure of purchasing energy resources by the EU countries and planned network of their transportation creates serious threats to the security of Poland in two principal areas.

The first one is the level of energy security of the country, in particular:

- the lack of the possibility of maintaining supply of electric energy for industries and individual consumers, necessary for the economic development of the country;
- the possibility of carrying out an effective economic war or an economic or political blackmail by temporarily cutting-off supply;
- the possibility of becoming significantly dependent on one supplier;
- limiting the possibility of diversifying the supplies.

This threat is additionally reinforced by the Russian politicians considering the trade in energy resources policy as the most important tool of international influence. Mainly due to this, Poland is forced to develop a system of alternative deliveries of energy resources, as 69% of the total gas supply is controlled by Russian companies³. Furthermore, such dependence may be deepened when the Russian companies start delivering gas via the *Nord Stream* gas pipeline. This will cause a radical reduction in the supply level to the EU via the so-far delivery systems which are situated on the territory of Poland. This way Russia will have a possibility of cutting off gas supplies to Poland without the necessity of limiting gas supplies to the other EU countries.

The other threat is a possibility of a serious ecological disaster as a consequence of the radical increase in oil transport and its products in the Baltic. Its effect may be contamination of a significant part of both Polish sea areas as well as the coastline. The gradual extension of the Russian oil transport system to the seaports of the Gulf of Finland, carried out since 2003, and the transport of this resource to the Western markets has resulted in a significant growth in the number of tankers sailing in the Baltic Sea. Moreover, the Russian policy of distributing this resource have brought about the increase in terminals, which allows the remaining Baltic states to trade in oil and its products. As a result, annually about 120-150 million tons of oil and its products are transported across the Baltic Sea by the remaining Baltic states and approximately 200 tankers daily cross its waters (about 10% of the total ship traffic).

³ 3 The annual consumption of natural gas in Poland amounts to approximately 13,9 billion m³. Out of which:
– 4,3 billion m³ is domestic output – 32% of the total consumption,
– 6,2 billion m³ is the import from Russia – 45% of the total consumption,
– 2 billion m³ is the import from the countries of Middle Asia (through a transmission system controlled by Russia) – 15% of the total consumption,
– 1 billion m³ from Norway and Germany (deliveries from Norway are carried out through the German system of pipelines) – 8% of the total consumption.

Table 1. The level of oil trade in Baltic seaports

Country	Seaport	Turnover in millions of tones in particular years					
		2000	2003	2004	2005	2006	2010
Russia	Primorsk	12,0	17,7	44,6	57,4	66,1	40?
	Sankt Petersburg	7,5	11,0	13,5	15,6	13,0	25
	Kaliningrad	–	–	–	9,5	8,7	10,0
	Wysotsk	–	–	1,6	6,9	9,7	12,0
Estonia	Tallin/Muuga	17,8	23,8	25,8	26,1	24,1	24
	Riga	8,4	4,4	3,7	3,2	4,7	5,0
Latvia	Ventspils	26,7	17,6	16,9	18,1	18,0	30?
Lithuania	Klaipeda	5,6	6,6	7,6	7,2	8,2	8,0
	Butinge	3,5	10,7	7,2	6,1	5,9	8,0
Poland	Gdańsk	6,1	10,0	11,2	11,7	12,9	15,0
Finland	Porvo	13,6					15
	Sköldvik	16,2	14,1	19,2	17,4	15,3	16,4
	Naantali	2,0	2,5	2,7	1,2	2,5	7,3
	Hamina	–					1,3
Germany	Rostock	2,8	1,8	2,0	2,6	2,1	2,5
Denmark	Fredericia	13,3	11,4	12,0	15,2	14,1	15,0
	Statoil Port	9,0	8,3	8,8	7,8	7,5	8,0
Denmark/Sweden	Kopenhagen/Malmö	-	6,6	5,7	6,1	6,0	6,0
Sweden	Göteborg	19,0	17,3	19,9	19,5	20,6	22,0
	Brofjorden	19,9	19,5	19,1	19,2	18,6	19,0
Total		74,7					150

Source: Own research

Within the last six years the oil transport in the Baltic Sea has doubled and up to year 2030 the dynamics of the growth is to amount to about 240 mil tones, what is the consequence of the above mentioned Russian plans of extending the Baltic stream of deliveries by means of transshipment seaports, situated on the eastern end of the Gulf of Finland⁴.

⁴ Annually Russia exports approximately 80 million tons of oil through the Baltic Sea.

2. Poland towards the extension of the Baltic system of delivering energy resources

The assumptions of the European Union energy policy, as well as Russian plans for using the Baltic Sea for to transport energy resources, creates an unfavorable strategic situation for Poland. Up to 2013 two transport lines of gas and oil will be set up:

- the *Nord Stream* gas pipeline, whose Baltic stretch (Wyborg – Lubmin n. Greifswald) will be 1189km long⁵ and the system of oil transport based on tankers (whose irregular growth may take place the moment the BTS-2 investment is finished)⁶;
- the transport system of LNG to Świnoujście and of oil to Gdańsk.

As regards economics, the presented transport networks may co-exist with one another, but in the political context they should be perceived as competitive systems of the supply in energy resources. As it was emphasized above, building the *Nord Stream* gas pipeline means for Poland a serious threat to the regularity of deliveries. It is a means of allowing Russians to become independent from the transit through the countries of the Central Europe⁷ and an important restriction on the possibilities of diversifying gas and possibly – oil deliveries⁸. Therefore, the primary Polish goal is to make it impossible to build or, at least, to delay

⁵ The pipeline will be connected to the Russian transmission network by the means of an overland gas main Giazowiec-Wyborg of the length of 917 km. The central resource depot for the Northern Gas Pipeline is to be the South Russian deposit in Yamal-Nenets Autonomous District in the Western Siberia; the additional ones – Stockman deposit in Barents Sea and the resources of Yamal Peninsula.

⁶ BTS-2 will consist of two lines of a total throughput of 50 million tones of the resource per year. The first one – calculated for 30 million tones – is to be handed over for operation in the third quarter of 2012 and the second one – up to the year 2014. BTS-2 will be running from Unecha in Bryansk district to the seaport of Ust-Luga at the Gulf of Finland, 110 km south-west of Sankt Petersburg. BTS also starts in Unecha, however it finishes in Primorsk (formerly Koivisto), also at the Gulf of Finland. Through this pipeline of the transmission throughput of 75 million tonnes per year, the oil, extracted from the Western Siberia, is pumped. From Primorsk, 120 km south-west of Sankt Petersburg, the fuel is taken to Europe in tankers. The new pipeline will be 1016 km long. One line shall run directly to the terminal in Ust-Luga and the second one shall turn to the modernized refinery in Kiriszi, 110 km south-east of Sankt Petersburg. The possible resignation by Russia of the oil transport through the „Druzhba” („Friendship”) pipeline and sending the fuel to Ust-Luga could threaten the plans of building the oil pipeline of Odessa-Brody-Gdańsk. Then it would mean that the Gdańsk Naftoport, instead of shipping the oil to the world from the region of the Caspian Sea would have to be geared towards its receiving.

⁷ Simultaneously it causes the growth of the threat of cutting off the gas supply to the Baltic states which are largely dependent on Russian deliveries. Lithuania, Latvia and Estonia are exposed to the greatest risk, while Poland is threatened to a smaller extent. However, these countries have limited possibilities of an impact, because the undersea part of the gas pipeline runs directly through the exclusive economic zones (EEZ) and territorial waters of Russia, Finland, Sweden, Denmark and Germany. Poland, Estonia, Lithuania and Latvia have only a status of the so-called „exposed states”, whose impact possibilities are relatively limited. Furthermore, Poland – in her plans of blocking the Nord Stream project must take into account the consequences of raised arguments in the context of the construction of the Nabucco pipeline. Its fragment will be also running under the sea – going through the Black Sea. Therefore, the Russians may use similar arguments taking advantage of the similar character of both basins.

⁸ The directions of developing delivery systems of energy resources adopted by the Community make an impression that from the perspective of the European Union energy policy, for example, it is more important to extend the Naftoport in Gdańsk and increase the deliveries by sea than to execute the construction of the pipeline of Odessa-Brody-Płock-Gdańsk. See *the Report of the European Parliament on possible solutions to the challenges in relation to oil supply* dated 9 March 2009 (2008/2212(INI).

the construction of the *Nord Stream* gas pipeline and build a system of supply in gas and oil which will be independent of Russia.

2.1. Gas terminal and oil port as an element of the diversification system of deliveries of energy resources

Among several projects of delivery diversification⁹ drawn up over the last few years there have been only three realistic investment proposals in the Pomeranian region. They are as follows:

- building an LNG Terminal in Świnoujście, which will make it possible to deliver liquefied natural gas up to 7,5 billion m³ per year;
- extending the transport network on the territory of northwestern Poland, allowing the inclusion of the natural gas from the LNG terminal into the transport system;
- building an interconnector near Szczecin, that will link Polish and German transport system¹⁰.

The most important element of this system is certainly the gas terminal being built in Świnoujście (the LNG transshipment terminal). In accordance with the adopted assumptions it will have a transshipment throughput at the level of 5 billion m³, which guarantees the minimum level of energy security for the state in the case of a radical cut-off of deliveries from the East. This solution should be considered rational since it ensures the minimum level of gas deliveries and the import level of the liquefied gas will not cause a radical growth in gas prices for individual users or the industry¹¹.

Table 2. Estimated costs of delivering LNG

Method	Cost (%)	Cost per 1000 m ³
transport to the LNG terminal	15%	18 USD
gas liquefaction and shipment	40%	48 USD
maritime transport	25%	30 USD
unloading, regasification and distribution	20%	24 USD
Total		120 USD /1000 m³

Source: own research.

⁹ At present the Norwegian gas pipeline and the Baltic Pipe gas pipeline are not realistic. The probability of executing the Sarmacja pipeline is relatively little and Nabucco pipeline is an element of political disputes inside the EU.

¹⁰ Although it creates a possibility of obtaining gas by Poland the negative aspect of this solution (linking the transmission systems of Poland and Germany) is that the supplier will remain Gazprom.

¹¹ The gas contracted in Qatar is more expensive than the Russian one by approximately 30%. However, the fee for the transport of 1000 m³ of gas at the distance of 100 km amounts in Europe to 2-3 USD. A gas tanker carries 90 million m³ of liquefied gas (from 1 m³ of LNG 600m³ of natural gas are obtained) and a charter rate equals 70-100 thousand USD per day. The standard speed of the gas tanker is ca 500 km a day. Therefore the costs of transporting 1000 m³ of gas equal about 0.16 USD.

However, it should be remembered that the gas terminal is only one element in the delivery chain. Besides signing contracts for deliveries of liquefied gas the duty of an importing state is:

- to build a transport system (a charter or purchase of special LNG carriers compatible with the requirements of the exporter);
- to build a system of regasification;
- to build a system of transporting gas to the users.

The complete use of the LNG terminal depends on the parallel development of ground transport systems. This is an unusually crucial task in the entire energy policy of the state, as currently, in the region of Pomorze Zachodnie this system is used in 90-100%. Moreover, the whole transport infrastructure is built with the assumption that the gas transport takes place from the south-east (Drozdowicze and Wysokoje) to the north-west and the north. At the same time it is necessary to rebuild and develop the domestic gas system. For Poland, as a country, it is a big burden, but regionally it constitutes an important opportunity for economic growth. This requires making wider investments than in the case building only the gas terminal. Locating the terminal near Świnoujście (and building a terminal in Gdynia, considered by a Korean company) it is, first of all, necessary to build a system of gas transport. In addition it is also necessary to build:

- a gas-vapor block;
- an underground gas storehouse in Goleniów;
- gas compressor station in Goleniów¹².

Table 3. A plan of extending the system of gas transport in the northern Poland

The transport line	the length of the gas pipeline	the diameter of the gas pipeline	expected cost in MPLN
LNG Terminal in Świnoujście			
Świnoujście – Szczecin	85 km	700	475
Szczecin – Lwówek	180 km	500	593
Szczecin – Gdańsk	272 km	500	825
Włocławek – Gdynia	75 km	500	118
Gustorzyn – Odolanów	180 km	1 000	638
LNG Terminal in Gdynia			
LNG Terminal – Pszczółki	50 km	600	60
Szczecin – Gdańsk	272 km	500	825
Włocławek – Gdynia	75 km	500	118
Gustorzyn – Odolanów	180 km	1 000	638

¹² A gas compressor station shall increase the transmission throughput by approximately 300 million tons per year. The investment will cost MPLN 67 gross. The building works will start in August and finish in October 2010.

The transport line	the length of the gas pipeline	the diameter of the gas pipeline	expected cost in MPLN
The remaining investments			
Gostynin – Płońsk	85	500	2
Piotrków Tryb. – Tworóg	149	500	70

Source: *Information of the company of Gas-System SA.*

The investments which are necessary for the inclusion of the gas terminal in Świnoujście into the Polish transport system are the first three ones. In the case of a possible construction of the terminal in Gdynia the priority should be finishing the extension of the line of Włocławek–Gdynia. In both cases it is necessary to build a transport system connecting Szczecin and Gdańsk and develop a system of storing energy resources. Until 2014, in accordance with the government strategy, the volume of the underground gas storehouses is to increase from 1,66 billion m³ to 3,96 billion m³. One of the priorities is to build ten underground gas storehouses in Kosakowo. They will be able to accommodate in total 250 million cubic meters of gas. The cost of this investment will equal MEUR 70¹³.

Table 4. A plan of extending underground storehouses of energy resources until 2015

Location of storehouse	Active volume	Target volume	End year
Extension			
Wierzchowice	0,58	2,000	2015
Husów	0,40	0,500	2011
Mogilno	0,37	0,615	2012
Strachocina	0,15	0,330	2011
Construction			
Bonikowo (nitrogen rich gas)	0,00	0,20	2010
Kosakowo	0,00	0,125	2015
Daszewo (nitrogen rich gas)	0,00	0,03	2010
Without investments			
Swarzów	0,09	0,09	
Brzeźnica	0,07	0,07	
Razem	1,66	3,96	

Source: *PGNiG Strategy.*

¹³ The storehouses will be located over four kilometers away from the shore of the Bay of Puck. However, in order to pump gas to them approximately 5,6 million tones of salt must be rinsed off. The brine is to be thrown away to the Bay of Puck by means of a pipeline that will be going out over two kilometers into the basin.

What plays an equally important role in the system of state energy security is the oil port, i.e. transshipment stations belonging to:

- Przedsiębiorstwo Przeladunku Paliw Płynnych Naftoport of transshipment capacity of 24 million tons per year;
- Przedsiębiorstwo Przeladunkowo-Składowe Portu Północnego Sp. z o.o., of transshipment capacity of 11 million tons per year.

However, the oil port will be playing a more and more important role as a transshipment port for the import to Poland or for the transport of the oil produced from the deposits owned by Polish companies. Therefore, its role should be considered in connection with not only the development plans of PERN company¹⁴ (independent or alternative projects of oil pipelines **Odessa–Brody–Gdańsk**¹⁵ and **Płock–Gdańsk**), but, first of all, with the Lotos Group (plan „**10 plus**”¹⁶) or actions undertaken by the company of Petrolinvest SA¹⁷. The necessity of conducting such policy results, on the one hand, from abandoning the policy of supporting the pipeline of Odessa–Brody–Gdańsk¹⁸ by the European Union and its small economic advantages¹⁹, but on the other hand, from the fact that the oil port along with the system of Gdańsk–Płock oil transport (the second line of the so-called Northern Pipeline)

¹⁴ Przedsiębiorstwo Eksploatacji Rurociągów Naftowych PERN „Przyjaźń” SA (Oil Pipeline Operation Company „Družba” SA) is a joint-stock company wholly owned by the state, responsible for the operation of the network of that serve transport of oil and liquid fuels. It renders oil transport services for PKN ORLEN SA and Grupa LOTOS SA and delivers oil to German refineries PCK Raffinerie GmbH Schwedt and Mitteldeutsche Erdoel-Raffinerie GmbH in Spergau. The company also has at its disposal containers rendering services of oil storage.

¹⁵ The pipeline Odessa-Brody built in years 1996-2001 was to deliver the fuel from the Black Sea to the Baltic Sea, however Ukraine uses it for the transport in a reversed direction. For several years Poland and Ukraine have been talking about reversing the gas compression direction and reversing the pipeline to Płocka and Gdańsk. The new gas main would be used for transporting the oil from the region of the Caspian Sea. However, this issue has not been resolved yet. For example, in April 2009 a representative of President Wiktor Juszczenko Mr Bohdan Sokołowski stated that for Ukraine the primary goal is to use the oil pipeline for transporting Caspian oil to Slovakia; and the transport of oil via Płock to Gdańsk would take place in the second stage of the investment. However, in the situation when the current export capacity of Azerbaijan ensures only 2/3 of contracts with a minimum profitability of the undertaking, PERN (Oil Pipeline Operation Company, in Polish *Przedsiębiorstwo Eksploatacji Rurociągów Naftowych „Przyjaźń” Spółka Akcyjna*) stops the construction of the part of Brody–Płock.

¹⁶ Its aim is to build one of the most modern refinery of the capacity of 10,5 million tonnes per year. Its completion is the implementation of a program of searching for oil deposits in the Baltic and North Sea. This is important inasmuch as due to the output from the B3 and B8 deposits Grupa Lotos increased its production by over 40% in year 2008. The operating result of the Lotos mining segment amounted to MPLN 194 in the whole 2008 and was higher by almost 45% in relation to the analogical data published for year 2007.

¹⁷ The company owns rights to operating Kazakh oil deposits estimated for two billion oil barrels, which corresponds to 13-years’ demand of Poland.

¹⁸ See the statement of the former head of the International Energy Agency Claude Mandill dated 22 September 2008. The profitability of the project is determined by the transmission of approximately 40 million tonnes of oil, whereas Azerbaijan, which is interested in the oil sale, is able to ensure only 15 million tonnes. Therefore, it is necessary to include Kazakstan into this project, which will not happen without the Russian acceptance.

¹⁹ The President of the Board of Grupa Lotos SA Mr Paweł Olechnowicz explicitly stated during the press conference, having signed on 2 September 2009 a letter of intent regarding the purchase of oil supplied through this pipeline, that he signed a document which „...does not mean anything as for today... This is an event which brings closer to something, which in future may be revealed in the nature of production activities”, see press conference of the President of the Board of Grupa Lotos SA dated 2 September 2009.

and storehouse containers in Gdańsk seaport may be recognized one of the strategic solutions for the EU energy system²⁰.

3. Opportunities and threats for Northern Poland as regards the execution of programs of diversifying deliveries of energy resources

The assumptions of the European Union energy policy and development directions of the Russian distribution system for the union market of oil and gas determine the shape of energy and maritime policy²¹ of the states of the Baltic sub region. The economies of the Baltic states, in particular of Lithuania, Latvia, Estonia and Poland are greatly dependent on the energy import from the East. Therefore, a rational solution is to start cooperation in the field of energy. However, its aims are mainly to liberalize internal market and sustainably develop the systems of energy production. Only the third aim refers to the issue of energy solidarity and delivery diversification²². The majority of the actions undertaken are concentrated on the realization of infrastructure projects enabling transport of energy and their carriers between the region states. They are, however, significantly burdened with political factors and the hitherto efforts, i.e. the construction of TEN-E interconnector, have been insufficient. Building the Nord Stream gas pipeline and the consequences of the economic crisis 2009 will most probably additionally restrict the scope of energy solidarity in the region. Lithuania already has announced abandoning the project to extend the nuclear power station in Ignalin, which is crucial for Poland and, in particular, for Latvia and Estonia (the so-called Ignalin II project)²³. Nonetheless, it is important for Lithuania, Latvia and Estonia to establish a close energy cooperation with Poland, because of the possibilities of including these states into the European energy network – UCTE²⁴. The cooperation with Scandina-

²⁰ At present the transport possibilities allow for the annual transmission of 20 million tones of the fuel via Pomorski Pipeline on the route of Gdańsk–Płock and 30 million tones on the route of Płock–Gdańsk.

²¹ As a matter of fact, the Russian plans of deliveries make it impossible for the Baltic states to come to a homogeneous position on the energy security. Contrary to Germany, Sweden and Norway, the economies of Lithuania, Latvia and Estonia are greatly dependent on Russian deliveries. Therefore, the priority target of these countries is the diversification of suppliers and only then will they be interested in the execution of projects of liberalising the union energy market or of the promotion of alternative energy sources.

²² Article 5a of the so-called *The 3rd Liberalisation Package* assumes that in order to guarantee the security of natural gas supply on the internal market the member states carry out the cooperation that covers the following:

- „coordination of the domestic regulations on the proceedings in extraordinary cases, said in art. 8 of the directive 2004/67/WE;
- identification and, when it is necessary, drawing up or modernisation of intranetwork power and gas connections;
- conditions and practical procedures as regards the ensurance of mutual aid”.

²³ The costs of building the power plant Ignalin II of the power of 3200 MW equal approximately 4-5 billions euro. The profitability of this investment, however, is conditioned by obtaining the power of 1200 MW.

²⁴ However, it should be emphasised that this is a project that requires large amounts of funds from the Polish side. It is estimated that the costs of building an energy bridge and extending the power network equal approximately 700 million euro, out of which Poland would have to cover 442 million euro, while Lithuania – 261. From the Polish perspective it is a payable investment and can be carried out exclusively for political reasons. See J. Kurasz, *Polska–Litwa: jest szansa na Rzeczpospolitą Energetyczną – rozmowa z Ambasadorem*

vian states, mainly with Finland will encounter similar difficulties. For these countries the priority is nuclear power industry and energy acquisition from renewable energy sources. The problem with the functioning of the Baltic transport stream of energy resources is perceived solely from the perspective of the increase in the traffic of units carrying dangerous cargos and of the growth of ecological threat²⁵. The actions undertaken within the energy politics of the state will significantly stimulate the development processes of the northern Poland. All the projects connected with building the LNG terminal in Świnoujście (and possibly in Gdynia) bear a special importance here. The very costs of building the terminal in Świnoujście are estimated for MEUR 350-450. However, the necessary extension of the transport systems, connection network and building the storehouses correspond with the program of necessary infrastructure transformations, which can revive the local and neighboring areas. Yet, what is especially significant for the Pomeranian region is the construction of the gas line connecting Szczecin and Gdańsk, which will allow for the economic growth of one of the poorest regions of the country, namely Pomorze Środkowe (Central Pomerania). What is important as regards the remaining investments are building the „S-8” route (Poznań–Świnoujście), rebuilding railway and the development of small regional industries. Similar things should take place in the region of Pomorze Gdańskie (Gdańsk Pomerania) if the Korean consortium enters the project to build the terminal. However, in this region, investments connected with extending the systems of oil transport should be considered more realistic (Northern²⁶ and Pomorski oil pipelines or a line of transporting oil by railway – alternative to the Northern oil pipeline). The above investments also create potential possibilities of constructing the hub of gas and oil transport. The gas hub could service northern Germany, northern France, Denmark and Sweden. It is also possible, though difficult for Poland, to join in the construction of the Nord Stream gas pipeline through building its line on the territory of Poland. According to the initial studies it would run in the neighborhood of Niechorze. This decision brings about several negative consequences nationwide. First of all, as a result of the hitherto politics, the negotiation position of Poland is disadvantageous. Also, due to the change in the location of the gas pipeline the problem may be to decide to build the line on the territory of Poland, which is important to the Polish economy. However, this solution brings about some positive solutions as far as regions are concerned. Building the land part of the gas pipeline in Pomorze Środkowe (Central Pomerania) brings about serious development opportunities for the region. The necessary investments may lead to the economic revival connected with the necessity of building the transport (and at the same time – communication) infrastructure.

The appearance of LNG terminal (terminals), however, will not improve the profitability of Polish seaports (Świnoujście, Gdynia), whereas such an opportunity is created by

Republiki Litewskiej w Polsce (Poland-Lithuania: there is a chance for Energy Commonwealth – a talk with the Ambassador of the Republic of Lithuania, Mr Egidijus Meilunas, „Gazeta Prawna” nr 213 (2003), 2-4 November 2007.

²⁵ See e.g. *Cztery najważniejsze punkty dla Morza Bałtyckiego. Wywiad z ambasadorem Finlandii Janem Store (The most important four points for the Baltic Sea. An interview with the ambassador of Finland, Mr. Jan Store)* Portal Morski, www.portalmorski.pl.

²⁶ This pipeline, of the length of 240 km was to enable the increase in possibilities of trading oil and the decrease in transport costs of Grupa Lotos. The Gdańsk Refinery does not own pipeline connections with the rest of the country and is forced to use more expensive forms of fuel transport (railway or auto-cisterns).

extending the infrastructure for the transshipment of oil and its products. It may become one of the determinants for developing the Gdańsk seaport. Only during the first and second halves of 2007 the increase in the oil transshipment in Gdańsk seaport rose by 93%, while the transshipment of the other goods decreased. The preliminary estimates indicate that in the case of the Gdańsk seaport the traffic of tankers of 100 000 and 150 000 DWT and gas tankers of displacement up to 15 000 GT shall increase by 10% and in the case of chemical tankers of 10 000 DWT by as much as 30%.

The dynamic development of the system of distributing energy resources via the Baltic Sea poses certain threats to the Polish maritime industries. The current specific character of the cargo turnover restricts the possibility of using the Polish coastline as an element of the Baltic transport stream. The dominant directions of the cargo flow are sea transport lines between the Federal Republic of Germany, Scandinavian countries and Russia. The concentration of main shipping lines on German, Scandinavian and Russia seaports significantly restricts the importance of Polish maritime ports, whose dynamics of increase in turnover related to non-container goods is next to nothing.

Table 12. Dynamics of the turnover of goods in Polish seaports in year 2008

Cargo	Gdańsk		Gdynia		Szczecin-Świnoujście	
	Share%	Dynamics	Share %	Dynamics	Share%	Dynamics
Coal and coke	18,40	-11,21	7,19	-1,18	26,43	-5,86
Ores	0,11	-0,04	0,00	0,00	7,01	-1,45
Bulk goods	13,4	1,65	15,5	0,07	13,85	1,27
Grain	1,96	0,51	10,63	-0,24	9,43	0,1
Wood	0,00	-0,04	0,29	-2,30	0,21	0,01
Packaged cargo	8,77	0,49	62,11	-0,06	39,26	4,56
Liquid fuels	57,68	8,69	4,69	1,64	3,77	1,36
Total		0,05		0,00		-0,01

Source: own research based on the seaport data.

The above list shows that only in the Gdańsk harbor the turnover slightly increased and in total the decrease in the turnover in all seaports reached 15%²⁷. The results obtained and, in particular, the close connection of the profits generated by seaports with the level of coal and grain exports and the system of container transport (unitized cargo) pose a serious

²⁷ In the first half of 2009 the Gdańsk seaport transshipped 150 000 tons of cargo more than in 2008, Gdynia – 580 000 less, the complex of seaports Szczecin-Świnoujście recorded a decrease in 330 000 tonnes, and Police – as much as 870 000 tonnes. The decrease in the turnover in Police resulted from the problem of Zakłady Azotowe, which additionally proves how important element of the Polish system of gas deliveries will be the terminal in Świnoujście.

threat for functioning of the seaports. Their advantage is a relatively wide volume and assortment of the cargo, which allows to make up for the losses in particular cargo groups.

Therefore an important element of their development strategy is building terminals for transshipment of the remaining energy resources. However, one should be aware that the trans-shipment of oil and gas will not be the main source of profits for the seaports of Gdańsk and Świnoujście. The development of the Polish part of the Baltic transport stream is greatly determined by the shape and character of Polish exports. The priority should be developing close reach shipping focused on container-based trade²⁸ as well as propagation of coasting trade in the seaports of Wybrzeże Środkowe (Central Coast). Therefore, the plans of developing the infrastructure in northern Poland should consider a serious threat, especially the focus of the state on the execution of two trans-European transport corridors – TEN (Berlin–Poznań–Warszawa–Moskwa and Gdańsk–Łódź–Bratysława–Wiedeń). At present more attention is paid, for example, to building the so-called Szlak Bursztynowy (Amber Trail)²⁹ than to the connections between the seaports and Polish agglomerations. Such defined plans of developing a road and traction transport network and the concepts connected therewith eliminate the area of the Polish coastline and the very seaports³⁰.

However, the execution of this plan is not possible without land investments and a successive change in the trends in the Polish export. The centers of the commercial exchange with the Scandinavian states are Warszawa, Poznań, Trójmiasto and Szczecin. The same necessary condition to increase the turnover in Polish seaports is fast development of road and rail transport systems on the following routes:

- Warszawa, Poznań and Sweden, Denmark, Lithuania and to a smaller extent – Norway;
- The Pomorskie, Zachodniopomorskie and Warmińsko-Mazurskie Provinces and the central and northern part of the Federal Republic of Germany;
- The towns of Pomorze and Pomorze Zachodnie and Sweden and Denmark.

²⁸ It brought only an individual success, because the Polish seaports recorded the growth of container transport by 32%, but the dynamics of the growth of their turnover equals zero. The largest container seaport is St. Petersburg, which annually services about 1 697 720 TEU. In 2007 Gdynia became the third biggest container seaport in the Baltic Sea (outstripped by Göteborg), transshipping 614 thousand TEU per year.

²⁹ It is a project of Adriatic-Baltic Landbridge (A-BL), which is currently being prepared, assuming the construction of the system of multimodal connections (road, rail and inland ones) covering Poland, the Czech Republic, Slovenia, Italy and the north-east of Germany.

³⁰ A consequence of such executed concept of the extension of the European transport system is a specific „cutting off” of the seaside strip of land from the economic investments. It regards in particular the region of Wybrzeże Środkowe (Middle Coast), which for several years has been facing the economic collapse suffering from high unemployment rate and low income level. Social determinants and particularly the demographic factor makes it necessary for the state to quickly change the economic structure of the region. Only in the region of the former Koszalin province the youth at the pre-production age constitute 34% of population and the unemployment rate for the age of 18-25 years reaches the level of 25%. The GDP index per capita equals approximately PLN 20 000 and is about PLN 1200 lower than the country's average salary. It is estimated that inhabitants' income level equals ca. 85% of the country's average salary. Such diversification of the GDP index is a consequence of the agriculture restructuring and the collapse of many industrial businesses, which took place in the 1990's in that area.

4. Ecological safety of Poland and the development of the Baltic system of delivering energy resources

The development of the Baltic stream of transporting energy resources constitutes a big challenge to the ecological policy pursued by the Baltic states. As a matter of fact, as the sea is a closed basin, it is sensitive to interference in the ecosystem and possible effects of polluting its waters will cause serious ecological, social and economic problems. However, when the construction of the network of the gas transport is completed such threat should be considered minimal. This particularly regards the undersea part of the *Nord Stream* gas pipeline, which poses a threat to the ecosystem exclusively during its construction. Its operation will have a minimum impact on the level of ecological safety.

Table 4. The evaluation of the impact of the construction and operation of the Nord Stream gas pipeline on the selected elements of natural environment

Subject of impact	Way of impact	Form of activity	Scale/country basins	
			big	medium
Sea plankton	growth in sea cloud cover	sea bottom interference		DE
	physical loss of habitats	shipwreck removal, sea bottom interference		DE
Fish	growth in sea cloud cover	sea bottom interference		DE
	noise and vibrations	sea bottom interference, bomb disposal, presence of a gas pipeline		all
	pollution	sea bottom interference, bomb disposal	FR	DE
Sea birds	growth in sea cloud cover	sea bottom interference, bomb disposal		FR DE
	noise and vibrations	sea bottom interference, movement of auxiliary units		DK, SE, FI
	physical loss of habitats	sea bottom interference, bomb disposal,		FR, DK
Sea mammals	noise and vibrations	bomb disposal,	FR, FI, SE	
		sea water consumption		all
		sea bottom interference,		all
Fishery	interference	presence of a gas pipeline		all

Subject of impact	Way of impact	Form of activity	Scale/country basins	
			big	medium
Sailing and navigation	restriction of sailing and difficulties in navigation	bomb disposal, movement of auxiliary units	FR, FI	DE
Nature areas	growth in sea cloud cover	bomb disposal, sea bottom interference, pipeline installation	FR	
	noise and vibrations		DE	

Source: *Documentacja oceny oddziaływania na środowisko (OOŚ) projektu Nord Stream na potrzeby konsultacji na mocy Konwencji z Espoo (Documentation of the impact evaluation on environment of the Nord Stream project for the needs of the Espoo Convention)* February 2009, p. 34-35.

What should be recognized as the most serious threat is the possibility for the pipeline to be located in the area where ammunition and chemical weapons rest on the bottom (possible release of poisonous substances), marginalized by the Consortium, and cross by its undersea part as many as 35 cables, including nine energy cables put and used mainly by the national telephone operators.

Table 5. Underwater cables that hinder the construction of the undersea part of the Nord Stream gas pipeline

Cable type	Intercountry connection	Number of cables
Fiber-optic communication cables	Poland – Denmark	2
	Finland – Estonia	2
	Russia – Denmark	1
	Sweden – Latvia (Windawa)	1
	Lithuania – Sweden	1
	Estonia – Sweden	1
High-voltage power cable	Sweden – Poland	1

Source: Dnae International Cable Protection Committee, Baltic & Skagerrak Region, <http://www.iscpc.org/>.

A comparable level of ecological threat is generated by the construction of the LNG terminal. The assumed scale of the turnover will influence the increase in the traffic of vessels carrying dangerous cargo and sailing safety only to a small extent (monthly it will be about three-six vessels carrying liquefied natural gas). The threat posed by the consequences of loss in control over a vessel carrying liquefied gas is equally minimal. Methane transported is not explosive and it may be ignited only with an ignition device when it is appropriately concentrated in the air. A possible leakage may start a fire, however the ignition will take place only if there is an appropriate concentration of methane in the air and an ignition device. In practice, however, methane transported by ship is not explosive. Moreover, the safety system required by law can detect a danger and cause the cut-off valves to stop the

transshipment operation³¹. This threat is minimized also by sailing law. Maneuvers carried out by gas carriers take place solely during daytime and the traffic is one-way (other units are not allowed to sail at that time in the direction opposite to the maneuvering gas carrier). Usually seaport law regulations additionally define such parameters as visibility, wind power, sea state or the acceptable distance from other units. Unloading should also take place during the day.

Table 6. Evaluation of the impact of building and operating LNG terminal onto selected elements of natural environment

Threat type	Consequences for natural environment
sea collisions, catastrophies and breakdowns	toxic impact on birds, bird poisoning, damaging thermoregulation mechanism, developmental changes, immunity lowering, mortality of birds and other sea organisms which constitute birds' food: benthos and ichtyofauna
poisoning organisms with harmful substances	prey prevention, plumage damage, inability of flying, mass deaths or mortality
water contamination with harmful and dangerous substances	negative impact on benthos and ichtyofauna
location of new line objects (cables, pipelines, etc.)	limiting the food base for birds, increased mortality, local re-suspension in sea depths, possibility of oxygen deficit increasing benthos mortality, recirculation of chemical load deposited in residues, damaging local resources of benthofauna by burying it with bottom deposits, which may reduce food base of birds
breakdowns, repairs and maintenance of pipelines and energy cables	significant water pollution and life threat to all ecological fauna groups, scaring and mortality
breakdowns or damaging pipelines	
development of seaports, piers, navigational infrastructure	local impact on benthos, ichtyofauna and birds
anthropogenic impact:	environment pollution caused by proximity the existing seaport

Source: *Decyzja o środowiskowych uwarunkowaniach zgody na realizację przedsięwzięcia „Terminal regazyfikacji skroplonego gazu w Świnoujściu” (Decision on environment determinants of consent to the execution of the undertaking of „Terminal of regasification of liquefied gas in Świnoujście”)*, RDOŚ-32-WOOS-6613-1/08/AT/MŁ (SR-Ś-4/6613/22-17/2008).

³¹ A gas tanker is a ship built for transporting liquefied gas under a high pressure (in the case of LPG) or liquefied gas in the low temperature below $-161,5^{\circ}\text{C}$ (in the case of LNG). The transport takes place in isolated non-pressure (or low-pressure) containers, which are adjusted to work in low temperatures and which have double hull. The contemporary gas tankers have spherical or membranous containers. The spherical containers are somehow being fixed to the ship hull. Generally, it is acknowledged that they are easier to monitor, but they do not allow for their full filling. The membranous containers are, as a matter of fact, a specialist cargo hold of a gas tanker. Therefore they are recognized as less safe.

In the case of transporting LNG a possibility of the appearance of a disaster is minimal. The only real threat of a sea disaster to occur as a consequence of sub-sea operation and the water system of gas transportation is criss-crossing of sailing routes of gas carriers leading to the seaport of Świnoujście and of the *Nord Stream* gas pipeline. This is a consequence of chartering by Poland *Q-Flex* units (of draught of 12.9m) to transport LNG. A solution that ensures the full level of safety is bypassing the location of the gas pipeline by these vessels, which will make the cruise distance slightly longer. The safety level will be also increased by adopting common solutions (with the consortium of *Nord Stream SA*) in order to minimize a possibility of collision between a gas carrier and a gas pipeline.

What results from the analyses above is that both solutions concerned with gas transport in the Baltic Sea will have an impact on the sailing safety and the marine environment safety to a minimum extent. The impact will occur mainly in the case of the operation of the Baltic stream of transporting oil and its products. The main transport route of energy resources within this basin runs longitudinally from the Danish Straits, north of the Bornholm island to the coast of Poland, Latvia or Russian Federation, which poses a large threat for basins and the coast of the southern part of the Baltic Sea due to hydro meteorological conditions³². A possible oil leakage would be pushed straight into the southern beaches of the Baltic Sea³³. The consequences of the catastrophe-related flooding are difficult to estimate explicitly, however, by analyzing the cases of the catastrophes of *Amocco Cadiz* and *Exxon Valdez* it is possible to imagine probable effects of catastrophe-related flooding in the Baltic. In the accidents mentioned above of 216 thousand tons of oil and four thousands of petrol, 224 sea miles of coast became polluted as a result of the oil spill.³⁴

Apart from the economic consequences, a catastrophe-related oil spill in Polish conditions might cause very serious social problems. Restrictions on or ceasing Baltic fishing, which would have to happen in the aftermath of polluting a part of the basin with oil, would mean loss of workplaces by people employed in fishing and fish processing industry. The Baltic fishing industry gives employment to approximately 30 000 people. The fish processing industry (excluding trade) employs about 16,700 people, which constitutes 2% of all employed in seaside provinces³⁵. The loss of income sources by a relatively numerous

³² However, the discussion on changing this route has been going on since year 2003. In accordance with the Danish-Swedish project, which, de facto, is the reaction of Scandinavian countries to the consequences of the collision of the *Baltic Carrier* and *Tern* tankers, the main transport route would be running to the south of the Bornholm island, which would be a crucial change from the Polish perspective.

³³ So far, the largest flooding of oil derivatives took place in 1981 while approaching Klaipeda. From the damaged „Globe Asim” tanker 16,5 thousand of heavy burning oil leaked out to the sea. A 30-km-long part of the seashore became heavily polluted and the total range of the shore pollution amounted to approximately 90 km. See K. Kubiak, A. Makowski, P. Mickiewicz, *Polska wobec zagrożenia terroryzmem morskim (Poland towards the threat of sea terrorism)*, Warszawa 2005, pp. 134-137.

³⁴ During the catastrophe of *Exxon Valdez* 60-70 thousand tons of oil leaked out into the sea. 600 sea miles of the coast were polluted. According to the data of the Office of Environment Protection of the United States as a direct result of the disaster over 35 thousand of sea birds died (including 146 rare sea bald eagles), 990 otters, 30 seals, 14 sea lions and 17 whales). But the final number of dead animals is significantly higher. Full costs of the spill were estimated at the amount of two billion USD (only the fishing enterprises from Alaska lost about 100 million USD). The fact that 11 thousand workers managed to clean only 90 sea miles of the coast within nine months (i.e. only as little as 15%) indicates how high the costs borne during the coast reclamation were. *Ibidem*, pp. 130-135.

³⁵ *Gospodarka Morska. Przegląd Statystyczny 2008*, p. 15.

group of workers may lead to a sudden increase in tension, particularly in the regions of Koszalin and Słupsk which are affected by high unemployment. Limiting or dying out of tourism may bring about similar consequences³⁶. In the seaside region the income generated by tourism is a basic source of support for the population of approximately 25,500 and up to 15% of the people active professionally make seasonal profits from rendering all types of services in a widely perceived tourism sector³⁷. Significantly smaller are potential consequences of a slump in fishing industry as a result of oil catastrophe-related flooding for the food security of the country. In 2001-2003 the Baltic fishing equaled 120 000 tones of fish per year.

Conclusion

The establishment of the Baltic stream of transporting energy sources constitutes for Poland both a serious challenge in the political and economic sphere as well as in the field of environment protection, and also a crucial development opportunity. There is no doubt that the greatest development opportunities, which are a consequence of the dynamic development of the Baltic transport stream of energy sources, are a possibility of diversification of gas supply sources and a potential possibility of setting up an important turnover centre of oil and liquid fuels. However, making use of these opportunities requires implementing measures connected with constructing transport networks of energy sources from Central Asia and Caucasian countries and is determined by several political and economic factors. Moreover, Polish companies responsible for managing the transport system of the resources must set about developing the transport network. What should be considered the largest threat is the possibility of polluting huge areas of the Polish sea areas and the coastal zone. The consequences can also include an economic slump in a substantial area of the Polish coast. A solution that allows minimizing the scale of this threat is implementation of the rules worked out by HELICOM and subsequent making the Russian partner observe the said rules related to the transport of dangerous cargoes.

The second most serious threat is a probable decrease in the importance of the Polish part of the Baltic transport stream. The countermeasures against this threat require taking on a multi-aspect strategy aimed at taking advantage of the Baltic in the Polish economic polity³⁸. First of all, an attempt should be made to increase the role of the Polish seaports in the Baltic transport system. Their focus is on servicing the connections between

³⁶ In the country scale approximately 0,85% of foreign tourists stayed in seaside provinces, which translates into the number of 3,2 million. In the same year the number of Polish tourists staying at the seaside amounted to about 3,2 million people. See statistics of Tourism Institute, www.intur.com.pl.

³⁷ The above numeric data are based on the official reports received by government departments and they do not take into account the grey economic area. In the experts' opinion the income received from tourism, in particular the seasonal one is higher by 30-50% from the shown ones.

³⁸ The character of the turnover from the basin of the Baltic Sea brought about the appearance of main sailing routes that run from the northeast basins to the southwest ones (the route of Finland – Germany). Similarly the Baltic states are trying to develop the network of land connections, recognising *Via Baltica* i *Rail Baltica* as priority ones.

the North and the South with main partners of the commercial exchange being Sweden and Finland. Unfortunately, the level of mutual turnover equals about six million tones and it decreases gradually (by 4.9% with Sweden and by 33% with Finland)³⁹. The way of changing this tendency is not only adaptation of the seaports to handling intermodal and multimodal transport or development of specialist transshipment terminals (for ro-ro, liquid chemicals, ore and container ships) but it is necessary to prepare a parallel network of land connections, which in the plans of constructing European transport corridors, should take into account the specific character of the Polish trade. What should be considered the most important undertaking is the necessity of developing road and rail connections in the following locations:

- Trójmiasto – Warszawa,
- Trójmiasto – Poznań – Berlin,
- Szczecin – Świnoujście – Poznań – Wrocław,
- Szczecin – Świnoujście – Berlin.

A rational solution seems to promote sailing connections between Świnoujście and Ystad, and Gdynia and Karlskrona and consider building a terminal in Kołobrzeg, combined with constructing an expressway between Poznań-Kołobrzeg.

The third threat, which has a regional significance is little possibility of taking advantage of the elements of the EU transport policy and developing a network of multimodal and combined connections to stimulate economic development of the seaside regions. It particularly concerns the region of the Baltic Central Coast region, which faces economic collapse in the form of high unemployment rate and low income level. Social determinants, in particular the demographic factor, make it necessary for the state to rapidly change its economic structure.

³⁹ M. Matczak, *Polskie miejsce na Bałtyku*, Namiary na Morze i Handel (*Polish place in the Baltic Sea, Coordinates of the Sea and Trade*), nr 22/2006.

Materials

Filip Tereszkiwicz

In quest for grand strategy – the European Union in the face of challenges of the changing international order

Aleksandra Moroska

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In quest for grand strategy – the European Union in the face of challenges of the changing international order

This article discusses new internal and external determinants of actions taken by the European Union, which require a redefinition of its international role. It also presents a new model, which, according to the author, will enable the EU to realize its international goals and interests in the most effective way. To this end the author uses a concept of the so-called grand strategy, which not long ago was used only with regard to states, but is now more and more often employed as a convenient instrument for creating a wide vision for the place of the Union in the global, international order.

Introduction

The Treaty of Lisbon (initially known as the Reform Treaty), which was made effective on 1 December 2009, was to equip the Union with instruments enabling its active functioning on the international arena. Establishing the institution of Chairman of the European Council, redefining the position of High Representative of the Union for Foreign Affairs and Security Policy and strong linking of the community and intragovernmental trends towards external involvement was expected to be a remedy for the more and more often noticeable lack of coherence in this area. However, it has turned out that the great economic crisis brought about new circumstances which force the European politicians to redefine also the role which the Union is to play in the international arena. The formation of the multipolar international environment is a great challenge to the structures of the new community and member states. This process, however, is also conducive to taking radical actions, constituting the so-called *critical juncture*, which makes possible go out the so-far paths of cooperation in the area of external involvement.

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1. Internal and external determinants of the position of the European Union on the global scene

The end of the first decade of the 21st century made it necessary for the European Union to draw up a new strategy, which would replace the so-far document defining the basic assumptions and goals of its external activities, i.e. the European Security Strategy¹. The arguments in favor of it are numerous, first of all, it is emphasized that it was prepared and adopted before the so-called great extension, which significantly contributed to the change of perceiving the international order and the relations with the United States and Russia and it also partly shifted the centre of gravity of the Union external activities from the Mediterranean Sea Basin and ACP countries into the post-Soviet zone. Moreover, this document was drafted in specific political circumstances, i.e. during the unilateral military intervention by the USA in Iraq, which had an impact on the debate on its provisions². This was also the reason for giving the mandate to Javier Solana by the European Council in 2007 to improve the implementation of the European Security Strategy and also to update its provisions. However, the measures did not produce the expected result and despite the adoption of the final Report³ they actually failed⁴. This was a proof that the European Union was not able at that time to prepare a strategic document that defines basic assumptions of its external actions. The main reason was the structural weaknesses connected with the strategic thinking, out of which the most important was the lack of the centre where such a debate could be carried out⁵. It seems that the Lisbon Treaty⁶ made here a certain change and appropriate institutional conditions were set up so that such a debate could be held. The High Representative would chair it – he was re-authorized and became a specific centre of coordinating the community and intragovernmental trends of external actions of the Union. However, it should be remembered that the document drawn up has to be a comprehensive presentation of challenges faced by the Union, which makes all appropriate subjects involved in its preparation – not only representatives of member states and UC, but also the European Parliament and scientific, political and social circles⁷.

¹ *Europejska Strategia Bezpieczeństwa „Bezpieczna Europa w lepszym świecie”* (European Security Strategy ‘Safer Europe in the better world’), <http://www.consilium.europa.eu/uedocs/cmsUpload/031208ESSIPL.pdf>.

² Ch. Bretherton, J. Vogler, *The European Union as a global actor*, London 2006, p. 163.

³ *Report on the Implementations of the European Security Strategy- Providing Security in a Changing World*, S407/08, Brussels 2008, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/104630.pdf.

⁴ S. Biscop (edit.), *The Value of Power, the Power of Values: A Call for an EU Grand Strategy*, „Egmont Paper”, 2009, nr 33, p. 3. The works on the amendments to the European Security Strategy were presented in: S. Biscop, *The European Security Strategy: Now Do It*, [in:] S. Biscop, J. Howorth, B. Giegerich (edit.), *Europe: a Time for Strategy*, Gent 2009, p. 5-6; A. Toje, *The EU Security Strategy Revised: Europe Hedging Its Bets*, „European Foreign Affairs Review”, 2010, vol. 15, issue 2, p. 171-176.

⁵ S. Biscop, *Odd Couple or Dynamic Duo? The EU Strategy in Times of Crisis*, „European Foreign Affairs Review”, 2009, vol. 14, issue 3, p. 372-373.

⁶ The Lisbon Treaty changing the Treaty of the European Union and the Treaty establishing the European Community signed in Lisbon on 13 December 2007, Official Journal, series C, nr 306, item 50.

⁷ S. Biscop, *The European Security...*, p. 13. This demand seems to be realistic, because the Barroso II Commission is trying to engage as wide circles as possible into the projects prepared by them, e.g. The strategy of the EU 2020 or an Act of Homogenous Market.

Besides these institutional changes, there also arose certain political and international circumstances, which impose on the Union re-launching the work on a document that will comprehensively define its place in the global politics. However, this task is extremely difficult, which is visible on the example of the so-far adopted strategies that focus more on the safety issue than on the comprehensive perspective of the Union's role in the international arena. The origin of the so-far negotiation problems was chiefly the strong conflict between the member states over the relations with the United States. Still recently, this division was fundamental to the functioning of the European Union and, as a matter of fact, it was the main cause of the said dispute. It was responsible for blocking the debate on the Union's role in the international arena, since some of the member countries were afraid that strengthening the European Union would weaken the transatlantic links and contribute to the collapse of NATO⁸. However, it seems that the more and more rapidly changing geopolitic reality will force the Union and its members to make an attempt to achieve an independent international position. There are several reasons for this situation and the basic one seems to be the weakening of the USA position on the continent. This results mainly from the fact that G.W. Bush's administration put many Europeans off by the unlawful war in Iraq and other unilateral actions in the international arena⁹. Furthermore, the attitude of Washington to the traditionally pro-American countries of the Central and Eastern Europe made them also re-define their politics in the course of time. The so-called 'new Europeans' noticed that, despite their explicit support for America, they are not treated with respect, while the presence in the integration structures gives them not only a development possibility, but they are also able to influence an external activity of the Union, particularly, in relation to the East¹⁰. The result thereof is the fact that currently, for the first time, most countries of the European Union can be called supporters of building an independent position of the Union in the international arena, which is a significant qualitative change. Moreover, even Great Britain under rule of D. Cameron will have to become much more skeptical towards America, since the conservatives have to take into account the aversion of the British to the military commitments by the USA (which was shown by the political fall of T. Blair), and also the fact that they create a coalition with the most pro-European party on the island, i.e. the Liberal Democrats¹¹.

Another factor that implies that the Community may soon become independent in the international arena are changes in the very America. Taking up the post of President B. Obama has become the first president that does not treat the Old Continent as the most

⁸ J. Coelmont, *A Grand Strategy: Does it Matter in the Real World?*, „Security Policy Brief”, 2010, nr 7, p. 3.

⁹ See H. Neuhold, *Transatlantic Turbulences: Rift or Ripples*, „European Foreign Affairs Review”, 2003, vol. 8, issue 4, p. 457-468; J. Coulon, *How Unipolarism Died in Baghdad*, „European Foreign Affairs Review”, 2003, vol. 8, issue 4, p. 537-541.

¹⁰ See P. Żurawski vel Grajewski, *Polityka wschodnia Unii Europejskiej a interesy Polski (Eastern Policy of the European Union vs interests of Poland)*, [in:] J. Czapotowicz (edit.), *Polityka zagraniczna Polski. Unia Europejska, Stany Zjednoczone, sąsiedzi (Foreign policy of Poland. The European Union, the United States, neighbours)* Warszawa 2008, p. 29-46.

¹¹ A. Szostkiewicz, *David Cameron. Premier wagi lżejszej (David Cameron. Lightweight Prime Minister)*, „Polityka”, 2010, nr 1, p. 58-59. However, it does not mean that the British will become much more in favour of deepening the European integration, which is best reflected by the events connected with negotiating the budget for 2011. V. Pop, *EU budget talks collapse after MEPs seek new powers*, <http://euobserver.com/19/31274>.

essential element in the foreign policy of the USA. The first years of his term have clearly shown that the main area of the interest of the new administration is the region of the Pacific and Atlantic Oceans¹². It results from the fact that the axle of the global politics is shifted there and the biggest challenges for Washington are concentrated there¹³. Also President's personal experiences may have some significance. Europe is slowly becoming peripheral to the American foreign policy and not one of its main arenas. It carries huge implications for the European Union, since it has been faced with the necessity of becoming independent in the international arena. The new administration gives clearer and clearer signals that it is the Union itself that should be solving problems arising in their nearest surroundings¹⁴. This, in turn, will sooner or later require a definition of common interests by the member states of the Union¹⁵.

The third unusually important factor influencing the international position of the Union is the economic crisis, which affected almost the whole world at the end of the first decade of the 21st century, and which probably re-defines the layout of international relations¹⁶. It is important inasmuch as the countries of the European Union try to build their position in the international arena, mainly thanks to the so-called *soft power*, i.e. diplomacy, transfer of funds and *know-how*. The economic crisis and the accompanying budget crisis in some countries of the euro zone made most European countries reduce expenses. There is no doubt that it will affect funds directed to the developing countries, which will deprive the Union of one of the most important influence instruments which it has at its disposal. The problem is crucial inasmuch as the crisis has not equally touched all parts of the world. The so-called 'emerging powers', i.e. China, Brazil, India or the Republic of South Africa, went through the economic turbulences with no bigger problems¹⁷. It brought about three consequences important for the European Union. First of all, it weakened the attractiveness of the European social and economic model and this way – the possibility of informal

¹² See. D. Hamilton, N. Foster, *The Obama administration and Europe*, [in:] Á. De Vasconcelos, M. Zaborowski (edit.), *The Obama Moment. European and American perspectives*, Paris 2009, p. 39-57; B. Jones, *The coming Cash? Europe and US multilateralism under Obama*, [in:] Á. De Vasconcelos, M. Zaborowski (edit.), *The Obama Moment. European and American perspectives*, Paris 2009, p. 63-77. It seems that this thesis is true, even despite the official rhetoric during the meeting of B. Obama with the EU leaders, which took place in Lisbon on the occasion of the NATO summit in November 2010; V. Pop, *US Has no closer partner than Europe, says Obama*, <http://euobserver.com/9/31315>.

¹³ See. J. Howorth, *The Case for an EU Grand Strategy*, [in:] S. Biscop, J. Howorth, B. Giegerich (edit.), *Europe: a Time for Strategy*, Gent 2009, p. 16; C. Merlini, *Europe on the International Scene: A Union of necessity after a Union of choice?*, [in:] S. Micossi, G. L. Tosato (edit.), *The European Union in the 21st Century. Perspectives from the Lisbon Treaty*, Brussels 2009, p. 123-124.

¹⁴ C. Merlini, *Europe...*, p. 125; J. Coelmont, *A Grand Strategy...*, p. 3.

¹⁵ Also the results of elections to the Congress in November 2010 seem to be significant. They indicate stronger and stronger isolationist tendencies in the American society, embodied by the representatives of the so-called *Tea Party*; see. M. Zawadzki, *Obama chce się dogadać z Republikanami (Obama wants to talk with Republicans)*, „Gazeta Wyborcza”, 2010, nr 259, p. 11.

¹⁶ C. Merlini, *Europe...*, p. 125.

¹⁷ L. Van Langenhove, *The EU as a Global Actor in a Multipolar World and Multilateral 2.0 Environment*, „Egmont Paper”, 2010, nr 36, p. 6-7; J. Fritz-Vannahme, *Europe's Bild New Story*, „Spotlight Europe”, 2009, nr 4, p. 3. L. Marchi, *Innovative action towards the challenges?*, „CFSP Forum”, 2010, vol. 8, issue 3, p. 15.

influence of the Union as a model for the developing countries¹⁸. Secondly, it strengthened the international position of G-20 and G-2¹⁹, and weakened G-8, as the main decisive forum in the international arena²⁰. Thirdly, the quicker and quicker developing China are losing competition on the African continent in their policy of obtaining natural resources²¹.

It is possible to make a supposition based on all these processes that after the years of certain skepticism there may be a breakthrough as regards building the independence of the Union in the international arena. It seems that right now we face a critical junction, where the member countries have to decide whether to deepen the European integration and build the frames of common foreign policy and common military capabilities in the operational sphere allowing them to play an important role in the international arena or whether to focus on economic integration and establish strong links with the USA. Many variables point that for the first time, the former scenario is realistic and desired. The problem is that no one really knows whether there is a political will to take such actions. However, one can certainly say that the evolution of the international environment emphasizes the necessity of taking such measures. At the same time, one should be aware that it does not mean building common foreign policy covering the whole spectrum of international problems. The European countries are divided too much as regards their interests, plans and visions of the global order. Nonetheless, one can surely distinguish several areas where it would be possible to build a common international identity. Undoubtedly, widely understood global problems, which must be solved regionally or by the whole European community²², belong to that area. The European Union, with its diplomatic culture and the negotiation experience in a big group of states, may play an unusually crucial role in this matter²³. The second area is a close cooperation regarding safety and defense, because the challenges faced by the member countries are more or less convergent, and the common military potential is taken into account more and more often.

¹⁸ As S. Biscop indicates – it increases the importance of China and Brazil on the international arena through the attractiveness of their social, political and economic model; see. S. Biscop, *Odd Couple or Dynamic Duo? The EU and Strategy in Times of Crisis*, „European Foreign Affairs Review”, 2009, vol. 14, issue 3, p. 374.

¹⁹ It is created by the United States together with China, which does not only exclude the EU countries, but brings America and Asia closer.; T. Renard, S. Biscop, *A Need for Strategy in a Multipolar World: Recommendations to the EU after Lisbon*, „Security Policy Brief”, 2010, nr 5, p. 4.

²⁰ P. C. Padoan, *Europe and Global Economic Governance after the Crisis*, [in:] S. Micossi, G. L. Tosato (edit.), *The European Union in the 21st Century. Perspectives from the Lisbon Treaty*, Brussels 2009, p. 192-197; B. Jones, *The coming...*, p. 76-77.

²¹ R. D. Kaplan, *The Geography of Chinese Power*, „Foreign Affairs”, 2010, vol. 89, nr 4, p. 24-25.

²² S. Biscop, *Odd...*, p. 375.

²³ B. Fujiwara, *Reinvigoration the EU's Role in the post-Copenhagen Landscape*, „CEPS Commentary”, 2010, www.ceps.eu/ceps/download/2853; K. V. Laatikainen, *Multilateral Leadership AT the UN after the Lisbon Treaty*, „European Foreign Affairs Review”, 2010, vol. 15, issue 4, p. 475-493.

2. The models of functioning of the European Union in the international arena

Preparing a new strategy, which seems to be indispensable also after the Lisbon Treaty has become effective it is necessary to specify, first of all, what the Union is and in which international environment it functions. It is also essential for the partners to be able to understand each other and, above all, make an attempt to answer the question of what the basic goals of the Union foreign policy should be²⁴. It seems that, to some extent, the Lisbon Treaty responded to this demand, because they defined in art. 21 of the TUE the rules and aims of external actions of the Union, carried out both under CFSP, as well as under the community trend. Nevertheless, more and more analysts indicate that it is necessary to prepare a strategy that will define its place in the global politics²⁵. P. Vennesson, noticing this problem, defined four possible roles of the European Union in the international arena, which they can take on in the medium and long-term perspective. Based on two variables, i.e. the attitude towards the USA and the possibility of becoming involved militarily in armed conflicts, he separated Euro-neutralism, Euro-Atlantism, the concept of the EU as a superpower and the concept of the EU as a civilian power, which are kind of ideal models that have been appearing in the European discourse for over 30 years²⁶. The first of them is based on the assumption that the Union should be involved on the international scene to a very small extent, and, at the same time, have relatively weak connections with the United States. The main aim for the supporters of this concept is to reach safety of the European Union, understood as safety of its member states and their citizens, by means of limited involvement into international relations and focusing on sustaining the European social model and stimulating internal economic development²⁷. The second of the strategies, i.e. Euro-Atlantism, assumes maximal international involvement of the Union, however, not in order to build their own identity, but to support America in sustaining their dominating position. This strategy allows the use of armed forces in order to complete the actions carried out by Washington in various regions of the world. The supporters of this concept emphasize that the only way of sustaining the economic development, the European values and own identity is as close link with the United States as possible, and the European

²⁴ T. Renard, S. Biscop, *A Need...*, p. 1-2.

²⁵ Such works are conducted by, amongst others, Egmont- Royal Institute for International Relations; more in: S. Biscop (edit.), *The Value...* About the grand strategy in the EU context also in: P. Vennesson, *Europe's Grand Strategy*, [in:] N. Casarini, C. Musu (edit.), *European Foreign Policy in a Evolving International System. The Road towards Convergence*, London 2007, p. 12-26; M. E. Smith, *The Accidental Strategist? Military Power, Grand Strategy and the EU's Changing Global Role*, „Mitchell Working Paper Series”, 2008, nr 2, p. 4-7. T. Renard, S. Biscop, *A Need...* p. 1. However, J. Coelmont observes that the Community was functioning for a very long time without a clear strategy, according to the so-called *méthode Monnet*, which consists in undertaking actions as a result of the existing circumstances and not of strategic thinking; more in: J. Coelmont, *A Grand Strategy...*, p. 1-2.

²⁶ P. Vennesson, *Competing Visions for the European Union Grand Strategy*, „European Foreign Affairs Review”, 2010, nr 15 issue 1, p. 62-74.

²⁷ See. C. Schori Liang, *Europe for the Europeans: the Foreign and Security Policy of the Populist Radical Right*, [in:] C. Schori Liang (edit.), *Europe for the Europeans. The Foreign and Security Policy of the Populist Radical Right*, London 2007, p. 1-32; J. Blondel, *Il modelko svizzero: un futuro per l'Europa?*, „Rivista Italiana di Scienza Politica”, 1998, nr 2, p. 203-228.

Union is and should remain a strong and credible partner. According to them, it is all the easier, because these two subjects are linked by a long history of close co-operation based on common values. This mutual relation is close inasmuch as the definition of the European interests largely depends on the concepts adopted by American politicians. Therefore, the European policy in the international arena is in this concept secondary to the American politics²⁸. The third strategy, i.e. of the European Union as a superpower, is opposite to the two mentioned above, because it assumes a large, but independent involvement of the Union in the international arena. This strategy assumes the autonomy and independence of the Union in its external policy, and it also accepts the possibility of using armed forces in order to execute and secure its interests. This big involvement of the Union in the international arena, based on the independent position of the Union, will contribute to weakening the transatlantic links. This strategy, however, does not exclude the cooperation with the USA, and it even accepts its development, but on partnership conditions and with great participation of the CSDP, gradually replacing NATO. Moreover, the supporters of this strategy think that the use of power by the Union does not always have to be based on the mandate of the United Nations Security Council, which would reinforce its independence in the international arena, but on the other hand it would destroy the existing international order²⁹. It is this issue that distinguishes the most the strategy of the Union as a superpower from the concept of the Union as a civilian power. In the latter case, its main purpose is to ensure peace and stability in the international arena by means of multilateral actions based on the mandate of international organizations. The main task of the Union is to be promotion of democracy and human rights and also gradual weakening of the rigorously comprehended national sovereignty, which will significantly base the global order on a network of international and regional organizations, such as the UNO, International Justice Tribunal or the World Trade Organization. This strategy assumes a big external involvement of the European Union, but under multilateral organizations and focusing on the development of the international law. This way, the Europeans are to encourage, through their own example to accept the so-called post-sovereignty and to strengthen the trust and transparency in mutual relations, which will lead in time to achieving international stability and peace³⁰.

The above concepts are only ideal types, but one can notice that the European Union is currently trying to move within their frames, not deciding to adopt a homogenous and coherent strategy. As J. Coelmont said, it reminds playing table tennis, when others play

²⁸ See. A. W. Cafruny, J. M. Ryner, *Europe AT Bay: In the Shadow of US Hegemony*, Michigan 2007; K. Naumann, J. Shalikhvili, J. Lanxade, P. Inge, H. van den Breemen, *Towards a Grand Strategy for a Uncertain World. Renewing Transatlantic Partnership*, Lunteren 2007, p. 139-145.

²⁹ More in: J. McCormick, *The European Superpower*, New York 2006; G. Morgan *The Idea of a European Superstate: Public Justification and European Integration*, Princeton 2005; N. Witney, *Re-energizing Europe's Security and Defence Policy*, London 2008.

³⁰ More in: F. Hoffmeister, *The Contribution of EU Practice to International Law*, [in:] M. Cremona (edit.), *Developments in EU External Relations Law*, Oxford 2008, p. 37-127; M. Kaldor, M. Martin, S. Selchow, *Human Security: A New Strategic Narrative for Europe*, „International Affairs”, 2007, nr 83, p. 273-288; I. Manners, *Normative Power Europe: A Contradiction in Terms?*, „The Journal of Common Market Studies” 2002, nr 40, p. 235-258; D. Milczarek, *Rola międzynarodowa Unii Europejskiej jako „mocarstwa niewojskowego”* („The international role of the European Union as a non-military power”), „Studia Europejskie” (European Studies), 2003, nr 1, p. 42-54; A. Bendiek, H. Kramer, *The EU as a „Strategic” International Actor: Substantial and Analytical Ambiguities*, „European Foreign Affairs Review”, 2010, vol. 15, issue 4, p. 464-467.

chess³¹. This game consists in chaotic movements between instruments which are typical of particular models, among which the elements of Euro-atlantism and the concept of the Union as a civilian power dominate. This is the outcome of the earlier mentioned frictions about the attitude to the USA. However, one can notice instruments typical of the concept of the Union as a superpower, in particular in relations with partners, who are politically and economically weaker³². It shows how much incoherent the current activity of the Union is in the international arena, which influences its effectiveness and increases the lack of understanding among international partners. An additional problem is that so far there is no consent on what the Union really is about and, at the same time, what should be her place in the world. The difficulties with adopting the Constitutional Treaty and the Lisbon Treaty as well as the negotiations on the revision of the European Security Strategy are the best prove thereof. It is important inasmuch as the selection of the specific strategic option by the Union is closely correlated with the integrational model, which is expected to be executed³³. Thus, what the Union will be like internally is implied also by the role which it will play in the international arena and this shows a high complexity of the researched problem.

3. The European Union as a civilian power

At the beginning of the second decade of the 21st century the Union became forced to specify its position towards the changing geopolitical situation. The basic dilemma comes down to the question whether it tries to completely re-define its politics in the direction of one of the two extreme models – i.e. the Union as a superpower or Euro-neutralism or, whether it will sustain the present position in the international arena. It seems that the attempt of re-defining the so-far politics, i.e. abandoning the remains of Euro-atlantism and focusing on developing their own independent position. The only strategy, which is truly acceptable by all member countries and which has been functioning in the European discourse for almost 40 years is the model of the Union as a civilian power, put forward by F. Duchêne³⁴. It is extremely attractive, first of all, because it corresponds with the so-far

³¹ J. Coelmont, *A Grand Strategy...*, p. 3.

³² B. Hettne, F. Söderbaum, *Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Inter-regionalism*, „European Foreign Affairs Review”, 2005, vol. 10, issue 4, p. 549-551; L. Sheahan, N. Chaban, O. Elgström, M. Holland, *Benign Partner or Benign Master? Economic Partnership Agreement Negotiations between the European Union and the Pacific Islands*, „European Foreign Affairs Review”, 2010, vol. 15, issue 3, p. 356-358.

³³ The strategy of Euro-neutralism is strictly connected with the concept of Europe of nations and the minimal role of the Union; in turn, the EU strategy, as a superpower, assumes the establishment of a federal European state; Euro-atlantism is based on the Union, which carries out post-sovereign policy settled in economic and cultural transatlantic bonds; the EU as a civilian power assumes a multi-level management and an influential Commission; P. Vennesson, *Competing...*, p. 74-75.

³⁴ The concept of European Communities as a civilian power was formulated by F. Duchêne at the beginning of the 1970's of the 20th century; its concept consisted mainly of two principal elements, i.e. firstly – the European Communities are civilian organisations which are strong economically, but weak militarily; secondly – the EC should be a power that is able to spread peace and international standards among other nations; more in: F. Duchêne, *Europe's Role in World Peace*, [in:] R. Mayne (edit.), *Europe Tomorrow. Sixteen Europeans Look Ahead*, London 1972.

activity of the Union in the international arena. Adopting this concept does not require big real changes, solely the re-definition of the way of perceiving the role of the Union in the international arena by the politicians, therefore accepting the fact that in the nearest future it will be rather impossible to build such a strong position of the Union that it could compete with China and the USA in the international arena, and that it cannot allow itself to carry out the policy of isolationism. Moreover, the changes in the international arena indicated above enabled the concept formulated by F. Duchêne to be fully executed for the first time, since most arguments overthrowing its thesis became out of date. The main critic of this concept, H. Bull believed that it was based on a wrong assumption of the decrease in the meaning of the military power in international relations³⁵. As much as this remark was true at the moment of its formulation, i.e. during the Cold War, today it seems that we can talk about such a phenomenon already taking place³⁶. The difficulties encountered by the Western military interventions in Iraq or in Afghanistan, the actual defeat of Israel in Lebanon and in the Gaza Strip, the inability of introducing the military stabilization in Caucasus by Russia – all this confirms that the military power is not that effective anymore³⁷. Thus, the military advantage does not guarantee a success of securing one's own interests. On the other hand, the economic and energy instruments become more and more effective, what is proven by the activity of China in Africa or of Russia in relation to Ukraine and Belarus or even by the provisions of the new NATO strategy³⁸. Other arguments, put forward by the opponents of the F. Duchêne's concept, which point to the decisive ineffectiveness of the EC/EU³⁹, also became out of date, together with the transformation of the European Political Cooperation into the CFSP and with subsequent modifications introduced by the Amsterdam Treaty and the Lisbon Treaty. It seems that especially this latter legal act contributed to the improvement of the decisive system regarding the external actions of the Union, through establishing the double role of the High Representative (deputy head of the Commission and the Chairman of the Council for Foreign Affairs) and also appointing the Chairman of the EC⁴⁰. As a matter of fact the only critical thesis against the discussed concept, which is still up-to-date is a statement that actually defining the Union as a civilian power is a specific rationalization of the lack of the military power of the Union,

³⁵ H. Bull, *Civilian Power Europe: A Contradiction In Terms?*, „Journal of Common Market Studies”, 1982, vol. 21, nr 2, p. 163.

³⁶ S. Keukeleire, J. MacNaughtan, *The Foreign Policy of the European Union*, New York 2008, p. 15.

³⁷ Such thesis was already put by Ch. Hill at the turn of the 1980's and 1990's; see Ch. Hill, *European Foreign Policy, Power block, civilian model, or flop?*, [in:] R. Rummel (edit.), *The Evolution of an International Actor. Western Europe's New Assertiveness*, Boulder 1990, p. 54.

³⁸ The new NATO strategy was approved at the Lisbon summit in December 2010; it indicates threats resulting from, amongst others, a cyberwar, breaking key energy lines or destroying oil and gas pipelines; T. Bielecki, *NATO na XXI wiek (NATO for the 21st century)*, „Gazeta Wyborcza”, 2010, nr 270, p. 10. Nonetheless, it should be remembered that economic or energy instruments, if they are connected with the use of pressure, should be qualified as the so-called *hard power*, not to the *soft power*; see D. Milczarek, *Pozycja i rola Unii Europejskiej w stosunkach międzynarodowych. Wybrane aspekty teoretyczne (Position and role of the European Union in international relations. Selected theoretical aspects)*, Warszawa 2003, p. 186.

³⁹ Such theses can be found in: P. Tsakaloyannis, *The EC: from civilian Power to military integration*, [in:] J. Lodge (edit.), *The European Community and the Challenge of the Future*, London 1989.

⁴⁰ Referring to the J. Coelmont's metaphor, T. Renard and S. Biscop specified them as a king and queen in a possible chess game; see T. Renard, S. Biscop, *A Need...*, p. 6.

since, despite numerous attempts it was still impossible to create forces that would be able of an immediate intervention⁴¹. However, in the last decade, the member countries have taken several actions that were to establish this military perspective of integration, whose culmination, so far, is the institutionalization of the CSDP by means of the Lisbon Treaty. Some writers level a charge that it is contradictory to the concept of the Union as a civilian power⁴², however, one cannot disagree with S. Stavridis that the progressing militarization of the Union should be treated rather as a necessary completion of the concept discussed and the transition from playing a role of a civilian power because of the lack of other possibilities to the conscious choice of such a role⁴³. It is important inasmuch as playing a role of a civilian power, as rightly noticed by B. Hettne and F. Söderbaum, may be effective only in the case of a strong actor. Moreover, for the weak Europe the strategy of a civilian power may be the only option, however, its weakness will diminish its credibility in the international arena and simultaneously will make it impossible to really execute this strategy⁴⁴. Thus, paradoxically, in order to execute the strategy of the Union as a civilian power, it must re-build its military potential. However, on the other hand, it seems that the creation of armed forces of the size similar to the potential of the USA, China or Russia would not take place, as it would *de facto* mean the establishment of a European federal state⁴⁵, while it is too early for such a step in Europe⁴⁶. Moreover, some politicians emphasize that the Union will never transform into a military power also because of the peace style ascribed in the practice to collective diplomacy, which has become rooted in the European identity within the last half century⁴⁷.

As it has already been mentioned, adopting the concept of the civilian power would correspond well with the model of external actions executed by the Union. It is important inasmuch as the concept would make it possible to fully use the experience of the Union in the international arena with regard to carrying out the Petersburg tasks, preventing the effects of global problems, proliferating weapons of mass destruction, protecting the environment, developing aid for the poorest countries as well as promoting the values which are crucial for the Union, such as democracy, human rights, sustainable development or social security. The latter ones are especially important, because, as S. Biscop indicates – human safety can be a useful way of defining a Union action as a global player. Caring for each individual so that they can have access to physical and social security, economic well-being

⁴¹ Such theses can be found in: D. Allen, M. Smith, *The European Union's Security Presence: Barrier, Facilitator, or Manager?*, [in:] C. Rhodes (edit.), *The European Union in the World Community*, Boulder 1998, p. 45-63.

⁴² See Ch. Bretherton, J. Vogler, *The European...*, p. 42; K. E. Smith, *European Union Foreign Policy in a Changing World*, Cambridge 2008, p. 22.

⁴³ S. Stavridis, *Why the „Militarising” of the European Union is strengthening the concept of a „Civilian Power Europe”*, „EUI Working Papers”, 2001, nr 17, p. 22.

⁴⁴ On the other hand they state that too strong the Union may change the dialogue with partners into a monologue of the Union, which will also weaken its position on the international arena; see B. Hettne, F. Söderbaum, *Civilian Power...*, p. 539 and 552.

⁴⁵ Such thesis is presented by, amongst others: H. Bull, *Civilian Power...*, p. 149-164; K. E. Smith, *The End of Civilian Power EU: A Welcome Demise or Cause for Concern?*, „The International Spectator”, 2000, nr 2, p. 27.

⁴⁶ A. Deighton, *The European Security and Defence Policy*, „Journal of Common Market Studies”, 2002, vol. 40, issue 4, p. 728.

⁴⁷ J. Mitzen, *Anchoring Europe's civilizing identity: Habits, capabilities and ontological security*, „European Journal of Public Policy”, 2006, vol. 13, issue 2, p. 270-285.

and political freedoms is not only a fundamental target of the Union, but it may also constitute an unusually attractive justification of its external actions⁴⁸.

The indicated strategy is also compatible with the so-far activity of the Union inasmuch as it puts an emphasis on drawing up and implementing international rules, especially those concerning economic, humanitarian, disarmament and environment protection law, which will contribute to the stabilization of the international environment in the long run. It is important because the supporters of this strategy notice threats to the world safety chiefly in anarchy, instability and non-observance of the international law. Therefore, for the Union and its member countries, the UN and other organizations constitute a necessary source of legitimacy for the international activity. On the other hand, however, focusing on the international non-military activity cannot mean ceasing to develop the military capabilities of the Union and its member countries. NATO is to still exist, but it is to be shifted into the direction of managing a widely-comprehended risk. The Union shall concentrate on regional and ethnic conflicts as well as on humanitarian interventions, but solely after obtaining the mandate of the United Nations Security Council to protect the civilian population as priority⁴⁹. Therefore, the interventions taken by the Union would be mainly of the police and not military character, which would explicitly correspond with the strategy of the civilian and not military power⁵⁰. In one word, the EU is to use the military power exclusively after obtaining the UN mandate and under the legally defined frames in order to carry out Petersburg tasks that complete the NATO actions. The consequence of such approach is the necessity of creating armed forces that can be employed more in crisis management and law execution than armed combat⁵¹. It is worth emphasizing here that many writers indicate a certain inconsistency in the concept of the Union as a civilian power and in the attempt to build an autonomous military potential. Firstly, they emphasize the unique position of the Union in the international arena, resulting actually from the non-use of military instruments, which distinguishes it from the United States⁵². Furthermore, they notice that the lack of the military perspective of integration was a specific crux of the integrational process for a long time and the existing safety procedures were sufficient enough

⁴⁸ S. Biscop, *Odd...*, p. 376; S. Biscop (edit.), *The Value...*, p. 18-19.

⁴⁹ M. Eilstrup Sangiovanni, *Why a Common Security and Defence Policy is Bad for Europe*, „Survival”, 2003, vol. 45, issue 4, p. 200. S. J. Nutall's remark is very interesting. He says that, as a matter of fact – making the intervention missions dependent on obtaining the UNO mandate means that the member countries are likely to have such an instrument of foreign policy at their disposal since, as the UNO primacy in peace missions is acknowledged, it is of very little significance whether the participation of the Union is expressed by the means of national or community contingents; see S. J. Nutall, *The Foreign and Security Policy Provisions of the Maastricht Treaty. Their Potential for Future*, [in:] J. Monar, W. Ungerer, W. Wessels (edit.), *The Maastricht Treaty on European Union. Legal Complexity and Political Dynamic*, Brussels 1993, p. 136.

⁵⁰ S. Rynning, *A Fragmented External Role. The EU, Defence Policy and New Atlanticism*, [in:] M. Knodt, S. Princen (edit.), *Understanding the European Union's External Relations*, London 2003, p. 19.

⁵¹ P. Vennesson, *Competing...* p. 72-73.

⁵² See M. Smith, *The European Union and International Order: European and Global Dimensions*, „European Foreign Affairs Review”, 2007, vol. 12, issue 4, p. 451; M. Smith, *Between Two Worlds: The European Union, the United States and World Order*, „International Politics”, 2004, vol. 41, issue 1, p. 96-117. However, B. Giegerich and W. Wallace indicate that, contrary to the stereotype, the military forces of the member countries are very active on the international arena, which, unfortunately, is not noticed by the public opinion; B. Giegerich, W. Wallace, *Not such a soft power: The external deployment of European forces*, „Survival”, 2004, vol. 46, issue 2, p. 163-179.

for a very long period⁵³. However, such an approach is little realistic, as it is obvious that the Petersburg tasks are carried out in the surroundings, which are not conducive to the security of their participants. This very fact requires having specific military potential to provide them with necessary protection. Yet, on the other hand, some writers believe that, instead of incurring defense expenses, the Union should be developing their abilities to manage non-military crises⁵⁴. This concept also does not seem to be so much right, because if the Union wants to become independent of Washington, it should bear the costs of building up its own defense potential. An independent position in the international arena is not possible with the simultaneous remaining under the American 'umbrella'. On the other hand, this focus on humanitarian missions may also bring about advantages in the transatlantic relations because NATO and the UE will be able to divide and specify their responsibilities, where the Community would deal with emergency crisis events, to which the alliance is not fully prepared. The attempt to resolve this dilemma was made in the Lisbon Treaty, where, on the one hand, they institutionalized CSDP, which with time could turn into the common defense and, on the other hand, they extended the catalogue and scope of the Petersburg tasks clearly supplementing the activity of the North Atlantic Alliance.

4. The European Union as a civilian power in the new international order

Adopting the strategy of the civilian power gives the Union not only a big chance of maintaining the so-far position, but also of playing an active role in the international arena, which can be unreachable when maintaining the existing status quo. The creation of the polycentric international order will require re-shaping the relations between the biggest actors⁵⁵. The dependent Union will find itself rather in the position of a subject of the international policy and not of its active participant. With the passage of time the USA together with China and probably with Brazil and India will impose certain solutions, which we could have already experienced during the climate summit in Copenhagen⁵⁶. On the other hand, however, the Union has at its disposal the specific know-how which enables it to function in the international polycentric environment and whose foundation is an attempt to reach a compromise and to create transnational institutions⁵⁷. This may be its chance to impose an appropriate model of the international discourse, which, with the balance of power, will make it possible to achieve solutions that will be satisfactory to all. What

⁵³ See K. E. Smith, *The End...*, p. 11-28; L. G. Feldman, *Reconciliation and legitimacy: foreign relations and enlargement of the European Union*, [in:] T. Banchoff, M. Smith (edit.), *Legitimacy and the European Union. The contested policy*, London 1999, p. 66-90; Ch. Bretherton, J. Vogler, *The European...*, p. 42.

⁵⁴ P. Vennesson, *Competing...*, p. 73.

⁵⁵ R. Higgott, *The Theory and Practice on Global and Regional Governance: Accommodating American Exceptionalism and European Pluralism*, „European Foreign Affairs Review”, 2005, vol. 10, issue 4, p. 579.

⁵⁶ L. Van Langenhove, *The EU...*, p. 6; A. Bendiek, H. Kramer, *The EU...*, p. 453.

⁵⁷ C. Merlini, *Europe on the International...*, p. 134. On the other hand M. Smith points to numerous restrictions of the European model of international negotiations, out of which, he mentions, amongst others, a concentration on the process and not on the target. This is a major drawback in crises situations, which require an immediate action M. Smith, *The European Union...*, p. 454.

shows that it is necessary is the progressing globalization, which is not only advantageous to certain subjects, but it also causes problems which require global solutions. It is best illustrated by bigger and bigger involvement of China in discussions on the new model of the world economic order and also the involvement of Beijing in initiatives to prevent global problems⁵⁸. Nonetheless, it should be noticed that an attempt to impose its own model of international cooperation is an unusually ambitious task for the Union, since it means transforming the international system into a system resembling the European identity and norms connected thereto. Not so long ago it seemed impossible, however, the weakening position of the USA and the increasing importance of the so-called BRIC states create a multipolar international system, probably founded on certain norms and institutions. This is the aim of Europe in contrast with America. Thus, the Union should continue its international activity and propagate values and institutions which are crucial and which can serve peaceful coexistence, bearing in mind that as a result of the economic crisis the European model has become much less attractive⁵⁹. Nonetheless, as N. Chaban, O. Elgström and M. Holland rightly notice, a lot depends here on the perception of the European Union by other players of international relations, which is extremely complex. On the one hand, as regards economic matters, development aid or environment protection, the Union is perceived as a key player in the international arena, especially when it presents a coherent position. On the other hand – in political and military matters it is treated as a weak player, who is strongly connected with the United States. Moreover, these researchers emphasize that in particular regions of the world the regional actors are very often perceived as more important than the Union, which means that its position in the international arena is not as strong as it is often assumed in the European discourse⁶⁰. Furthermore, its position has become significantly weaker, as a result of the economic crisis, to the benefit of BRIC countries, which promote a much more attractive model of state management⁶¹. Moreover, a great number of respondents in the research conducted by N. Chaban, O. Elgström and M. Holland emphasized that the Union could become an alternative to the hegemonic politics of the USA, but the obstacle are the propagated Eurocentric values, which are often contradictory to its normative systems⁶². However, it is worth emphasizing that the Union is perceived all over the world as a model and reference point for integration processes, which may in the end contribute to building its strong position in the international arena⁶³. This last aspect is very strongly stressed by R. Higgott, who believes that it is only the Union that has at its disposal an integrative management system combining institutional and

⁵⁸ B. Góralczyk, *Unia Europejska-Chiny: najważniejsze stosunki na obie?(A European-Chinese Union: the most important relations on both?)*, 'Studia Europejskie' ('European studies'), 2009, nr 2, p. 26-28.

⁵⁹ M. Smith believes that it is possible and that it will be a characteristic feature of international relations in the 21st century; see M. Smith, *The European Union...*, p. 441. A similar statement in: T. Renard, S. Biscop, *A Need...*, p. 2.

⁶⁰ N. Chaban, O. Elgström, M. Holland, *The European Union As Others See It*, „European Foreign Affairs Review”, 2006, vol. 11, issue 2, p. 247-261.

⁶¹ S. Biscop points out a special position of China, in this aspect especially for the semiauthoritarian countries; see S. Biscop, *Odd...*, p. 374.

⁶² This problem appears also during the negotiations of contracts about economic partnership (EPA) with the ACP countries; see L. Sheahan, N. Chaban, O. Elgström, M. Holland, *Benign...*, p. 358-359.

⁶³ N. Chaban, O. Elgström, M. Holland, *The European...*, p. 247-261.

political structures with legal instruments that reconcile the national and supranational levels of making and implementing decisions. This may serve as a model for the closer and closer international cooperation. Moreover, as the only one, it created a certain set of common standards, procedures and legal norms, which must be accepted and implemented by the member states and which may serve as a model for various international organizations, including these of global character. The position of the Union in the international arena is also reinforced by the fact that it owns a wide network of cooperation with other regional integration groups (e.g. ASEAN, Mercosur, the Cotonou Agreement), based on an institutionalized dialogue or informal agreements, which can be the foundation for building a new international order based on mutual trust and understanding⁶⁴. Additionally, the Lisbon Treaty created a possibility of establishing strategic partnerships with specified countries, organizations and regions, which can be a very useful instrument for the Union to influence the developing multipolar international order. Yet, as observed by T. Renard and S. Biscop – only in the situation, when the Union has a clearly defined strategy⁶⁵ and when it is compatible with global trends⁶⁶.

5. Drawbacks of the strategy of the European Union as a civilian power

The crucial threat to the concept of the Union as a civilian power is present in difficulties connected with conducting coherent activities in the international arena. First of all, it results from the fact that most basic components of this strategy are expensive and require such international actions which will anyway lead to an armed conflict, which the Union usually tries to avoid. Additionally, the so-far practice shows that interventions that are too expensive (militarily, politically and financially) are not undertaken or become abandoned. It makes the strategy of the Union as a civilian power susceptible to criticism for hypocrisy resulting from unavoidable compromises, which will rather not show the Union as an actor whose international actions are coherent⁶⁷. Furthermore, the strategy can be feasible only with the strong presence of the USA as a dominant and military power, which was emphasized by H. Bull in his reservations⁶⁸. This is the reason why most supporters thereof do not treat the American hegemony as a serious problem and they accept the fact that the Union

⁶⁴ Nonetheless it seems that the writer falls into the trap shown by N. Chaban, O. Elgström and M. Hollanda, i.e. he assumes that the European values, such as the rule of law and widely comprehended freedom are equally attractive for partners from other cultural circles; see R. Higgott, *The Theory...*, p. 586-588.

⁶⁵ T. Renard, S. Biscop, *A Need for...*, p. 3-4. As far as the cooperation with other regional organisations is concerned, it is possible to talk about a certain strategy, because – as K. E. Smith says – the Union carries out a completely different politics from the USA: it tries to cooperate with the already existing structures and Washington tries to create new ones; see K. E. Smith, *European...*, p. 109-110.

⁶⁶ M. Telò, *Reconsiderations: three scenarios*, [in:] M. Telò (red.), *European Union and New Regionalism: Regional Actors and Global Governance in a Post-Hegemonic Era*, Aldershot 2001, p. 265. The problem of the inexplicit politics of the Union as regards the strategic partnership is emphasised by A. Bendiek, H. Kramer, *The EU...*, p. 472-473.

⁶⁷ S. Biscop, *Odd...*, p. 374.

⁶⁸ H. Bull, *Civilian...*, p. 149-165.

will play the role of a weaker partner of Washington⁶⁹. This will not support building an independent international position of the Union, however, it seems necessary to take this fact into account while designing the grand strategy for the Union⁷⁰. It may also blur the clear line between the Union as a civilian power and Euro-atlantism and sustaining the factual status quo. Nonetheless, it should be remembered that the US position in the international arena is becoming weaker, which can translate into more partner-like relations⁷¹.

The second threat to the effectiveness of this strategy is located inside the very Union, i.e. in the dilemma over the use of instruments typical of a civilian power and a superpower (or as it is defined by B. Hettne and F. Söderbaum – of soft imperialism). The former ones are more present in such external areas as environment development and protection and the stronger instruments, including even coercive measures – in the field of trade and security. A similar division regards the very member states and union institutions, where the Nordic countries are much more willing to use instruments typical of a civilian power than the Mediterranean countries, and the DG Development is much more ‘civilian’ than the DG Trade, in particular DG Relex. What is interesting is that this division also takes place in particular areas of the external actions, with a special emphasis on interregional relations. With reference to the ASEM countries the European Union definitely takes on an attitude of a civilian power⁷², but, as regards the ACP countries there are more and more attempts to achieve its own interests, executing the strategy of a quasi superpower (soft imperialism)⁷³. Thus, it is clearly visible that with reference to equal partners the Union exercises the tactic of a civilian power, but in relation to weak partners – the tactic of a superpower⁷⁴. It is also interesting that with reference to the Latin America and Mercosur the European Union did not adopt an explicit attitude, using the instruments typical of the two mentioned-above concepts, which explains the continuously changing political priorities and strategic interests that link these two regional groups⁷⁵. This incoherence in the action strategies is important inasmuch as it may hinder building the position of the Union as a cohesive power in the international arena. Since one may suppose that certain action mechanisms, especially, under the EC, have become so much consolidated that, as a matter of fact, they are remembered by a given institution and will be copied, regardless of the strategy adopted by the Union itself. Moreover, the establishment of the European External Action Service based on the officers of the Commission and the Secretariat of the Council and diplomats coming from the member states may transfer the differences in strategies also to new institutions. Nonetheless, it seems that a certain re-definition in the direction of

⁶⁹ M. Eilstrup Sangiovanni, *Why a Common...*, p. 204.

⁷⁰ The research conducted by N. Chaban, O. Elgström and M. Holland shows how crucial the problem is. They indicate that on the international arena the Union is perceived from the security perspective, as a dependent actor that supports the USA; see N. Chaban, O. Elgström, M. Holland, *The European...*, p. 260-261.

⁷¹ C. Merlini states that such an expectation exists also on the American side, which demands from Europe a bigger commitment and support for their actions; see C. Merlini, *Europe...*, p. 125.

⁷² Ch. Bretherton, J. Vogler, *The European...*, p. 129-130; M. E. Smith, *Europe's...*, p. 236; K. E. Smith, *European...*, p. 90-92.

⁷³ See L. Sheahan, N. Chaban, O. Elgström, M. Holland, *Benign...*, p. 347-366.

⁷⁴ S. Wood, *The European Union: A Normative or Normal Power?*, „European Foreign Affairs Review”, 2009, vol. 14, issue 1, p. 114.

⁷⁵ B. Hettne, F. Söderbaum, *Civilian...*, p. 549-551; K. E. Smith, *European...*, p. 92-95.

the coherent strategy of a civilian power will take place. Based on the thesis that the Union uses the instruments of a soft superpower only in relation to the countries which are much weaker than itself, it can be assumed that in relation to the countries of South America, due to their growing international position, a partner dialogue and diplomatic instruments will start to dominate. In fact, a similar process can take place in Africa, as the countries of that continent are not foredoomed only to European investments and support, which results from the bigger and bigger involvement of China in this region. This will force the Union, which wants to sustain its influence on the African continent, to base the relations with those countries on instruments of a civilian power and not of a superpower. Therefore, the changing geopolitical conditions may make the Union re-define its own external policies.

The suggested strategy also faces some other essential inconsistencies, which can have an influence on its full execution. First of all, it is not fully clear how, in practice, the multipolar international system is to guarantee security in Europe, if the Union does not succeed to impose its style of conducting politics on the other actors. The failure can lead the Union to 'the political vacuum', i.e. it will be ignored by the largest actors and decisions will be made without its participation⁷⁶. It is probable as no one knows the shape of Europe after overcoming the economic crisis. In the case of adopting the option to act by using the soft power, the economic weakness will translate into the political weakness in the international arena. With the poorly developed defense potential, the Union may not be able to provide security for itself and may be susceptible to blackmail by other actors⁷⁷. It seems that this drawback may be neutralized by the earlier mentioned cooperation with the USA under NATO, nonetheless, it is worth emphasizing that in order to adopt the strategy of a civilian power it is necessary to be strong economically. Thus, the reforms currently taken by the member states, the changes in the functioning of the euro zone and the effectiveness of the Commission in the implementation of the Europe 2020 Strategy may have a direct correlation with its position in the international arena. Secondly, building the strategy on the basis of international organizations, when it is so difficult to carry out reforms that will improve their effectiveness – the best example of which is the debate on the future of the UNO, WTO, IMF, OSCE or the European Council, may cause problems⁷⁸. The inefficiency of these organizations may discourage some countries to function within them and to make attempts to build the new international order, based on a special kind of directorate⁷⁹. What proves that the threat is real is the growing importance of such forum as G-20 or attempts at real establishing G-2⁸⁰. Therefore, it seems that it is in the interest of the Union to try to reform the existing international organizations as quickly as possible, the more so as there is some significant potential that can be copied into the new structures of the cooperation. However, T. Renard and S. Biscop notice that this will require time and making difficult political decisions, and G-20 could be a transitional forum for cooperation until the time

⁷⁶ It is as much probable as such a situation took place during the climate negotiations in Copenhagen in December 2009 and during the G20 summit in June 2010; A. Bendiek, H. Kramer, *The EU...*, p. 453.

⁷⁷ This problem is emphasised also by J. Zielonka; see J. Zielonka, *Europa jako imperium. Nowe spojrzenie na Unię Europejską (Europe as an empire. A new look at the European Union)*, Warszawa 2007, p. 189-190.

⁷⁸ P. Vennesson, *Competing...*, p. 73-74.

⁷⁹ F. Ramel, *A Strategy...*, p. 2.

⁸⁰ See P. C. Padoan, *Europe...*, p. 192-197; B. Jones, *The coming...*, p. 76.

the new formation of the global multilateral architecture emerged⁸¹. Therefore, it seems that the Union has to become actively involved in the functioning of this group, but not to consolidate its status, but to shape new frames of the international cooperation. These frames are important inasmuch as they allow the international players to play appropriate roles enabling their self-identity⁸².

Conclusion

Summing up these considerations it is worth bearing in mind that the European Union constitutes a new category of the international actor, whose approach to international relations is different from that of traditional powers. On the one hand, it is perceived as a much more constructive actor in global relations, but on the other – there are huge problems with defining the strategy of its external actions. There is a strong temptation to treat it either as a state or as a classical international organization, which is connected with an attempt to impose thereon certain models of behavior known so far. The problem is also essential while defining the grand strategy, which is a concept ascribed so far only to states. However, it seems that the peculiarity of the Union makes us look differently at the concept of its functioning in the international arena, noticing its strong points, but also the lack of prospects of becoming a military power in the near future. Nevertheless, one thing is certain – in order for the Union to become a global player, no matter if it is defined as a civilian power or a normative power or a soft power, the real political will is necessary. It has the potential to become a power, but only when it wants to, since the problem is not the lack of possibilities, but the lack of recognition by the member states of the interest in the common European policy in the area foreign relations – as it happens in other areas of integration. However, it seems that Europe is slowly becoming mature to self-define itself in the international arena, which is not only the outcome of the dynamically changing reality, but also the long-term practice of external actions. The moment the European leaders have to clearly answer the question of what role is to be played by the Union in the multipolar world has come. The answer seems to be obvious, since the concepts of the superpower and Euro-neutrality should be rather abandoned as impossible to implement in the near perspective. The widely comprehended strategy of the Union as the civilian power is the only real one and the easiest to implement. It is supported by years of activity and acquired experience as regards the development, humanitarian, ecological or peace aid. Certain mechanisms, ways of thinking and paths of conduct have already been developed and they will allow the Union to implement the new strategy very fast. Therefore, it seems that with the present weakness of the USA and relatively not too strong a position of the so-called emerging powers, the Union stands a chance for self-identification in the international arena, which will allow it to play an independent role. Paradoxically, avoiding decisions will also bring about a solution, but it will be negative for the European interests, since the Union will be

⁸¹ T. Renard, S. Biscop, *A Need...*, p. 5.

⁸² As L. Van Langenhove presented it – they are ‘a theatre’ for states, where interactions between them take place; L. Van Langenhove, *The EU...*, p. 9.

subject to actions by other states and will probably lose the last chance to shape the international order according to its own interest. Besides, if the final shape of the international environment is currently a great unknown, then, the best that can be done is to try to shape the undergoing changes in the desired direction.

Delegalisation of political parties as an instrument of state's internal security. An analysis based on the example of Germany

The issue of internal security of a state is complex and multidimensional. One of its crucial elements is undoubtedly protection of the constitutional order of democratic states. The source of threats to this order should be found, amongst others, in actions of organized social (political) groups aimed at organizational stability, its structure, processes or state institutions. It refers both to groups, which threaten a state with direct use of power and which even use the power systematically. It also refers to these organizations, which fight against a democratic state using legal procedures and they do not exceed them while carrying out their actions, although they question their rightness¹.

As the example of the Weimar Republic shows – the lack of internal mechanisms securing the constitutional order may lead to its annihilation without the necessity of using violence in a legal way. Particularly young and weak democracies, which are exposed to internal political threats to the greatest extent, demonstrate a weakness towards the legalistic tactic of their opponents.

Legally binding possibility of delegalising (ban on functioning)² political parties undoubtedly belongs to the instruments which aim at protecting democracy. Delegalisation is a repressive means and a reaction of a democratic system to the threat to its stability by the internal actors functioning within a state or on its territory. The aim is, amongst others, to make it difficult for the anti-system forces to use democratic rules of a game for spreading ideas which are hostile to democracies. At the same time the ban has become a part of legislation targeted at various forms of political extremism, which can pose a threat to system functioning, internal order and peace in a state.

Delegalisation of parties and political organizations has already taken place several times in Europe in the interwar period. Then it was targeted mainly at fascist parties. Currently, most democratic states have a legally binding possibility of a ban, nonetheless it is being used in a very limited scope. It does not mean that in modern mature democracies there are no political threats, which can destabilize a state. However, it seems that strong

¹ Z. Nowakowski, *Bezpieczeństwo państwa w koncepcjach programowych partii parlamentarnych w Polsce po 1989 r.* (State safety in the program me concepts of parliamentary parties in Poland after 1989), Warszawa 2009, p. 109-115; K.A. Wojtaszczyk, *Istota i dylematy bezpieczeństwa wewnętrznego* (The essence and dilemmas of internal safety), [in:] *Przegląd Bezpieczeństwa Wewnętrznego* (Review of Internal Safety), 1(1)/2009, p. 14.

² In this article the term delegalisation and a ban of a political party will be used interchangeably.

states have higher resistance rate to them and can also more effectively use other, less repressive means of protecting the constitutional order. It seems rational to ask a question in this context of what role is currently played by a ban on political parties and whether its importance underwent evolution at the turn of the last decades?

The answer will be given on the basis of the analysis of the German case. Due to the experiences of the Weimar Republic and the World War II the Federal Republic of Germany demonstrates extremely high sensitivity to symptoms of extremism, in particular this of right-wing provenance. It is one of the countries with the strictest legal regulations targeted at actions with a Nazi tinge. As one of very few European countries it included a ban on political parties in the Basic Law for the Federal Republic of Germany. It should be emphasized that Germany used this instrument twice in the 1950's – towards the Socialist Reich Party of Germany (Sozialistische Reichspartei – SRP) and Communist Party of Germany (Kommunistische Partei Deutschlands – KPD). Currently the Federal Republic of Germany struggles with the problem of delegalising National Democratic Party of Germany (Nazionaldemokratische Partei Deutschlands – NPD).

The analysis will be conducted in the normative and functional perspective. The first part of the article presents the genesis, constitutional and legal bases of the functioning of the ban on political parties in Germany. The second part discusses the practice of using this instrument within the last 60 years, including the arguments underlying the motions filed for declaring a party illegal. It also refers to decisions in favor of delegalisation and decisions to reject motions filed for stating that the party was in contradiction of with the Basic Law. It was crucial in this part to show social and political determinants of these actions. The article also signals dilemmas and controversies connected with the ban on political parties.

Genesis and legal bases of the ban on political parties

The question about the possibility of effective protection of democracy became a central element of deliberations of the creators of the Federal Republic of Germany. It was conceived as a result of traumatic experiences connected with the collapse of the Weimar Republic and its catastrophic consequences. Most authors of the Basic Law were convinced that the Weimar state did not defend themselves sufficiently well against an attack of extremist movements³.

It is true, as it was mentioned in the introduction, that the Weimar Republic did not have at its disposal mechanisms which would effectively protect it against the legally acting enemies of young democracy. The constitution of the Republic, not especially protecting any area of its jurisdiction, transferred the whole of its constitutional order to the disposal of legislators. Simultaneously it guaranteed the freedom of action to all political forces as long as they achieved their goals with peaceful means. At the same time, the forces which

³ U. Backes, *Die Streitbare Demokratie: 1949-1989/90-2009*, (text being prepared to go to press, made available by the writer), p. 1.

aimed at eliminating the democratic order were protected⁴. One of the leading interpreters of the Weimar Constitution Richard Thoma commented on these constitutional wordings in the following way: 'It is obvious that this freedom may be abused by demagogues – however, if there were not such a possibility would it be possible then to call it freedom?'⁵

The idea of unlimited will of majority, which was the foundation of constitution such as it had been written, was characteristic of relativistic and formal comprehension of democracy. In such a perspective there are no absolute values, which should be absolutely protected because democracy is expressed by a system of formal rules by the means of which, in a peaceful way, a majority may change the existing order in any desired direction. Such approach was not indisputable in the Weimar state, however, its critics constituted a minority⁶.

It should be added that the institutional structure established in the Weimar Republic made it difficult more than once to stabilize the political system⁷. The low level of democratic awareness, the continuation of the way of thinking based on the principle of control and the economic crisis of the 1930's were also the factors which were not favorable for the consolidation of the young democracy. They contributed to a strong polarization among the society and political elites with the simultaneous erosion of the political centre and they were also conducive to the popularity of the totalitarian ideology. All this paved the way for the legalistic tactic of extremist parties leading eventually to establishing a national and socialist dictatorship⁸. It was at the same time a return to autocratic forms of state protection: the conquest became a rightful element of foreign policy, whereas 'the elimination' was the way of cleansing from all the forces, which could question the right of national socialists to totally exercise the power. The objects which were protected also changed. They were not only formalized institutions and state structures, but a party and the power structure created by it and based on obedience. The basic value, which was subject to protection in the Third Reich was also the biologically comprehended 'nation'. The concept of protecting this nation and bringing to justice for its betrayal, which derived from the racist ideology and later became a basis of persecuting variously defined enemies led to the establishment of extermination mechanisms⁹.

Together with the Basic Law of 1949¹⁰ the whole arsenal of defensive instruments was introduced into the political system of the Federal Republic of Germany, which aimed at overcoming the helplessness typical of the Weimar state and the exclusion of the possibility of using legalistic tactics in future, successfully applied by Hitler and Goebbels. The

⁴ U. Backes, *Schutz des Staates*, 1998 Opladen, p. 30.

⁵ *Ibid*, p. 30.

⁶ More about relativist comprehension of democracy – *Ibid*, p. 23-55; E. Jesse, *Demokratieschutz, [in:] Demokratien des 21. Jahrhunderts im Vergleich. Historische Zugänge, Gegenwartsprobleme, Reformperspektiven*, (Edit.) E. Jesse, R. Sturm, Opladen 2003, p. 449-474.

⁷ It mainly regards Art. 48 of the Weimar Constitution, more about it: U. Backes, *Schutz des Staates*, *op. cit.*, p. 26-27.

⁸ U. Backes, *Schutz des Staates*, *op. cit.*, p. 34.

⁹ *Ibid*, p. 35-36.

¹⁰ Because of the role played by the Basic Law of Germany, this term will be used interchangeably with the term 'Constitution'.

democracy which owns defensive mechanisms was called „Streitbare Demokratie” or „Wehrhafte Demokratie”, i.e. fighting or defending democracy.

Constituting fighting democracy was inextricably linked with adopting by post-war Germany a normative approach to democracy. It expresses a conviction that the constitutional state is based on a specific system of inalienable values, whereas the freedom and will of people have their limitations. In order to secure these values the so-called ‘eternal guarantee’ was introduced to the Basic Law of the Federal Republic of Germany expressed in Art. 79 of the Constitution¹¹. This article made it impossible to make some specific constitutional amendments by any parliamentary majority, which means the exclusion of the possibility of the total system transformation and, as a consequence, its self-destruction.

Simultaneously defensive instruments of the system were legally included in the Basic Law. The most important ones concerned declaring associations (Art. 9, section 2), political parties (Art. 21, section 2) illegal and the possibility of restricting citizenship rights (Art. 18). The remaining means include also the limitation of the freedom of relocation (Art. 11, section 2), the activity of the Office of Constitution Protection (Art. 73, section 10b and Art. 87, section 1) as well as the possibility of using armed forces (Art. 87a, section 4)¹².

The ban on political parties is perceived as the strictest instrument of protecting democracy. The article 21, section 2 specified conditions, which, when met, may lead to their ban. It states that *‘Parties, which by means of the behavior of its members or appropriately to their goals, try to infringe or overthrow a liberation, democratic system order or pose a threat to the existence of the Federal Republic of Germany, are contradictory to the constitution’*¹³

Solely the Federal Constitutional Tribunal can decide on the question of the contradiction with the constitution. The consent of the two thirds of Tribunal judges is required there. A significant extent of the difficulty in banning political parties results from the fact that they play a special role in *‘shaping a political will of a nation’*, which was articulated, amongst others, in Art. 21, section 1 of the Constitution¹⁴. Introducing the above procedures the parties were guaranteed a special protection not excluding the possibility of eliminating extremist parties from the political system.

What requires an emphasis is the fact that the Tribunal cannot undertake actions on their own initiative, but only at the application of Bundestag, Bundesrat or government, however, when the activity of a party is limited to one federal state – also at the application of the government of this state¹⁵. This means that in order to acknowledge a party as contradictory to the constitution and then to ban it the political will is necessary.

¹¹ ‘A change of the Basic Law, which infringes the division of the Federation into states, basic cooperation of the countries regarding legislation or principles included in articles 1 and 20, is unacceptable’, Art. 79, section 3, the Basic Law (Constitution) of the Federal Republic of Germany as of 23 May 1949. Grundgesetz fuer die Bundesrepublik Deutschland. Text edition in the German and Polish version, Instytut Zachodni, Poznań 2007, p. 184-187.

¹² Ibidem, p. 7; H.-G., Jaschke, Sehnsucht nach dem starken Staat – Was bewirkt Repression gegen rechts?, Aus Politik und Zeitgeschichte, B39/2000, s. 23; M.H.W. Moellers, Instrumente wehrhafter Demokratie in der Praxis, Jahrbuch für Öffentliche Sicherheit 2008/2009, (edit.) M.H.W. Moellers, R. Chr. Van Ooyen, p. 118.

¹³ The Basic Law (Constitution) of the Federal Republic of Germany dated 23 May 1949, op. cit., p. 94-97.

¹⁴ Ibid.

¹⁵ M.H.W. Moellers, op. cit., p. 124-125, 131-140.

The wording that enables banning the parties expresses not only the defense willingness against anti-system forces, which is characteristic of the German 'fighting democracy', but it also gives the state a possibility of early reaction. Contrary to the norms of the Weimar Republic, according to which the state could interfere only when a law was broken, the constitution of the Federal Republic of Germany enables prevention against extremist groups still when their actions are legal, but hostile towards the constitution. It is called a forward shift of protecting democracy¹⁶.

The regulations included in the Basic Law regarding the ban on the activity of parties were then made precise in the verdicts of the Federal Constitutional Tribunal during two processes carried out in the 1950's: against the Socialist Reich Party of Germany (SRP) and the Communist Party of Germany (KPD). The Constitutional Tribunal defined then the concept of 'a liberation and democratic order' specifying it as such, which constitutes a system that respects norms of a law state while excluding all despotism and tyranny and which is based on the principle of self-determination of a nation, in accordance with the will of majority and the principle of freedom and equality¹⁷. They included 'at least' the following to the basic principles of such an order: respecting human rights included in the constitution and, first of all, the right of an individual to live, the freedom of their development, the right of people's sovereignty, the law-abidingness of administration, separation of authorities, the independence of courts, government responsibility, multiparty government and equal rights for all political parties together with the law of creating and remaining in opposition – in accordance with the constitution¹⁸.

According to the verdict of the Tribunal a party does not stand in the contradiction to the constitution only because it rejects main principles of a liberation and democratic system order. During the execution of its goals it also has to show an aggressive attitude against the existing social and political order and to carry out actions, which infringe its functioning and they can even cause their liquidation further on. However, it does not mean that the party has to exercise violence or other means which stand in contradiction to law. Yet, these actions must be very strongly manifested, for instance, in the programmed speeches of responsible personages, so that they become recognized as a deliberate and planned political conduct of a party¹⁹.

The goals of a party, in accordance with the opinion of the Constitutional Tribunal are defined on the basis of party publications, including, first of all, its programmers, its members' and leaders' speeches, party magazines and propaganda materials. They do not have to be propagated openly. What is also taken into account are unofficial attempts and also goals that are really executed, which are different from these published by a party.

In the process against a given party also the conduct of its supporters is taken into account, i.e. of all those who are not their members, but who identify themselves with it and the way of their conduct reflects the goals of a given party. The aim is to check whether a party, and in particular – its leaders, do not take advantage of outsiders for carrying out the so-called 'black work'. A party may initiate, support or only approve of such actions. The

¹⁶ „Vorverlagerung des Demokratieschutzes“, See E. Jesse, *Demokratieschutz...*, op. cit., p. 459.

¹⁷ M.H.W. Moellers, op. cit., p. 122.

¹⁸ Ibidem.

¹⁹ Ibidem, p. 123-124.

Tribunal, however, emphasized significant difficulties connected with finding evidence of this relation²⁰.

In the process against the KPD the Tribunal emphasized the fact that, as a matter of fact, the interference towards a political party on the basis of art. 21, section 2 of the Basic Law is a preventive means. The aim of this article is to prevent dangers early enough and, thanks to it, not to allow strengthening of anti-democratic parties. It results from the conviction that the stronger they become, the more difficult it is to fight against them²¹.

Moreover, also the intentions of a party were separated from the possibilities of their execution. The tribunal stated that from the legal point of view it does not matter when a party will be able to execute the promoted goals. Thus, while making a decision, the execution of the goals is not required to take place in a predictable time. Therefore, the threats to the democratic system do not necessarily have to appear at the moment of processing an application for a ban; it is sufficient that such an appearance may happen²². In the opinion of critics such a verdict of the Constitutional Tribunal allows for the situation when the ban on a party does not have to be rationally determined by a justified defense against a threat.

Recognizing a party as contradictory to the Basic Law prompts appropriate legal effects. Further existence and activity of a party is prohibited as well as setting up replacement organizations and the confiscation of the property takes place. Furthermore, the political party loses all privileges and mandates in Bundestag or parliaments of particular federal states²³.

The ban on political parties in practice

Within the 60 years of the existence of the Federal Republic of Germany a motion for banning political parties has been filed five times. There have been two cases when the motion was recognized as legally substantiated. This concerned the Socialist Reich Party of Germany and the Communist Party of Germany in the 1950's, the National List (Nationale Liste – NL) and the Free German Workers' Party (Freiheitliche Deutsche Arbeiterpartei – FAP) in the 1990's and also the National Democratic Party of Germany (Nationaldemokratische Partei Deutschlands – NPD) at the beginning of the 21st century²⁴. It should be emphasized that in the history of the post-war Germany there have been more considerations made with regard to filing a motion for declaring a party to be in contradiction with the constitution, nonetheless only the above-mentioned ones have been effective. While considering the intensity of exercising the ban on political parties three periods can be distinguished: the 1950's – a restrictive and effective application of the instrument of 'the self-defending democracy', the 1960's, 70's and 80's – liberalization of the strategy of the state's internal

²⁰ A.-K. Lang, *Demokratieschutz durch Parteiverbot? Die Auseinandersetzung um ein mögliches Verbot der Nationaldemokratischen Partei Deutschlands (NPD)*, Marburg 2008, p. 58-59; M.H.W. Moellers, op. cit., p. 124.

²¹ M.H.W. Moellers, op. cit., p. 123-124.

²² *Ibidem*, p. 123-124.

²³ *Ibidem*, p. 126-127.

²⁴ E. Jesse, *Demokratieschutz...*, op. cit., p. 464-465.

security and the 1990's and the 21st century – a return to the repressive forms of democracy protection.

The 1950's – 'self-defending democracy' in action

Together with the end of the World War II the power of national socialism was broken, however, no one could expect that the political ideas and convictions dominating in the Third Reich would expire from one day to the next. It seems even less probable when one remembers that the Nazis ruled for a very long time with wide social support. After the war, the radical political trends were very quickly reborn. Still in the first months, in the Western occupation zones various organizations and unions turned up, which were formally democratic, but in fact extremely right-wing and left-wing, including also the neo-fascist ones. In the first elections to the Bundestag the society of the Western Germany supported the democratic parties and the extremist ones were put on the sidelines of the political scene, nonetheless, in the face of the huge problems to be tackled by the young German society it was difficult to forecast the future. The society consisted of multimillion groups of frustrated, disappointed and unemployed people put on the sidelines of poverty (1.5 mln in 1950), the expelled and refugees (10 mln), former state clerks, employees of the National Socialist German Workers' Party (NSDAP) and professional soldiers without employment (about 2 mln), families of the war victims (2.5 mln) and the injured by air raids (4-6 mln), who constituted a potential recruitment source for the reviving extremist parties²⁵.

The fact that this potential could have turned into election support was proven by the Socialist Reich Party established in 1949. In May 1951 during the election to the state parliament in Lower Saxony they received 11% of votes and 16 mandates and in October – 7.7% of support in the election to the Bremen Senate²⁶. At that time the party consisted of about 10 000 members. The Socialist Reich Party stood out from the remaining parties of the right-wing extremism due to the clear link to the idea and forms of the activity of the national and socialist movements. One of its main targets was another establishment of the German Reich as the third power between the West and the East, based on the idea of 'the real German socialism', which would be a counterbalance to liberalism and Marxism. Admittedly, the party avoided official arguments with a racist tinge, but in the party press they propagated aggressive anti-Semitism. Expressing an opinion that formally the Third Reich still exists, they undermined the legal validity of the political system that was present in the post-war Germany. In this way the party justified the right to resistance against the order of the Federal Republic of Germany.²⁷ The national and socialist propaganda of the party, which aimed at attracting former activists of the NSDAP turned out to have been fruitful, because the SRP achieved good results, first of all, on the territories where previously the

²⁵ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland*, Bundeszentrale für politische Bildung, Bonn 1993, p. 54-62.

²⁶ In Saxony they even attempted to include the SRP in the coalition with the CDU and the DP. However, as a result of Adenauer's objection they did not bring about a desired effect, R. Stöss, *Die extreme Rechte in der Bundesrepublik. Entwicklung-Ursachen-Gegenmaßnahmen*, Opladen, 1989.

²⁷ A.-K. Lang, *op. cit.*, p. 48-49.

Nazis were successful. Similarly, its main leaders recruited themselves from the former NSDAP members.

Already in 1950 the SRP was placed on the list of organizations which are hostile towards the state and in November 1951 Adenauer's government filed a motion for its ban. In October 1952 the Federal Constitutional Tribunal issued a decision which recognized the activity of the Socialist Reich Party as contradictory to the Basic Law of the Federal Republic of Germany, they dissolved the party and prohibited establishing any organizations which could be its continuation²⁸.

The Tribunal based its verdict of the contradiction to the constitution mainly on the links of the party with NSDAP. They recognized the SRP as their successor indicting personal and program connections as well as the general conduct of the party. The Tribunal also stated that since the beginning the SRP had been trying to undermine the liberal and democratic order and, as a consequence, to overthrow it. Amongst others, they emphasized the dictator-based command structure of the party, the activity which stands in contradiction to the human rights, anti-Semitism and fighting against the pluralism of parties²⁹.

After dissolving the party its members attempted to establish a replacement organization. It was a failure, mainly due to the resistance of offices. Then, they were trying to penetrate the structures of the already existing political parties. The most SRP activists, especially – the management personnel joined the German Reich Party (Deutschen Reichspartei – DRP). The remaining ones entered, amongst others, a conservative German Party (Deutsche Partei – DP), the League of Expellees and Deprived of Rights (Bund der Heimatvertriebenen und Entrechteten – BHE) as well as other unions, organizations, military or nationalistic groups.

Since the ban on SRP, within the following dozen or so years, no national and socialist party managed to receive a significant election support. Under the pressure of restrictions the extremist right-wing scene was developing mainly on the borders of the traditional political parties taking on partial features of a subculture.

Three days after filing for a ban on the Socialist Reich Party (SPD), Adenauer's government filed also for the delegalisation of the Communist Party of Germany (KPD). In post-war Germany the KPD resumed their activity in all four occupational zones. In the Soviet zone, at the order of Moscow, the KPD and SPD merged very fast, which resulted in the establishment of the Socialist Unity Party of Germany (Sozialistische Einheitspartei Deutschlands – SED)³⁰. The Western German KPD cooperated closely with the SED. The party was dependent on the Eastern German communists as regards ideology, organization and finances. Those, in turn, were directly oriented towards the activities of the Communist Party of the Soviet Union. The very KPD clearly emphasized that they identified themselves with the policy carried out by the Soviet Union and the Soviet communist party.

²⁸ In order to forestall the verdict of the Tribunal the party self-dissolved in September 1952. However, it was not recognized by the Tribunal, see: E. Jesse, 60 Jahre Demokratie in Deutschland, [in:] *Extremismus & Demokratie*, (edit.) U. Backes, E. Jesse, 20. Jahrgang 2008, p. 48; P. Lippóczy P., *Narodowo-Demokratyczna Partia Niemiec (National Democratic Party of Germany)*, [in:] Ryszka F., *Ekstremizm prawicowy we współczesnym świecie (Right-wing extremism in the contemporary world)*, Warszawa, p. 37 -38.

²⁹ A. Kousouni, *Das Parteiverbotssystem im Rahmen der deutschen und griechischen Rechtsordnung*, Marburg 2004, p. 18-19.

³⁰ A.-K. Lang, *op. cit.*, p. 53-54.

Since their beginning (1918/1919) the communists were against the democratic state, striving for communist revolution and sovietization of Germany. The main goal of the KPD after the war was to establish united Germany on the basis of the DDR constitution from 1949. The party voted against passing the Basic Law of the Federal Republic of Germany as the foundation of a separate German state and they also called for overthrowing Adenauer's government by means of a revolution. This propaganda later became a crucial argument in the banning process. Following 'the new anti-fascist democratic order' the KPD was then aspiring to introduce in Western Germany politics which is friendly to the Soviet Union. Therefore they were against remilitarization of the Federal Republic of Germany, the integration with NATO and EEC, in order not to, amongst others, strengthen the position of Western countries in the cold war³¹.

Shortly after the end of the World War II what weighed in favor of the party was the anti-Nazi activity and martyr's death of many of their members during the dictatorship of the NSDAP. In the first elections to the parliaments of federal states the communists were widely accepted and supported. The support was between 4,7% and 14%. All in all, they received 113 seats in the parliament of nine federal states. It should be emphasized that the KPD was a component, though for a very short time, of almost all governments of federal states³². In the first elections to Bundestag in 1949 the communists managed to exceed the threshold of 5%, however this result was significantly below the expectations of the party. In the following years the KPD was gradually losing the support accompanied also by the decrease in the number of members (from 324,000 in 1947 to 78,000 in 1956)³³.

However, the poor election results did not prompt self-criticism among the party management, in particular, about their pro-Soviet and anti-system activities. They were perceived rather as an effect of capitalist propaganda action. In the opinion of the KPD leaders their greatest failure was the establishment of the Federal Republic of Germany in 1949, which constituted the contradiction to everything the party was striving for, both with reference to the internal and foreign politics³⁴.

The attitude of the party presented above was the ground for the verdict that banned its activity, issued by the Constitutional Tribunal in 1956. The Tribunal decided that the party believed in the Marxism-Leninism ideology and they tried to make the goals resulting from that ideology come true. One of them is the creation of proletariat dictatorship by means of a revolution. This vision of state and society functioning, preferred by the KPD, was recognized as incompatible with the liberal and democratic order. The Tribunal emphasized that, in order to achieve their goals, the party had used, amongst others, their training and agitation activity as well as an intensive propaganda and parliamentary strategy. They accused the communists of disregarding the parliament and of being in conflict with the principle of political pluralism. Summing up, the Tribunal acknowledged that the KPD, through

³¹ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland...*, op. cit., p. 130-135.

³² It partially resulted from the policy adopted in the first post-war years of creating broad coalitions possibly consisting of all parties, see: *ibid.*, p. 129.

³³ E. Jesse, *Die Parteien im westlichen Deutschland von 1945 bis zur deutschen Einheit 1990*, [in:] *Parteiendemokratie in Deutschland*, (Edit.) O.W. Gabriel, O. Niedermayer, R. Stoess, Bonn 1997, p. 66.

³⁴ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland...*, op. cit., p. 131.

their general conduct, tried to overthrow the liberal and democratic order of the Federal Republic of Germany, i.e. they stand in contradiction to the constitution³⁵.

Together with the ban, the mandates of KPD members of parliament of particular federal states were taken away as well as they were deprived of any other functions in the institutions of federal states. They were also banned to establish replacement organizations. The delegalisation forced the party members to act in conspiracy. Thanks to the help from the East a radio station, amongst others, was set up, which made it possible for them to continue their propaganda activities. Nonetheless, within a year, the membership base of the KPD underwent significant weakening with the decrease in the number of their members to 7,000 and the recruitment of the new ones turned out to be very difficult in the existing conditions. The members of the Communist Party of Germany, similarly to the activists of the delegalised SRP, tried to infiltrate the already existing organizations, influencing their activity so that they served their own goals (example – League of Germans – Bund der Deutschen), and they also tried to set up new parties (the example of Deutsche Friends-Union created in 1960). Nonetheless, the election support for the extremely left-wing parties was very low in the subsequent years³⁶.

Undoubtedly, both bans should be perceived against the background of the political situation of the 1950's. The divided German state was in the centre of interest of the main antagonists of 'the cold war' – the Soviet Union and the block of Western countries. The growing conflict, whose climax was the outbreak of the war in Korea in 1950 strengthened in Western Germany the feeling of insecurity and threat from the side of the Eastern bloc. From this point of view the activity of the Communist Party of Germany, which was focused on including the Federal Republic of Germany into the influence zone of the Soviet Union with the continuous support from the side of the Eastern German communists, was perceived as a potential danger for the West German state. It should be emphasized that the motion for the delegalisation of the KPD was filed by the federal government, before the party started losing its significance.

What is also crucial is the fact that the Federal Republic of Germany was undergoing a phase of the consolidation of the democratic system. As it was mentioned at the beginning of the chapter it was necessary to integrate wide social masses, which, for various reasons could have constituted the potential for a revival of extremist parties. Furthermore, after the experiences of the Weimar Republic and 12 years of dictatorship, the democratic elites were expressing deep distrust towards the political maturity of the society. The development of the membership base of the Socialist Reich Party and the Communist Party of Germany and also quite high social support for these two parties in the first post-war years indicate that there were objective grounds for the fear of destabilization of the young state. In the justification of the verdict delegalising the SRP the Constitutional Tribunal pointed to, amongst others, the fact that the verbal attacks at the regime in Bonn and the democratic system contributed to the weakening of the authority of the government and the trust in it³⁷. This, in turn, undoubtedly had a negative impact on the process of consolidation of the young democracy. Internationally, due to the increase in the support for the extreme

³⁵ A.-K. Lang, *op. cit.*, p. 59-60; A. Kousouni, *op. cit.*, p. 20-21.

³⁶ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland*, *op. cit.*, p. 139.

³⁷ M.H.W. Moellers, *op. cit.*, p. 122-123.

right-wing party, the German government was afraid of the embarrassment in the eyes of the world public opinion, of discouraging foreign investors and of difficulties in exports of German goods.

The analysis of the protocols from the government meetings in the first post-war years shows that the political elites perceived the revival of extremist parties as a real danger and the situation from the beginning of the 1950's as 'a threat to the state'³⁸.

However, contrary to the SRP ban, the delegalisation of the Communist Party of Germany, since the 1960's has been arousing numerous controversies. One of the most frequent sources of criticism is not taking into account by the Constitutional Tribunal the realistic possibilities of executing its goals by the party, the more so as since the government filed the motion till the moment the verdict was announced, the KPD had been regularly losing the election support and their membership base was clearly diminishing. Admittedly, the significant weakening of the party was the reason for postponing the proceedings by the Tribunal, nonetheless it did not lead to undermining of the legitimacy of the motion filed and it was sustained by the federal government in subsequent years. In the critics' opinion, from the point of view of the democracy protection, the ban on the Communist Party of Germany was neither a necessary nor a proportional measure in relation to the threats of the time. They emphasize that the delegalisation of the political party in the democratic state, which is based on the freedom of word, should be an extreme measure. The questions concerning the necessity and harmfulness of this ban for democracy posed today were not reflected in the social and political discourse of the 1950's. The delegalisation of the extreme parties was then a manifestation of the wide anti-totalitarian consensus of political elites, who, in accordance with the balance principle, did not think it was rational to distinguish between their right-wing and left-wing variant. The ban on the SRP and KPD was widely approved by the society³⁹.

Changing the state strategy – from legalism to opportunism

In the following decades one can notice a change in the approach towards the issue of the delegalisation of political parties in the Federal Republic of Germany. The legalism principle, which was dominant in the 1950's was replaced by the principle of opportunism in the following decade⁴⁰. The conviction that each party, which is conflict with democracy should be delegalised, was replaced by an approach which assumed that anti-democratic parties may be banned, but they do not have to. The legal basis for this change was still embedded in the 1950's in the verdicts of the Constitutional Tribunal during the process against the KPD. Nonetheless, it was applied only in the 1960's. The tribunal stated then that whether a motion for banning a party shall be filled or not is a matter of individual political choice or judgment. The institutions having appropriate authority are not obliged to file such motions, even if, in their opinion, is in conflict with the Constitution. This way, they gave the

³⁸ U. Backes, *Die Streitbare Demokratie...*, op. cit., p. 5, 10.

³⁹ Ch. Weckenbrock, *Die streitbare Demokratie auf dem Pruefstand. Die neue NPD als Herausforderung*, Bonn 2009, p. 76-77.

⁴⁰ L. Flemming, *Das NPD-Verbotsverfahren. Vom „Aufstand der Anständigen“ zum „Aufstand der Unfähigen“*, Baden-Baden 2005, p. 38.

freedom of action to the government, Bundestag and Bundesrat, but also the responsibility for the decisions taken⁴¹.

The reason for changing the political practice in the 1960's was undoubtedly, the process of consolidating the democratic system in Germany, which had lasted over 15 years and which had had an impact on its strengthening and, simultaneously, had significantly reduced the stabilization obsession at all costs, which dominated in the 1950's. The general liberalization of the politics in the second half of the 1960's should be also taken into account. This course was introduced by the K. Kiesinger's government of the great coalition and then continued by W. Brandt and H. Schmidt. It regarded both the internal politics as well as the foreign policy of Germany. The international situation was characterized, amongst others, by gradual improvement in relations with the Eastern block and then, by the suspension of Hallstein's doctrine and the attempt to stabilize political and economic contacts with the socialist countries.

The liberalization of the political climate made the considerations of 1960's and 70's related to filing a motion for a ban on the right-wing German Reich Party (Deutsche Reichspartei – DRP) and the National Democratic Party of Germany (Nationaldemokratische Partei Deutschlands – NPD) as well as the left-wing 'K- Group' (K-Gruppen) and the German Union for Peace (Deutsche Friedensunion- DFU) a failure.

In the middle of the 1950's and at the beginning of 1960's the federal government threatened the German Reich Party twice with filing a motion for its delegalisation. Unofficially it is said that spreading the suspicions that the DRP was in conflict with the constitution was 'an election maneuver' of the government which aimed at weakening the party. In reality, the government did not have at their disposal sufficient evidence to bring about the ban. The public announcement of the DRP of the faithfulness to the constitution stopped any considerations of its delegalisation. Meanwhile, the reason for resigning from the ban on the party in the 1960's were the doubts of its effectiveness⁴². Considerations regarding the usefulness of delegalising a political party in a democratic society were a new element, which appeared on the basis of the above-mentioned principle of opportunism. For the first time, the political effects of 'an empty' intimidation with a ban became visible. Continuous undermining of democratic credibility of the DRP brought about a gradual loss of the election support of the party and it deepened its political isolation. It was not the only one cause of the weakness of the DRP, but certainly, it contributed to its further collapse.⁴³

Further revival of the discussion about the ban on political parties was connected with the successes achieved in the second half of the 1960's by the successor of the DRP – the National Democratic Party of Germany⁴⁴. Despite the fact that the party referred to the NSDAP through personal connections, ideologically they distanced themselves from the national socialism continuously asserting their adherence to the democratic values. How-

⁴¹ Then, the third category of parties turned up – of parties hostile to the constitution, U. Volkman, *Dilemmata des Parteiverbots*, *Zeitschrift für öffentliche Recht und Verwaltungswissenschaft*, 14/2007, p. 581.

⁴² L. Flemming, *op. cit.*, p. 40-41.

⁴³ R. Stoess, *Rechtsextremismus in der Bundesrepublik Deutschland. Ein Bilanz*, Opladen 2001, p. 74-75.

⁴⁴ In the years 1966-1968 the party achieved the following results: in Bavaria – 7,42%, in Rheinland-Pfalz – 6,92%, in Schleswig-Holstein – 5,85%, in Lower Saxony – 6,98%, in Bremen – 8,84% and in Baden-Wuerttemberg – 9,82%. During the elections to Bundestag in 1965 the NPD received 2% of support and in 1969 – 4,3%, see: U. Backes, *60 Jahre Extremismus in Deutschland...*, *op. cit.*, p. 19.

ever, the growth in support for the NPD turned out to be short-lived, which had an impact on rather quick abandoning of the considerations of its banning.

What also influenced in the 1960's the transformation of the legalistic strategy into the opportunistic one was tempering the rhetoric carried out by the extremist parties, both the right-wing and the left-wing. Nonetheless, it should be admitted that in many cases the explicit, anti-democratic character of the parties was largely tolerated by the state institutions. An example of this is the activity of the German Communist Party set up in 1968 (Deutsche Kommunistische Partei – DKP). Admittedly, it adopted a more moderate character than its predecessor (KPD); however, it remained dependent on the Eastern German SED. What was significant was that they never demanded from the DKP to be explicitly in favor of the liberal democracy⁴⁵.

The liberalization of the position of the state towards the activity of the communist parties, expressed by the legalization of the communist party (DKP), was determined by various factors. The fact that the Federal Republic of Germany was the only Western European country which accepted the existence of communist parties exposed it to an awkward comparison with the dictatorships in Spain and Portugal. Moreover, the ban on functioning of the communist party in the conditions of detente in the relations between west and East could be an argument easily used as propaganda. The crucial role here was played by an equal treatment of the extreme right-wing and left-wing parties. The Federal Republic of Germany could not allow themselves to sustain the ban on a communist party in the situation when the right-wing NPD triumphed. All this was accompanied by a deeper and deeper conviction that the Federal Republic of Germany was able to meet the challenges posed by the extremely left-wing parties, even by those oriented towards the DDR⁴⁶. The tolerance towards the left-wing extremism was undoubtedly supported by the fact that until the reunification of Germany they had been outside the parliament⁴⁷.

It should be also emphasized that the voices that could be heard in the 1960's and 1970's about the ban on the left-wing extremism (the German Union for Peace, the Communist Party of Germany and 'the K Group') did not arouse, contrary to extremely right-wing parties, special emotions and controversies⁴⁸.

In the 1980's the ban on parties was never a subject of a serious public debate. The attempts to delegalise the Republicans (Die Republikaner – REP) at the end of the 1980's did not get much response, the more so as the anti-democratic character of the party was dubious. The motion for the ban on the Free German Workers' Party (Freiheitliche Deutsche Arbeiterpartei – FAP) was not taken into account because of the lack of evidence and marginal importance of the organization⁴⁹.

⁴⁵ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland*, op. cit., p. 148-159.

⁴⁶ L. Flemming, op. cit., p. 38.

⁴⁷ U. Backes, E. Jesse, *Politischer Extremismus in der Bundesrepublik Deutschland*, op. cit., p. 138-139; 147-149.

⁴⁸ L. Flemming, op. cit., p. 42.

⁴⁹ *Ibidem*, p. 42-43.

Return to repressive instruments of state security

The situation changed significantly in the 1990's when the repressive instruments of democracy protection were used again. The reason for this was the escalation of violence, immediately after the reunification of Germany, caused by the aversion to foreigners and people asking for asylum, especially on the territory of the former German Democratic Republic (DDR)⁵⁰. The politicians used then various measures aimed at the right-wing extremism. Except for penalty sanctions, trials for restricting civic rights and numerous bans on neo-Nazi and aggressive organizations there were motions for banning political parties – the National List (Nationale Liste – NL) and the German Liberation Workers' Party (FAP). In accordance with the opinion of the Federal Constitutional Tribunal both parties did not meet the conditions specified for parties. They were recognized as organizations and finally delegalised⁵¹ on the grounds of respective law regulations (Art. 9 section 2 of the Basic Law and paragraph 3 of the Act on Organizations). A crucial aspect of the verdict issued by the Tribunal was dropping the conviction, expressed earlier, that in order to ban an organization the question whether they have real chances for realizing their goals in the predictable future does not matter⁵².

It should be emphasized that the principle of equal treatment of the right-wing and left-wing extremism, observed in the 1950's was clearly shaken in the 1990's to the benefit of extremely left-wing parties. This tendency has been observed since as early as the end of the 1960's. Since then no extremely left-wing organization or party has been delegalised in the Federal Republic of Germany, despite the fact that numerous acts of violence made by such of circles can be shown⁵³. It is also significant that, after the reunification of Germany, no discussion about banning the communist SED and the Party of Democratic Socialism (Partei des Demokratischen Sozialismus – PDS), established as a result of the transformation of the former one, has been held. From the beginning of the 1990's this party was getting a significant election support in Eastern federal states and despite the fact that they had a large membership base at their disposal, in the opinion of politicians they did not pose a threat for the consolidation of the German state⁵⁴.

One of the factors of this lack of balance was a different perception and evaluation of both dictatorships, i.e. the Nazi and Soviet ones. The crimes of the NSDAP carried a significantly heavier burden, as seen in the social and political discourse of Germany, and due to that they were and still are more stigmatized than the actions of communists. Undoubtedly, the German so-called 'culture of regret' for the events of the World War II, shaped

⁵⁰ U. Backes, *Rechts- und Linksextreme Gewalt in Deutschland – vergleichende Betrachtungen*, Politische Studien 1/2007, p. 31-43; J. Gerlach, *Auswirkungen der Verbote rechtsextremistischer Vereine auf die NPD*, [in:] *Die NPD. Erfolgsbedingungen einer rechtsextremistischen Partei*, (Edit.) U. Backes, H. Steglich, Baden-Baden 2007, p. 236-237.

⁵¹ FAP was one of the most influential organizations in the right-wing extremist environment. It had an integrative function maintaining strong links with skinhead groups and with hooligans. The justification of the verdict on the delegalisation and liquidation of the FAP was based on its links with the NSDAP, contempt on human dignity and actions of its members and supporters which were against the law, J. Gerlach, *op. cit.*, p. 239-240.

⁵² L. Flemming, *op. cit.*, p. 43.

⁵³ More about it: U. Backes, *Rechts- und linksextreme Gewalt in Deutschland...*, p. 31-43.

⁵⁴ U. Backes, *Die Streitbare Demokratie...*, *op. cit.*, p. 11, 14.

through many years, had an impact thereon. The burden of the Nazi past makes all the crimes caused by the aversion to foreigners, also by xenophobia and anti-Semitism assume the proportions a national scandal. Simultaneously the crimes committed by left-wing extremists are perceived as troublesome episodes, however, they are relatively tolerable in a democratic society⁵⁵.

The increase in crimes of the right-wing provenance during the 1990's and at the turn of millennia prompted a nationwide offensive against the right-wing extremism. Spectacular assassinations of Jewish representatives and attacks on Jewish objects in Dusseldorf in 2000, which claimed nine victims, became a direct reason for announcing by Chancellor G. Schroeder „the uprising of the right-wing ones” and intensified the debate on the delegitimation of the NPD⁵⁶.

Analyzing the problem of the ban on the National Democratic Party of Germany the character of the party should be taken into account. Since the 1960's the party has undergone a significant evolution regarding the ideology, program and also action forms. In the opinion of many researchers of the German political scene the NPD has become very radical. At the end of the 1990's it changed from the national election party, which is rooted in the society, into an aggressive, anti-democratic action party acting outside the parliament⁵⁷.

The popular and national program of the party evolved with time into the direction of national socialism. Propagating not only national attitudes and hostility towards foreigners, but also racism and anti-Semitism, the NPD adopted some distinguishing features of a neo-Nazi party. Furthermore, since the middle of the 1990's they have expressed opposition against the political and economic system of the Federal Republic of Germany more and more frequently attempting to overthrow it in a legal way through the participation in the election. It was expressed both in the statements of the leading officials as well as in the official press. In the course of time, this anti-democratic political course has gone through further steps of radicalization⁵⁸.

Nonetheless, since the middle of the 1960's until the beginning of the new millennium, the NPD remained an outside-parliament party with a peripheral election support. During the elections to Bundestag, they did not exceed 0.5% of votes necessary for the refund of the campaign costs. Support obtained in particular federal states was at the equally low level. Only the elections in 2004 brought about a significant change. The National Democratic Party of Germany achieved an amazing success of the time in Saxony (9.2%), then – in 2006, amongst others, in Mecklenburg – West Pomerania (7,3%) and in 2009 in communal

⁵⁵ U. Backes, *Die Streitbare Demokratie...*, op. cit., p. 15.

⁵⁶ As the result of investigation it turned out that the attacks had not been done by the right-wing extremist environment, see F. Decker, L. Miliopoulos, *Vom Fuenf- zum Sechsparteiensystem? Entwicklung und Perspektiven der rechtsextremistischen NPD, Gesellschaft – Wirtschaft – Politik (GWP)*, 2/2009, p. 216.

⁵⁷ E. Jesse, *Die Vier-Säulen- Strategie der NPD. Eine Analyse zu Anspruch und Wirklichkeit ihrer Umsetzung*, [w:] *Jahrbuch für Extremismus- und Terrorismusforschung 2008*, (edit.) A. Pfahl-Traugber, Bruehl-Rheinland 2008, p. 179.

⁵⁸ E. Jesse, *Die Auseinandersetzung mit der NPD*, [in:] *Die NPD. Erfolgsbedingungen einer rechtsextremistischen Partei*, op. cit., p. 283-298; E. Jesse, *Das Auf und Ab der NPD*, *Aus Politik und Zeitgeschichte*, 42/2005, p. 35-36; M. Brandstetter, *Die NPD im 21. Jahrhundert*, Marburg 2006, p. 114-115; H. Bergsdorf, *Die neue NPD. Antidemokraten im Aufwind*, München 2007, p. 79-105.

elections. As a result its representatives sat in parliaments of federal states and councils of a few German cities⁵⁹.

Despite the election weakness the second half of the 1990's brought about an unexpected 'revival' of the party. The slow increase in the number of members⁶⁰ was accompanied by an internal consolidation of the party and the growth in political activity outside the parliament. What undoubtedly contributed to the shape of the new image of the NPD were the changes in the extreme right-wing as a result of bans put on the organizations in the first half of the 1990's. The members of the delegalised organizations of the time joined the ranks of the NPD, very often taking on management positions⁶¹. These people were strongly rooted in the neo-Nazi groups such as Skinhead, Brotherhood Associations of Radical Right Wing (Kameradschaften) and other organizations where they had considerable standing. Due to that they became a linking element, combining various trends of the right-wing extremism around the NPD. The contacts of the National Democratic Party of Germany with the circles of supporters also took forms of cooperation in organizing demonstrations, marches, propaganda actions and meetings. The strategy of 'the fight for streets' carried out by the NPD was geared towards an intensive activity on the public forum, whose aim was to mobilize the society, particularly young people and to prepare the party to an efficient conduct of a campaign. The new image of the NPD undoubtedly contributed to the strengthening of the position of the party in the extremely right-wing environment⁶².

The direction in the development adopted by the National Democratic Party of Germany in the middle of 1990's formed the ground of three motions for a ban on the party activity filed in 2001. The motions were filed parallel by all authorized institutions, i.e. the government, Bundestag and Bundesrat, which was to add prestige to them. The proceedings were, however, stopped as early as at the initial stage, when it turned out that the NPD activists, whose utterances were quoted in justification to the motions, worked for the Federal Office for the Protection of the Constitution as informers (the so-called V-Leuten)⁶³. During the proceedings it was revealed that about 30 out of 200 NPD management board members at the federal and state level were on the payroll of the office. The state methods of action, in particular the Office for the Protection of the Constitution and also further procedures of conduct in the NPD process prompted numerous polemics and controversies. Finally, for three out of seven judges of the Tribunal the presence of V-Leuten was an ob-

⁵⁹ E. Jesse, *Das Auf und ab der NPD*, op. cit., p. 34-35; F. Decker, L. Miliopoulos, *Vom Fuenf- zum Sechsparteiensystem?...*, op. cit., p. 219.

⁶⁰ The membership base of the party was significantly reduced at the turn of several decades (from 28,000 in 1967 to 3,500 in 1997). However, this tendency was reversed at the end of the 1990's. Then, within two years, the party doubled the number of members, nonetheless, it is still quite limited, see: U. Hoffmann, *Die NPD, Entwicklung, Ideologie und Struktur*, 1999, p. 460; U. Backes, *Organisationen 2007*, [in:] *Extremismus & Demokratie*, (edit.) U. Backes, E. Jesse, Baden – Baden 2008, p. 137.

⁶¹ In 2002 in the nationwide management board of the NPD nine out of 24 members originated from the neo-Nazi organizations (including, amongst others: Thorsten Heise, Thomas Wulff, Juergen Rieger), see: J. Gerlach, op. cit., p. 243-254.

⁶² A. Pfahl-Traughber, *Der zweite Frühling der NPD zwischen Aktion und Politik*, *Extremismus & Demokratie*, Baden-Baden 1999, s. 160; J. Gerlach, op. cit., p. 254-258.

⁶³ This way, the majority of two-thirds of judges was not reached, which is required for the decisions made by the Constitutional Tribunal in the processes of delegalising political parties, see: M.H.W. Moellers, op. cit., p. 128-131, 138-140.

stacle in the process, which was impossible to eliminate. The Constitutional Tribunal stated that during the process the presence of the co-workers of the Office for the Protection of the Constitution in the management circles of the NPD was unacceptable since they could have an impact on the shape of the opinions of the National Democratic Party of Germany. Thus, it could not be assumed that at the moment the proceedings started the party had not been interfered into by the state. Nonetheless, the Tribunal accepted the possibility of another motion to be filed on condition, however, that all the informers from the NPD were removed from the NPD at the time of the investigation⁶⁴.

The spectacular fiasco of the motion brought shame on the state institutions, which showed significant shortcomings in the coordination of actions and a solid preparation of the evidence. They underestimated such a complicated issue as the ban on a political party. Professor Eckhard Jesse indicates four traps, in which, according to his opinion, the political elites had fallen: *a media trap* – exaggerated reports created an opinion that it is necessary to act at least symbolically; *an anti-fascism trap* – none of the politicians wanted to be surpassed in the fight against the extreme right-wing; *a time trap* – the hurry, which accompanied the preparation of the applications caused errors and inaccuracies and *a trap of automatism* – a conviction that a parallel offensive of three institutions would make an enormous impression and lead to the planned goal⁶⁵.

From the very beginning the problem of delegalising the NPD was accompanied by numerous controversies. The lack of consensus was visible both among politicians, representatives of state institutions, academic circles and also the public opinion. The division line was present quite often inside one political party or an institution. Nonetheless, those skeptical about the ban, who were in majority at the beginning, were quickly dominated by its supporters. As professor Jesse indicated, it was media, which significantly contributed to that, exposing the issues of crime, the right-wing extremism and the NPD for a very long time and influencing social awareness and political discourse. Emotions accompanying the debate quite often escalated to the level of nationwide hysteria. The politicians were extremely pressed by the public opinion. In this situation, despite the initial negative opinions of the government about the chances of the success of the motion, the minister of home affairs Otto Schyli (SPD) acknowledged that the collected material was sufficient. Analogically skeptical, chancellor Schroeder soon adopted an attitude of a determined supporter of the ban. It should be emphasized that still in spring 2000, just before the beginning of the debate, both minister Schyli as well as the president of the Federal Office for the Protection of the Constitution Hans Fromm evaluated the situation of the party as bad⁶⁶. Despite the fact that the number of extremely right-wing crime was growing, the level of the election support for the NPD and the number of its members proved the marginal importance of the party.

The analysis of the debate concerning the motion for a ban on the NPD shows that for their supporters the delegalisation was a political symbol and a form of signaling resistance against the right-wing extremism, which was to scare off this environment, rather than an

⁶⁴ A.-K. Lange, op. cit., p. 40-45.

⁶⁵ E. Jesse, Das Auf und ab der NPD, op. cit., p. 37.

⁶⁶ Rechtsextremismus Problem der Gesellschaft, Frankfurter Allgemeine Zeitung, 5 April 2000, p. 4.

expression of defense against the real threat posed by the party⁶⁷. In the opinion of the minister of home affairs of Bavaria Günter Beckstein (CSU), the main initiator of the debate concerning the ban on the NPD, the party „[...] played a leading role in the extremely right-wing environment which uses violence. The ban, then, would be a clear gesture of an objection against the party which stands in the opposition to the constitution”⁶⁸. The supporters of the delegalisation expressed a conviction that even though the motion for the ban failed, it would be an expression of an explicit and public condemnation of the party⁶⁹. The absence of the motion would mean the recognition of the NPD as a democratic party and their legalistic tactic as a rightful form of activity⁷⁰. In the opinion of the ban supporters, the political and moral damage, which are caused by the NPD policy cannot be repaired by other means than their ban.

The argumentation used in the motions filed by the government, Bundestag and Bundesrat showed significant similarities. The petitioners were trying to prove that the NPD was in conflict with the constitution pinpointing its anti-democratic goals and their aggressive conduct, which was noticed, amongst others, in the closer and closer links with the circles which used violence as a means of political fight. The government justified the motion with the necessity of fighting extremism. In their opinion, the used means would be incomplete without banning the NPD. The delegalisation would make it impossible to spread attitudes which are hostile to democracy by means of a political party acting within this system. Furthermore, the National Democratic Party of Germany would no longer be the organizational basis for acts of violence. Meanwhile, Bundestag put a special emphasis on proving the link of the NPD with NSDAP. They showed similarities in both the program as well as the strategy and tactic of the activity of these two parties⁷¹.

The analysis of the social and political circumstances accompanying the debate on banning the NPD shows that the supporters of repressive actions of the state very often treated the delegalisation of the party also as an element in the political strategy. For a CSU politician Beckstein, demanding the ban, it became an instrument in the election campaign carried out then in Bavaria. Thanks to that, he presented himself as a supporter of „law and order” and, at the same time, he won earlier-discouraged voters over. The aim of the actions taken by the environment protection minister from the Alliance ‘90/The Greens (Buendnis 90/Die Gruenen) – Juergen Trittin, who, as the first member of the federal government, supported the NPD ban, was to sustain the exclusiveness of the red and green coalition for the actions targeted against the radical right-wing. They constituted one of the central elements of the political agenda of the Greens under the policy of the state’s internal security policy. Trittin wanted the coalition to avoid being put on the defensive. Moreover, in the

⁶⁷ A.-K. Lang, *op. cit.*, p. 33, 78-79.

⁶⁸ Die Welt, 3 August 2000, p. 3.

⁶⁹ J. M. Moeller, Die NPD verbieten? Ja!, „Die Welt“, 3 August 2000.

⁷⁰ See: K. D. Bracher, *Pflicht zur Gegenwehr. Ein Verbot der NPD tut not, [in:] Verbot der NPD oder mit Rechtsradikalen leben?*, (Edit.) C. Leggewie, H. Meier, Frankfurt am Main, 2002, p. 149.

⁷¹ A.-K. Lang, *op. cit.*, p. 34-37.

face of a huge pressure the political elites, undertaking radical actions, avoided the accusation of lacking in firmness in the struggle against the right-wing extremism⁷².

One of the basic arguments of the opponents of the motion for a ban on the NPD was the lack of the real threat posed by the party to the liberal and democratic constitution order of the Federal Republic of Germany. They favored the principle that delegatisation of a party in a state built on law is permitted only when it is necessary due to the appearing dangers. A party which receives small election support does not meet this condition. Some proven methods of democracy, such as competition, confrontation of opinions and electoral votes, are sufficient.

Besides, in the opinion of critics the attempt of the government, Bundestag and Bundesrat to prove that the NPD was in conflict with the constitution not only on the grounds of the party ideology, but also because of the extremely right-wing crime committed by the NPD was not sufficiently justified in any of the motions. On the one hand, there was not enough evidence to prove that the NPD achieved their goals by illegal means and on the other hand, accusing the party of the responsibility for the acts of violence made by their supporters is extremely problematic. The aggressive conduct ascribed to individual and ordinary NPD members did not put a blame on the party as a whole. The argumentation, amongst others, that the NPD provoked specific actions by means of the hatred propaganda was dubious⁷³. In the opinion of the ban opponents it was also doubtful that the National Democratic Party of Germany was „the centre” of violence, the more so as many of the crimes were committed by the youth not connected with the extremely right-wing environment⁷⁴.

As a response to the main trend of the argumentation used by the delegatisation supporters, the critics emphasized that putting a ban on a political party as a symbol or a political gesture is an abuse and the Constitutional Tribunal is not the right institution make such decisions.

It should be also emphasized that despite the above-mentioned controversies none of the parties had doubts whether or not the NPD was an anti-democratic party deserving all contempt.

The polemics regarding the necessity (proportionality) of the NPD ban was also accompanied by a dispute about its effectiveness. The critics turned attention to its negative effects. According to them, there was a big probability that the ban would make the legally acting neo-Nazis go underground or to other organizations. Most of the NPD activists would remain active, however, the possibilities of their control would become largely limited. In their opinion extremism should be fought simultaneously at many levels, using especially the instruments of the social communication, i.e., amongst others, a subject-matter confrontation as well as influencing the extremism sources and not fighting against its effects. Thus, they perceived the motion rather as an expression of the social and political helplessness and not of the power of a democratic state⁷⁵.

⁷² E. Jesse, Soll die Nazionaldemokratische Partei Deutschlands verboten werden? Der Parteiverbotsantrag war unzuwecksmaessig, ein Parteiverbot ist rechtmassig, Politische Vierteljahresschrift 4/42, p. 687.

⁷³ A.-K. Lang, op. cit., p. 34-39;

⁷⁴ U. Backes, Die Streitbare Demokratie..., op. cit., p. 12.

⁷⁵ A.-K. Lang, op. cit., p. 81-83.

Contrary to this, the delegalisation supporters were indicating, amongst others, that a vigorously implemented ban could not only restrict the ideological authority, but also the logistics of the particularly brutal groups with considerable standing, acting in the circles of the party and supporting it so far. It will also minimize the party chances for recruiting new supporters⁷⁶. At the same time, defining what was permitted and what was not could have a significant impact on young people, who were active in the field of an extreme right wing and who had not acquired yet an unshakeable system of beliefs⁷⁷.

The failure of the motion in 2003 did not finish the attempts to ban the National Democratic Party of Germany. The demands for delegalising the NPD have been turning up in cycles since 2005. They have been a reaction both to the increased support for the party in some German federal states and quite often to the provocative behavior of their members and members of parliament and also to spectacular activities and actions of the party⁷⁸.

Despite this, there is no political will to file the motion again. Most parties, including the ones which favored the ban in 2000, as well as the federal government are opposite it now⁷⁹. It results mainly from the fear of another failure related to an attempted delegalisation. The necessity of removing V-Leuten from the NPD would make it difficult to prove the aggressive attitude of the party towards the existing order. The fiasco of the ban would strengthen the position of the party and the whole radically right-wing scene and it would also be a failure of democracy. Simultaneously, the voices which call for softening the existing procedures related to banning political parties express the anxiety over too big interference into a free and democratic political system. Such actions would also be in contradiction with the idea of special protection of political parties as an essential factor that shapes the political will of the German nation.

Conclusion

The idea of introducing instruments of protection of the democratic constitutional order grew out of the experiences of the Weimar Republic and the World War II. The ban on political parties is considered the most severe instrument of the „self-defending democracy“. The regulations included in the Basic Law of Germany as well as the judicial decisions of the Federal Constitutional Tribunal defined the conditions, which, if met, can lead to delegalisation of a political party. What was emphasized was a preventive character of the ban, which is to prevent threats to the functioning of the political system of the Federal Republic of Germany early enough. The ban was made dependent on an aggressive conduct of a party, which was not, however, limited to use of force. This way, the protection of

⁷⁶ Funke H., Gessenharter W., Die NPD verbieten? Nein-Ja, „Der Tagesspiegel“, 4.09.2000; Antrag auf Verbot der NPD, <http://www.bmi.bund.de/dokumente>, [access: 22 June 2001].

⁷⁷ Antrag auf Verbot der NPD, <http://www.bmi.bund.de/dokumente>, [access: 22 June 2001].

⁷⁸ J. Wolf, Die aktuelle NPD – Verbotsdebatte, Eine Chronologie, www.bpb.de/themen/AEUQ3P.html, [access: 5 September 2009].

⁷⁹ Coalition of the CDU/CSU, The Greens, FDP, SPD belong to them (with small exceptions).

democracy was shifted 'ahead', since it covered parties being in conflict with the constitution, but whose actions did not go beyond the state of law.

The elimination of threats to the liberal and democratic constitutional order was the ground for using this instrument in the 1950's. The delegalisation of the SRP and KPD then enforced, should be perceived mainly as a preventive measure of defending the young and weak democracy of the time against the threat to its stability and also as a form of demonstrating the power of the German state, which clearly defines the borders of tolerance and delegitimises its enemies.

Over the following decades, the internal and external conditions of the country contributed not only to the evolution of the role of the ban on political parties, but also to the intensity of its application.

Alongside the consolidation of the democratic system, the formation of the civic citizenship and the detente in the international relations, repressive instruments of the state security were more and more rarely used. What was more often thought about were the issues of the necessity and proportionality of a party ban in relation to the appearing threats and also to the effectiveness of this instrument. This problem has become a source of numerous controversies, in particular in the case of considerations considered with the ban on the National Democratic Party of Germany.

Following the analysis of the social and political determinants of the 1990's and of the discourse that preceded the motion for the ban on the National Democratic Party of Germany it can be stated that, contrary to the first post-war years, the delegalisation of the NPD was, mainly, of symbolic significance. It expressed the readiness of the state to counteract and its deep disapproval of the right-wing extremism. The repressive impact on the extremely right-wing scene was only secondary. It seems that the predominant role of the ban on political parties, which was the preventive protection of the constitutional order, was moved to the background.

Currently, the questions whether such a stable and open democracy as the Federal Republic of Germany needs repressive measures to protect itself against possible threats are asked more and more frequently. Not less significant is a question whether the ban on political parties is compatible with the idea of the liberal democracy. At the same time emphasized is the basic role of preventive actions, such as raising the awareness of the society, extremism monitoring, intellectual and political confrontation with the extremely right-wing environment as well as democratic mechanisms, including, amongst others, election competition or an election threshold as effective methods and instruments of prevention against extremism.

The controversies and dilemmas connected with delegalisation of political parties in democratic systems, which are mentioned above, are crucial not only from the perspective of the further existence of the German 'fighting democracy', but they also gain in significance in the face of the development of the phenomenon of extremism in many other European countries and outside them. There is no doubt that this problem requires further advanced research.

The police in Bosnia and Herzegovina as an example of inefficiency of the national security system

The Dayton Peace Agreement signed on 21 November 1995 finished a few-years' civil war in Bosnia and Herzegovina establishing this way a basis for the existence of a multinational country inhabited by Bosniacs, Serbs and Croats. Despite the passage of nearly 15 years after the end of the war the territory of this country is not considered very stable, both as regards political, social and economic aspects. One of the problems faced by the country and the international community is the reform of policing services. In Bosnia there are as many as 15 police formations and most of them do not come under the authority of central institutions. Any cooperation between them is exceptionally difficult, which constitutes a large problem for the functioning of the state, justice system and for fighting against organized crime. In the article the writer analyzes the process of the establishment and functioning of policing services of Bosnia and Herzegovina as well as their impact on state security warranty.

After signing the Dayton Peace Agreement in 1995, which finished the war in Bosnia and Herzegovina (BH), the process of establishing the structures of the state started. According to Annex 4, which was a part of the constitution, the responsibilities of nationwide institutions included foreign relations, foreign trade, customs, monetary, immigration and asylum policies as well as the regulation of the issues of refugees, transport, communication, air traffic control, international and internal criminal law enforcement, including cooperation with Interpol. The tasks of two state subjects (entities), i.e. the decentralized Federation of Bosnia and Herzegovina divided into 10 cantonments and the centralized Republic of Serbia (RS) included maintaining special relations with neighboring states, supporting central institutions in fulfilling and observing international obligations, providing security to citizens subject to the jurisdiction of the entity in accordance with human rights, and signing international agreements with states and organizations with the consent of Parliamentary Assembly¹.

One of the important steps was establishing civilian security structures in Bosnia and Herzegovina. On conclusion of the war these units existed as three separate national police forces of Bosniacs, Croats and Serbs. They had been the main instruments of executing ethnic cleansing during the fights in 1992-1995. In total, in December 1995 on the territory of Bosnia and Herzegovina the police forces and police-like formations consisted of 44 750

¹ *Dayton Peace Agreement, ANNEX 4, Constitution of Bosnia and Herzegovina, Article III: Responsibilities of and Relations Between the Institutions of Bosnia and Herzegovina and the Entities*, http://www.ohr.int/dpa/default.asp?content_id=372, 23.9.2009.

officers. Out of this number 32 750 were under the authority of the Federation, out of which 3 000 were deployed on the territories controlled by Bosniac Croats, whereas 12 thousand policemen were under control of the Republic of Serbia². Thanks to the presence of the UN International Police Task Force - IPTF in 1996 - 2002 it was possible to carry out a general verification, registration, and authorization process as well as to train policemen and to launch gradual reorganization of the civilian security structures. It resulted in the reduction of the police force strength to the number of 23 thousand, i.e. by 23 thousand people.

However, despite several years' efforts of the international community, the process of police restructuring was not finally finished in 2002. What was missing were not only efficiently functioning state institutions, but, first of all, centralized policing services. As a result of the administrative division of the state the issues of regulating the activity of law enforcement bodies were the responsibility of the Ministry of Interior of the Federation of Bosnia and Herzegovina, which was officially responsible for combating terrorism, organized crime, drug trafficking, VIP protection and intra-cantonal crime. The situation in this entity was complicated by the deep decentralization of the police as a result of the administrative division of the Federation into 10 cantons, which had a very wide autonomy and their own police units. The effectiveness of the actions of the Federal Ministry of Interior was completely dependent on the relation with the cantons. Having wide autonomy, they were responsible for all aspects of law enforcement and the activity of law enforcement bodies on their own territories and each self-government unit had an appropriate own police structure, which was under the authority of independent Ministries of Interior of each of the cantons. The situation in the Republic of Serbia looked a little different. Here the policing services acted on the basis of a centralized division into geographic regions, recognizing central superiority and the authority of the Ministry of Internal Affairs in Banja Luka. The Ministry was responsible for all forms of fight against organized crime, as well as the organization of law enforcement bodies on the territory of the whole entity³. It should be also added that in 1999 the Brcko district another administration unit that functioned under the state frames was officially established. It had its own autonomous police and its own – thirteen in the country – Ministry of Internal Affairs⁴.

What was missing in that whole complicated structure was cooperation between all of the police units. What was equally interesting was the fact that the cooperation between the federation and cantons, i.e. autonomous subjects in its structure, was much more difficult than the one between the very entities. Such situation appeared mainly in the cantons inhabited mostly by Bosniac Croats or in the cantons with mixed population. Quite often the police acted there practically out of control, usurping the competences of the separate third Croatian entity and, at the same time, totally ignoring the affiliation to any particular cantonal administration units. Besides, one could notice deliberate disregard of the police for the judicial system since, as a matter of fact, the cooperation with the prosecutor's office

² *Report of Secretary General pursuant to Security Council Resolution 1026 (1995)*, United Nations Security Council, S/1995/1031, 13 December 1995, p. 7, <http://daccessdds.un.org/doc/UNDOC/GEN/N95/399/82/PDF/N9539982.pdf>, 23.09.2009.

³ *Policing the Police in Bosnia: A Further Reform Agenda*, ICG Balkans Report N° 130, 10 May 2002, and p. 11-12.

⁴ *Statute of the Brcko District of Bosnia and Herzegovina - 7 December 1999*, http://www.ohr.int/ohr-offices/brcko/default.asp?content_id=5367, 23.9.2009.

and courts did not exist; preliminary investigations were not carried out and frequently the procedures were deliberately abused, in particular those which referred to the wordings of the code of criminal law. In addition to all that, there was no system of protecting judges, prosecutors, witnesses and there were huge gaps and divergences in acts and legislation processes. For instance, there was a big lack of cohesion between the wordings of criminal law and factual actions at cantonal and federal level⁵. The lack of a clearly defined division of responsibilities caused an increase in organized crime, smuggling and corruption, and the law enforcement bodies were fully dependent on politicians, often becoming a political tool in their hands.

The process of police restructuring in 2003–2009

Taking over the mandate in Bosnia and Herzegovina from IPTF, the European Police Mission (EUPM), in close cooperation with the Office of High Representative and EU Special Representative (OHR/EUSR) in BH, launched an intense discussion on changes in the Bosnian police. The necessity of police restructuring was supported by the report of the European Commission from 2003, where the reform and introduction of appropriate legislation as well as the establishment and improvement of central institutions responsible for law enforcement, were recognized as a prerequisite of starting negotiations and signing the Stabilization and Association Agreement (SAA)⁶. Finally, after publishing the report of the Delegation of the European Commission in BH from 2004, which elucidated the organizational, administrative and financial situation of police forces and State Border Service in that country⁷, concrete measures were taken. Following the initiative by the OHR - Lord Ashdown the Police Restructuring Commission was set up in 2004. It was headed by Wilfried Martens – former prime minister of Belgium. The task of the Commission was to provide consultancy regarding establishment of police structures supervised by a ministry or the government of Bosnia and Herzegovina. In order to do that the Commission was to prepare an appropriate strategy and legislation process, amendments to the constitution, amendments to the Acts and other legal Acts, which were then to be adopted and passed by the state and local bodies.

Moreover, the police reform was based on the rules specified by the European Commission at the turn of 2004 and 2005, which were to strengthen the central institutions of the state. Simultaneously, the rules became one of the criteria of signing the SAA by Bosnia. They contained the following provisions:

1. All competencies for legislature and budget issues concerning the police must be vested at the state level;
2. No political interference in the operational work of police;

⁵ *Policing the Police in Bosnia: A Further Reform Agenda, ICG Balkans Report N° 130*, and p. 12-13.

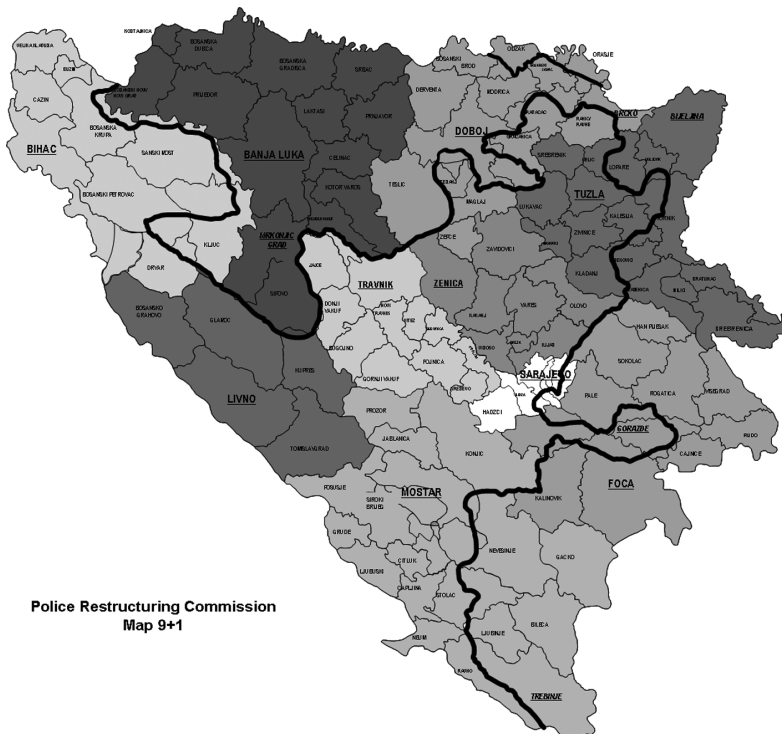
⁶ *Report from the commission to the council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilization and Association Agreement with the European Union*, Brussels, 18.11.2003 COM(2003) 692 final, p. 41, http://www.esiweb.org/pdf/bridges/bosnia/EU_Feasibility_study.pdf, 10.9.2009.

⁷ *Financial, Organizational and Administrative Assessment of the BH Police Forces and the State Border Service*, Sarajevo 30 June 2004, <http://www.delbih.ec.europa.eu/files/docs/publications/en/FunctRew/BiHPoliceFinal-Report2004-06-30ENPRINT.pdf>, 12.9.2009.

3. Functional local police areas must be determined by technical policing criteria and not ethnic ones or such that reflect the administrative division of the state into entities and cantons⁸.

These rules prompted a discussion among political parties. What turned out to be particularly problematic was the outline of the borders of the regional police management centers, which would not reflect the ethnic administrative division of the state into the entities and Brcko district. The EUPM, suggested a proposal, based on the criteria of keeping public order and the ethnic structure of Bosnian population, to establish five regions of police force management. The proposal included abolishing the Ministry of Internal Affairs in RS, which caused an immediate protest of the authorities in Banja Luka. Another proposal was put forward by the Police Restructuring Commission. It referred to implementation of the concept of „9+1”. The concept assumed establishing nine regional centers of police management, which did not correspond with the administrative and the self-government state division and of one region covering Sarajevo - the capital of Bosnia.

Map 1. Ten regional centers for the management of police forces prepared by the Police Restructuring Commission.



Source: Police Restructuring Commission Map 9+1, 2005 <http://www.ohr.int/ohr-info/maps/images/prc-map.gif>, 13.8.2009.

⁸ *Communiqué by the PIC Steering Board*, Brussels, PIC SB Political Directors 3/2/2005, http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-pic/default.asp?content_id=34215,9.9.2009.

Additionally, this proposal assumed vesting majority of legislation and budget powers of police management in central authorities. The Ministry of Security was to supervise the united and uniform police structures including State Investigation and Protection Agency (SIPA), State Border Service and the newly established Local Police Forces⁹. Bosniacs supported the proposals of the EUPM and Police Restructuring Commission whereas the Croats, who did not want to resign from controlling police forces in the cantons where they were in majority, rejected this proposal. The politicians in RS reacted similarly as they treated any police reforms as an attack on the provisions of the Dayton Peace Agreement. The lack of consent to the police reform and blocking it by RS hindered the conclusion of the Stabilization and Association Agreement with the EU¹⁰.

In October 2005, the Council of Ministries of Bosnia and Herzegovina signed the Agreement on Restructuring of Police Structures in BH, which assumed the support of Ministries of particular entities and cantons for the police reform. The reform was planned to be implemented within five years. Under the Agreement, the Directorate for Police Restructuring Implementation was to be established by 31 December 2005 – a working body, comprised of professionals and experts of all levels of authority and authorized to act in the whole Bosnia and Herzegovina. The responsibilities of the Directorate included preparing of an Action Plan as well as outlining the areas of police activity that would require improvements in their efficiency¹¹. The date of 31 December 2006 was set up as the deadline for the presentation of the plan. Then, by February 2007, it was to be ratified by the parliaments of the two subjects and the parliament of Bosnia and Herzegovina. This agreement, however, appeared too general in the context of the planned police reform. First of all, it contained no concrete assumptions which would allow solving a number of the existing problems. This document left too much room for interpretation of its wordings, which in the end affected further attempts to carry out a reform of the civilian security forces. For instance, the very wording of the agreement, referred to its implementation in accordance with the Constitution of Bosnia and the Constitutions of the two subjects of the state, challenged the possibilities of carrying out the police reform. The discussion and the idea of establishing regional centers of police management also turned into a fiasco¹².

Finally, under the influence of the international community, on 8 December 2005, the Directorate for Police Restructuring Implementation mentioned earlier was set up and subordinated to the Ministry of Security and the Council of Ministers of BH. It was to be financed by the central budget and function as a temporary organization affiliated with the Council of Ministers of Bosnia and Herzegovina. Its tasks included dealing with strategic, legal, technical, administrative and financial issues which were connected with the

⁹ M. Kaczorowski, *Reforma policji w Bośni i Hercegowinie (Police reform in Bosnia and Herzegovina, [in:] Europejski protektorat? Bośnia i Hercegowina w perspektywie środkowoeuropejskiej (European protectorate? Bosnia and Herzegovina in the Central European perspective)*, M. Gniazdowski (edit.), Warszawa 2008, p. 117.

¹⁰ Beata Górka- Winter, *Przyszłość operacji Unii Europejskiej „Althea” w Bośni i Hercegowinie (The future of the ‘Althea’ operation of the European Union in Bosnia and Herzegovina)*, Polski Instytut Spraw Międzynarodowych, Bulletin nr 12 (426), p. 1754, 8 March 2007.

¹¹ *Agreement on Restructuring of Police Structures in BH*, 5.10.2005, http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-key-doc/default.asp?content_id=36200, 12.9.2009.

¹² T. Muehlmann, *Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Security Sector Reform*, Journal of Intervention and Statebuilding, 1/2008, p. 12.

police reform¹³. Despite signing the above technical agreement on the Directorate, executing further reforms was thwarted by the election campaign and the parliamentary election results in October 2006 which changed the political scene of Bosnia and Herzegovina. In the Republic of Serbia Milorad Dodik, who was officially against any change in the police structure, won the election and according to the Dayton Peace Agreement and the state constitution, it was the Republic of Serbia which was responsible for the policing forces on its territory. This began a chain of difficult negotiations, which stopped the process creation and approval of the Action Plan. Furthermore, during the meetings of the Directorate on 24 May 2006, the representatives of the Republic of Serbia stated that they would be participating therein as observers and not members, which confirmed the unwillingness of the RS to take any action to the benefit of the reform of the security forces. At the same time, the European Commission negatively assessed the process of the police reform in Bosnia and Herzegovina in the report from November 2006¹⁴.

As a result of the lack of consent on the police reform, in October 2007, the UN High Representative - Miroslav Lajčák, decided to take advantage of his 'Bonn rights' threatening to impose the rules that would simplify the decision-making process in the Council of Ministers in both houses of the Bosnian parliament, limiting the number of areas where taking a decision required unanimity and presence of political representatives of all three ethnic groups¹⁵. As a result of his intervention, the politicians of six biggest parties of Bosnia and Herzegovina signed, in Mostar, a declaration on taking all possible actions aimed at establishing efficient, multi-ethnic and professional police guaranteeing security to all citizens and acting in accordance with the three criteria of the European Council. The new reformed structure of a single police unit was to be based on the constitutional state structure and appropriate wordings of this constitution. In accordance with the Mostar Declaration the rules of police functioning should be defined by the Law on Police Service of BH and the Law on Police officials of BH¹⁶.

Another step into the direction of executing the reform was passing the Action Plan by the Council of Ministers. Its implementation became the main condition of signing the SAA. It provided for adaptation of legal acts regarding the police reform and, at the same time, establishment of appropriate institutions at the state level:

- The act on Directorate for Coordination of Police Bodies and the act on Police Support Agency in BH, which aimed at the establishment of the Directorate for Coordination of the Police, Institute for Forensics and Expertise and Institute for Education and Professional Upgrading of Personnel as well as the Police Support Agency as administrative structures of the Ministry of Security. The task of the Directorate was to improve efficiency of the work of relevant police bodies in Bosnia and Herzegovina

¹³ *Decision Establishing the Directorate for Police Restructuring Implementation*, <http://www.eupm.org/Documents/DPRI/Decision%20Establishing%20the%20Directorate%20for%20Police%20Restructuring%20Implementation%20ENG.doc.>, 13.9.2009.

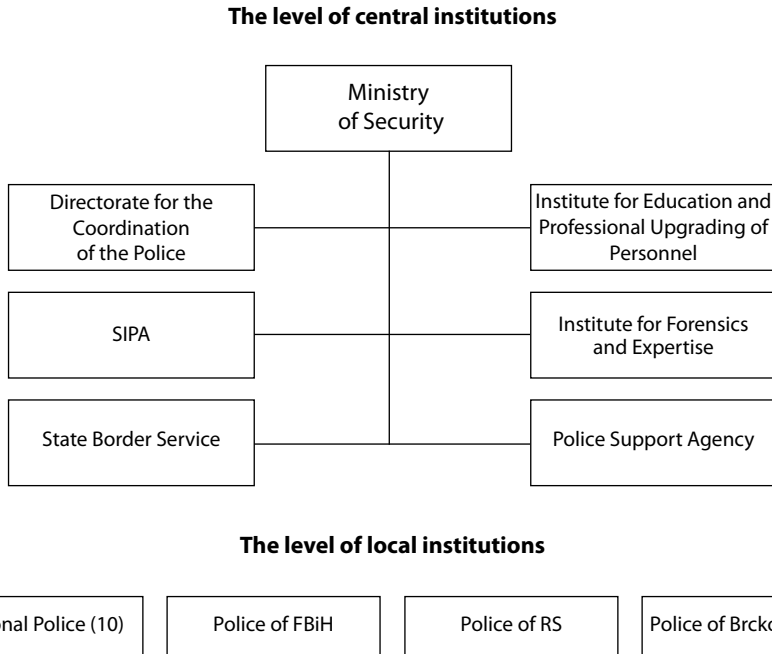
¹⁴ *Bosnia and Hercegowina 2006. Progress Report*, Commission of the European Communities, 8.11.2006, http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/bih_sec_1384_en.pdf, 10.10.2009.

¹⁵ M. Kaczorowski, op.cit., p. 118.

¹⁶ *Mostar Declaration on Police Reform*. Declaration on honoring the commitments for implementation of the police reform with aim to initial and sign the Stabilization and Association Agreement, 24.10.2007, <http://www.eusrbih.eu/policy-docs/?cid=2109,1,1>, 10.10.2009.

and effectiveness of the communication at the level of Bosnia and Herzegovina with relevant international institutions.

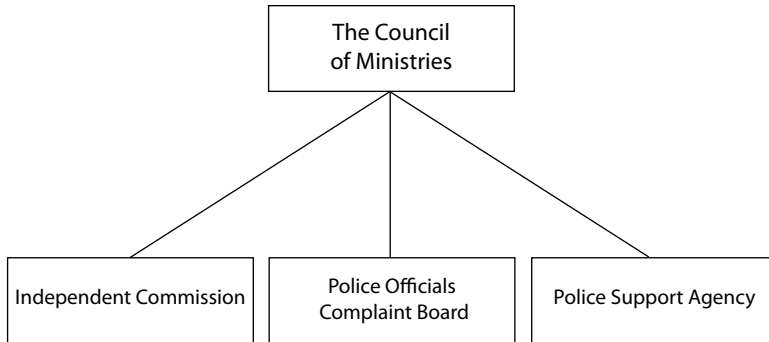
Diagram nr 1. New police structures set up/established under the Action Plan



Source: Own research based on the materials of police mission of EU - EUPM.

- The act on Independent and Supervisory Bodies of Police Structures, which, in turn, aimed at establishing the Independent Board, Citizens Complaint Board and Police Officials Complaint Board¹⁷.

¹⁷ ACTION PLAN FOR IMPLEMENTATION OF THE MOSTAR DECLARATION, 22.11.2007, http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-other/default.asp?content_id=40959, 12.10.2009.

Diagram nr 2. Independent bodies established under the Action Plan

Source: Own research based on materials of police mission of EU - EUPM.

As a result of the protest of the authorities of the Republic of Serbia, it was not until 16 April 2008 that the parliament of Bosnia and Herzegovina adopted the Law on Independent and Supervisory Bodies of Police Structures, the Law on the Directorate for Coordination of Police Bodies and Police Support Agencies in BH. These resolutions finally opened the way for signing the SAA on 16 June 2008. As a matter of fact, all acts passed since April 2008 have led to establishing a number of new coordinating and advisory institutions. However, they have not effected the necessary and expected centralization of police structures and other law enforcement agencies. Taking into account the unclear attitude of the new institutions to two state subjects – entities, there is a threat that these new structures will bring about an increase in the number of system problems in the process of the police reform.

Police in Bosnia and Herzegovina: description of current situation

Looking today at Bosnia and Herzegovina (BH) and taking into account, in particular, the efforts of the EU police mission and the UN High Representative, one could have an impression that due to the involvement of the international community in that country, at least the nationwide institutions operate efficiently. As model examples, some sources indicate the activity of the State Investigation and Protection Agency – SIPA, State Border Service, Customs Service and the Public Prosecutor General. As a matter of fact, none of them turned up spontaneously, but they were forced by the decision of the UN High Representative. Therefore, it is no wonder that they do not act as they should. The fact is they also do not have considerable standing with the peoples of Bosnia and Herzegovina.

The whole reform of the law enforcement bodies involves huge problems. Bearing in mind the fact that Bosnia and Herzegovina is inhabited by three nations and that during the war of 1992 – 1995 the security structures of the conflict sides were the tools of ethnic cleansing, one could think that on the territory of Bosnia there are three separate national

police formations, each representing one nation. In fact, today there are as many as 15 of them, which requires further explanation. The clearest situation is in the Republic of Serbia where there is one, strongly centralized police force. A similar structure is characteristic of the Brcko District. The system is much more complicated on the territory of the Federation of Bosnia and Herzegovina. Despite the existence of the Federal Ministry of Interior in that entity, the police in the cantons are almost completely independent. What speaks in its favor is, amongst others, the fact that they act on the basis of different legislation from that of the said ministry. As a consequence, there are 11 police formations in that area: 10 cantonal ones and the police of the Federation of BH. All this is supplemented by the State Investigation and Protection Agency (SIPA), which, similarly to the State Border Service, is a nationwide institution. In this case it should be emphasized that the State Border Service, which in Bosnia and Herzegovina is also a police formation, has a nationwide character. Thus, while SIPA and the State Border Service are under the authority of the central and nationwide Ministry of Security, other policing services are not linked with any central institution and they are formally subordinate to the Ministries of Internal Affairs at the level of entities and cantons. Any cooperation and communication between them is enormously difficult, which constitutes a huge problem for the proper functioning of the judiciary. The prosecutors, in particular, face problems in their cooperation with the police, which influences, amongst others, the quality of delivered evidence¹⁸.

As a result it is difficult to prevent the spread of organized crime and actions that jeopardize the country's safety. It brings about absurd situations, where the police which are under the authority of the Federation of Bosnia and Herzegovina cannot hunt for criminals or carry out actions on the territory of the Republic of Serbia and vice versa. A particularly complicated police system is in the Federation of Bosnia and Herzegovina, where the police from one canton cannot enter the territory of another without a special permit. This example shows that even the Federal Ministry of Interior does not have a superior power over the cantons.

What is also an essential problem are the relations between prosecutors and police at all organizational and administrative levels. Despite the fact that the EUPM notices substantial progress in the transformation of the existing status quo, which is reflected in the bigger number of working groups, consultations that aim at joint discussions on and the use of specific investigation procedures, as well as in attempts to develop joint operational plans, there are no tangible quality effects in the field of cooperation between the prosecutors and police. There is no clear and common understanding among prosecutors and police officers of the division of their competences and tasks, which is the result of unclear legislation, especially all types of criminal procedures and the fragmented criminal and judicial system. As a consequence, neither of the two sides is interested in active involvement in investigation procedures. Simultaneously, the prosecutors show unwillingness to perform the leading role in investigations as is demanded by law. They do not perform their prosecution tasks where it is necessary and do not vest appropriate powers in the police. As a matter of fact, there is no exchange of confidential and non-confidential information between the police and prosecutors at all levels of the state structure. One more complication is the lack

¹⁸ A conversation with a EUPM employee, who wants to remain anonymous, carried out by the writer in Sarajevo on 20 July 2008.

of understanding of the way and scope of the use of investigative measures, which, as a consequence, causes low effectiveness of particular proceedings. A big problem is also the poor level of police reports. The courts face double standards regarding the procedure of the so-called pre-trial detention. This has an unfavorable impact on more serious and complex issues that concern organized crime, i.e. the cases in which the pre-trial detention seems to be the most efficient investigative tool. The scale of unsolved criminal issues directly indicates the scope of corruption and other kinds of pathology, both in the police and in the judiciary¹⁹.

The State Investigation and Protection Agency (SIPA), as a state organization, consists of about 1200 police officers. It was set up in 2002 by the IPTF. It functions under the Ministry of Security and has its own operational autonomy. The SIPA was set up in order to perform strictly policing tasks on the whole territory of Bosnia and Herzegovina. Its responsibilities include prevention and investigation of criminal offences that are under the jurisdiction of the nationwide court of BH, such as organized crime, terrorism and war crime. Additionally, they are responsible for the creation of information database and a uniform, nationwide database, whose purpose is to facilitate the fight against organized crime and to help detect criminal acts. Other tasks of SIPA include helping prosecutors seize information, carrying out orders of the court and the prosecutor general of BH, physical and technical protection of VIPs, diplomatic and consular missions and state institutions as well as the protection of witnesses and drawing up expert opinions about criminal issues²⁰.

It should be emphasized that despite numerous controversies and resistance among politicians, it was possible to develop the structure of this organization so that it would not correspond with entities and cantonments. Four regions were established, with main centers in Tuzla, Sarajevo, Mostar and Banja Luka, with the purpose of strengthening the scope of cooperation between all local units of law enforcement bodies. This way the SIPA became the first uniform and central political institution with operational competences all over the country and it obtained full authorization for its actions from the entities, cantons and state institutions of BH.

¹⁹ *Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2006*, [in:] Letter dated 28 February 2007 from the Secretary-General to the President of the Security Council, 1 March 2007, Security Council, S/2007/118, p. 7.

²⁰ State Investigation and Protection Agency –SIPA, <http://www.sipa.gov.ba/en/onama.php>, 2.9.2009.

Map nr 2. Regional distribution of SIPA offices in Bosnia and Herzegovina, according to the division into four regions



Source: State Investigation and Protection Agency – SIPA http://www.sipa.gov.ba/en/struktura/teritorijalna_organizacija.php, 2.9.2009.

However, SIPA faces a great number of problems which hinder its functioning. As early as at the very beginning of its activity there was a problem in appointing the head and staffing other high-level positions of that institution. According to the law, such person is designated by the government of Bosnia and Herzegovina. The lack of agreement on the choice of the SIPA director forced the OHR to a top-down imposition of the boss of that institution²¹. Similar decisions were taken by the High Representative while appointing candidates to three other positions²². Another problem concerns attempts to implement the so-called principle of national balance. It is the SIPA director, who decides on the number of central

²¹ *Decision on Appointment of Director of the State and Protection Agency of 8 June 2005*, http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=34811, 10.10.2009.

²² *Decision on Appointment of the Assistant Director for the Internal Control Department of the State Investigation and Protection Agency of 9 September 2005*, http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=35373, 2.9.2009; *Decision on Appointment of the Assistant Director for the Criminal Investigative Department of the State Investigation and Protection Agency of 9 September 2005*, http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=35365, 2.9.2009; *Decision on Appointment of the Deputy Director of the State Investigation and Protection Agency of 9 September 2005*, http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=35359, 2.9.2009.

and regional appointees of a given nationality. In accordance with the national census of 1991 the SIPA structure at the central level and the regional centers should reflect the following nationality structure of BH: Muslims - 40%, Serbs - 31% and Croats - 15%. It is particularly difficult on the territories inhabited mostly by one ethnic group. These processes are hindered by problems connected with the destructive activity of RS. The SIPA officers are often refused the right to enter private premises and state buildings in the Republic of Serbia, when they want to access documents connected with criminal offences, unless they have a special order issued by the Prosecutor General. Additionally, quite often, appropriate documents as well as government and ministry reports useful in fighting organized crime are not delivered to them since there is a common opinion among lawyers of the Ministry of Justice of RS that crimes which are the responsibility of particular entities do not come within the jurisdiction of the Prosecutor General and the Supreme Court of BH. From their point of view, they come within this jurisdiction when the territorial integrity and state sovereignty of the whole BH are threatened as a result of organized crime actions.

Bosnia lacks an efficient police database and even the SIPA itself does not have an efficacious database of criminal intelligence or a system of collecting information, which is a basic element in combating organized crime. Despite the help of donors, there is no proper system that would ensure functionality and compatibility of the structures of information technology and the software used for criminal analysis within the area of Bosnia and Herzegovina, and the technical back-up facilities are not satisfactory. As a consequence, the information at the state level is not available. The database of criminal intelligence and iBase²³ are not combined (departments of SIPA and other law enforcement institutions do not use the database of Criminal Intelligence), therefore it does not contain too much information. As a result, analysts may only use the System of Protecting Information on Citizens by means of a direct line that connects it with a criminal office²⁴.

The best functioning policing institution at the state level is State Border Service, which was set up in June 2000. Its tasks include:

- Surveillance and Control of State Border Crossing and taking security measures of the BH borders and in the premises of international airports;
- Prevention, detection and investigation of criminal offences committed in a near proximity of state borders;
- Investigation of criminal offences in the border zone under their jurisdiction;
- Combating organized crime²⁵.

What attracts special attention is the unusually good cooperation between the State Border Service and the other institutions of public order or law enforcement bodies, such as the SIPA, Indirect Taxation Authority, and Ministry of Interior, particular subjects and cantons as well as the cooperation with authorized courts, prosecutors and the EUPM.

²³ iBase is software that serves criminal analysis designed for collecting information about objects and relations between them.

²⁴ A conversation with a EUPM employee, who wants to remain anonymous, carried out by the writer in Sarajevo on 20 July 2008.

²⁵ Law on State Border Service, Bosnia and Herzegovina Border Police, <http://www.granpol.gov.ba/propisi/zakoni/?cid=29,1,1>

This good functioning of the State Border Service is possible thanks to the political commitment of Germany, particularly to the problems related to refugees and illegal immigration from the territory of the former Yugoslavia. The specific result of this commitment was the help of German authorities in the building, improving and increasing the effectiveness of the Bosnian State Border Service. Officially, Berlin supported these tasks with the amount of 3,3 MEUR, becoming this way the greatest donor of this institution. However, it is rather a rough estimate, as no one really knows the true value of the equipment transferred to the Bosnian State Border Service by German authorities²⁶. Additionally, at the very beginning of building the structures of the Bosnian Border Service, the Federal Republic of Germany put in approximately 170 mln DM. The amount was transferred by the federal government via German embassy, under various target-specific donations aimed at strengthening state institutions of Bosnia and Herzegovina. The remuneration offered to the employees of this service indicates how much Berlin cared about the improvement of the functioning of the State Border Service. They were a few times higher than the remuneration of the Bosnian police. In addition, the advisor to the Commander of the State Border Service of Bosnia and Herzegovina was German²⁷. Simultaneously, the Federal Republic of Germany forced through a decision that the department responsible for the cooperation with the border service under the EUPM police mission would be headed by a representative of its country. Such an action was justified by the fact that Berlin, owing to the support of bilateral projects concerned with the border service, had an extensive knowledge in this field. As a matter of fact, they only intended to bring the problem of illegal immigration under control, which covered such issues as organized crime, human trafficking and permeating of mob structures into the German territory²⁸.

Officially the cooperation and support with regard to the Bosnian Border Service by the Republic of Federal Germany are under various projects financed directly by the Stability Pact for South Eastern Europe. German involvement covers, amongst others:

- Helping to establish, equip, and supervise the development of Mobility Support Units;
- Initiating and financing activities to monitor and supervise units that work in the civilian area and deal with secret monitoring and capturing criminals;
- Constructing buildings of the Border Service and the so-called information units;
- Executing the so-called Twinning Projects as regards the establishment of investigation structures under the Border Service;
- Establishing, equipping and providing with uniforms anti-terrorist units which specialize in detection and disposal of explosives;
- Improving the effectiveness of work and qualifications of the employees of the Border Service as regards detecting false documents, including provision of appropriate equipment;

²⁶ A conversation with Mile Jurij, the Head of the Department for Strategic Planning and Analysis of the State Border Service in Bosnia and Herzegovina, carried out by the writer in Sarajevo on 22 April 2008. Recorded and owned by the writer.

²⁷ A conversation with an employee of an international organization in Bosnia and Herzegovina, who wants to remain anonymous, carried out by the writer in Sarajevo on 8 April 2008. Recorded and owned by the writer.

²⁸ A conversation with a German journalist Kilian Wahl, carried out by the writer in Sarajevo on 18 April 2008. Recorded and owned by the writer.

- Providing equipment for the Documentation Centre of the State Border Service, which prepares documentation for courts;
- Helping to improve analytical skills of the officers of the State Border Service;
- Equipping the State Border Service with video devices used for border monitoring²⁹.

However, in order to improve the effectiveness of the State Border Service and realize the goals set this formation needs constant supply of modern equipment. The following are especially needed:

- Devices for day and night observation, thermal-imaging cameras, binoculars;
- Devices and equipment for surveillance of suspects,
- Devices for detecting false documents,
- Devices for detecting active transmitters,
- Patrol boats³⁰.

Conclusions

The present state of the police system in BH is a result of the Dayton Peace Agreement which says that central authorities have no essential powers over police services. They were ceded directly into two component parts of the state. As a consequence, the functioning of the police eats up as much as 10% of the central budget and the very work of the judiciary bodies leaves a lot to be desired and is far from any modern standards. Any attempts to change the wordings of the Dayton Peace Agreement related to policing bodies, regardless of actions undertaken by the international community, are unrealistic, just due to the legal and treaty aspects. The provisions related to amending the constitution, enacted under the Dayton Peace Agreement, do not facilitate the execution of the police reform, since any changes to the Constitution require approval by the Parliamentary Assembly, where in the House of Representatives the majority of two thirds of votes is required to pass each amendment. Furthermore, this procedure can be either blocked or at least strongly hindered by the provisions related to threat to vital interests of one of the parties.

It should be emphasized that for all the nationalities, i.e. Bosnian Serbs, Croats and Bosniacs, the issue of the police reform is equivalent to the problem of further exercising and maintaining power in the state. Renouncement by Serbs the right to have their own police would mean centralization of the state and simultaneous permission for gradual abolishing of the state divided into two entities. This way, further existence of the Republic of Serbia could be threatened by setting a precedent which would launch discussions concerning constitutional reforms of BH. For Bosniacs, the reform of policing services means reinforcing these services and other institutions at the central level and, subsequently, weakening the subject of RS, for which the Muslim population has been striving for many years. In

²⁹ A conversation with Mile Jurij, the Head of the Department for Strategic Planning and Analysis of the State Border Service in Bosnia and Herzegovina, carried out by the writer in Sarajevo on 22 April 2008. Recorded and owned by the writer.

³⁰ A conversation with an anonymous EUPM representative, Sarajevo, 13.7.2008.

this light it should be borne in mind that the police reform is a subtle matter, which results from its connection with the reform of court and prosecution institutions and the reform of criminal law. Thus, the police services are becoming one of the essential areas of autonomy and independence of the Republic of Serbia, which directly controls these law bodies. It means that in a country where the work of most institutions is dependent and based on the ethnic structure of society, attempts to reach a compromise on the police reform may not be successful and the only way out may be to create of next institutions of poorly-defined competences intended to coordinate already existing policing services.

The police reform in Bosnia and Herzegovina cannot be handled without taking into account the historical and political context as well as the financial situation of the state. Thus, it does not depend solely on the political will of entity authorities, but also on the will of the cantons. What remains a problem is not only the very reform and further construction of the police structures, but, first of all, transformation of the security forces and the political system, still rooted in the communist era. The hierarchical state structure and the lack of political culture along with the representative character of power at all levels add up to the situation. The order achieved on the basis of the Dayton Peace Agreement, which fragmented the police system of Bosnia, only hindered the process instead of facilitating it. Moreover, low salaries are conducive to corruption and do not favor implementation of effective changes.

The process of police restructuring is also a problem of coordinated actions of the international community. It should be noted that quite frequently they were not consistent. Many issues were discussed by international organizations and institutions which supported the police reform and their competences often overlapped. Such an example is the discussion on establishing intra-regional centers of police management, just to name one. Moreover, since the beginning of the police restructuring process there had been no basic direction rules and the moment when they were introduced – in the form of three rules of the European Commission – they were not consistently obeyed. The evidence thereof is signing the SAA with BH without carrying out the police reform, which was a condition for starting negotiations on the integration with the EU. Such situations had a negative impact on the credibility of the international community and on the initial trust of local authorities in the rules of its actions.

Besides, imposing the reforms under the international pressure and the top-down way establishing by the UN High Representative such new institutions as SIPA, State Border Service and the Ministry of Security brought about a situation where they not only work in the wrong way, but also lack the necessary support of the peoples of Bosnia and Herzegovina. Moreover, the continuous support and pressure of the international community made BH institutions dependent on the external help and prompted a specific culture of political and economic dependence. This, in turn, made the society and political elites expect continuous help. As a consequence, the international community became a hostage to its own politics and, at the same time, a direct actor in the process which has produced the unresolved problem of reforms necessary to improve and enhance the functioning of the multi-ethnic state³¹.

³¹ K. M. Osland, *The EU Police Mission in Bosnia and Herzegovina*, [in:] *International peacekeeping*, nr 3/2004, p. 556.

The use of Polish Military Contingent in peace and stabilisation missions in the Southwestern Asia in the first decade of the 21st century. From involvement to withdrawal

The article is devoted to an evaluation of the Polish involvement in the process of stabilising the political situation in selected regions of Asia and its political and military consequences for Poland. The writer states that, regardless of the discrepancies in defining the concept of peace missions, their effectiveness and political significance, the Polish Armed Forces should actively participate in the processes of stabilizing the international situation under the auspices of international organizations. This involvement will significantly determine the Polish position on the international arena. However, it is legitimate to adopt a concept that what should be a priority for Poland are the missions carried out in their nearest surroundings and the missions conducted by organizations on which Poland relies as regards its own safety, i.e. NATO and the EU. Furthermore, the decision concerning the involvement in stabilization actions should not be preceded only by a detailed analysis of the crisis situation, the international context and potential benefits and losses principally at the political, economic, military and human level. An equally important element of these analyses should be an evaluation of the state possibilities in the context of effective participation in a mission.

Introduction

In the United Nations Charter there is no definition of peace and stabilization missions (operations)¹. Despite this, they have been a permanent element of international politics for sixty years, becoming a more or less effective tool of solving international conflicts². According to the definition used by the National Defense University, a peace mission is 'a field operation of the United Nations, within which an international civilian and military personnel is deployed with the UNO³ consent in order to help with solving existing or

¹ The issues concerning the reaction of the United Nations in the situation of threatening and disturbing peace and aggression acts are regulated in chapter VII of the United Nations Charter, see. United Nations Information Center (online), http://www.un.org.pl/dokumenty/karta_onz.php, *Karta Narodów Zjednoczonych (United Nations Charter)*, San Francisco, 26 June 1945.

² Krzysztof Paszkowski, Franciszek Gągor, *Międzynarodowe operacje pokojowe w doktrynie obronnej RP (International peace operations in the military defence doctrine of the Republic of Poland)*, Warszawa 1998, p. 13.

³ United Nations Organization – UNO.

potential international conflicts or internal conflicts of a clear international perspective”⁴. That is visible in the evolution from the single-dimensional, passive operations into the direction of multidimensional and active ones that assume the use of power and multi-aspect non-military aid⁵. Peace missions conducted by the UNO regard three basic activity types: conflict prevention and peacemaking, peacekeeping and peace building. In accordance with the terminology of the North Atlantic Treaty Organization (NATO), the so-called missions (operations) of peace support are divided into conflict prevention, peacemaking, peacekeeping, peace enforcement, peace building and humanitarian aid⁶.

The term of stabilizing mission originates from the American doctrine of the actions of land forces FM – 03. It was accepted by the military, politicians and journalists as an obvious one and not requiring a definition. In the 01 Allied Joint Publication (AJP), the term of Operations of Crisis Response outside the art. 5 of the North Atlantic Treaty is included in the concept of Allied Joint Operations. This mission type is conceptually similar to the character of stabilization missions and it contains similar tasks. There is no uniform Polish definition of stabilization mission. It is assumed that missions of such type are not restricted only to military tasks. They are complex and multi-aspect missions similar to UN missions of „the third generation”. Besides military tasks they also include political, economic, social, and cultural issues, while the civil military co-operation (CIMIC) is of key importance⁷.

The Polish Military Contingent (PMC) is a separate unit of the Armed Forces of the Republic of Poland designed to participate in a war, military, peace or stabilization operation held outside the borders of the country. The decision on sending PMC abroad is issued by the President of the Republic of Poland at a request of the Council of Ministers. In the organization chart the PMC is under the authority of the Minister of National Defense (MOD) and operationally, under the authority of the command set up in the ruling on the use of PMC. In practice it is a joint command established by the organization under whose auspices the mission is performed. Until 1990s the PMC consisted of two basic types: POLLOG (Polish Logistics), i.e. a logistics unit (in the form of a battalion or a company) and POLBATT (Polish battalion), i.e. a maneuver battalion. Currently, Poland sends specialist contingents abroad or such that are composed of various types of units.

⁴ Quoted from: William H. Lewis, *Military Implications of United Nations Peacekeeping Operations*, Washington 1993, p. 17.

⁵ Marek Pietraś, *Bezpieczeństwo międzynarodowe (International security)*, [in:] *Międzynarodowe stosunki polityczne (International political relations)*, Marek Pietraś (edit.), Lublin 2006, p. 346; Under the auspices of the UN the number of peacekeeping operations significantly increased. In years 1948-1988 there were 15 missions of this type, but from 1989 to 1999 already 30 ones and in the last decade – another 20. See Dariusz Kozerański, *Polityczno-prawne aspekty prowadzenia międzynarodowych operacji pokojowych w drugiej połowie XX wieku (Political and legal aspects of conducting international peacekeeping missions in the second half of the 20th century (1948-1999))*, [in:] *Działania wojenne, pokojowe i stabilizacyjne prowadzone w warunkach szczególnych w XX i XXI wieku, Konflikty – doświadczenia – bezpieczeństwo (War, peace and stabilisation operations conducted in special conditions in the 20th and 21st century, Conflicts-experiences-security)*, Dariusz Kozerański (edit.), Toruń 2007, p. 36.

⁶ Bolesław Balcerowicz, *Siły zbrojne w państwie i stosunkach międzynarodowych (Armed forces in a state and international relations)*, Warszawa 2006, p. 160-162.

⁷ Łukasz Jureńczyk, *Udział Polski w misji stabilizacyjnej i odbudowie Iraku (Participation of Poland in a stabilisation mission and Iraq reconstruction)*, typescript, Kraków 2009, p. 90.

Polish soldiers have been participating in peace missions since 1953, when they were sent, for the first time, to Korea, in order to supervise the cease-fire between Korean republics. Up to now almost 70 thousand Polish soldiers have participated in peace and stabilization missions under the auspices of the UN, OSCE (Organization for Security and Co-operation in Europe), NATO and the EU (European Union)⁸. The participation in multinational missions requires skills of cooperating with soldiers from other countries. The region of Middle East is especially difficult for Polish soldiers to perform a mission. The main reasons are significant climate and cultural differences.

The issue of using Polish Armed forces outside the country borders is generally regulated by art. 117 of the Polish Constitution, which is a novum in the Polish constitutional system⁹. In accordance with the first part of the article „The rules of using the Armed Forces outside the borders of the Republic of Poland are specified by an international act or agreement”¹⁰. The constitution does not clearly sets out circumstances, which have to take place in order for the Armed Forces to be used abroad¹¹. The legal basis for dispatching the army abroad is the Act on „the rules of use or stay of the Polish Armed Forces abroad”¹². In accordance with art. 3 point 1 of the Act – in the case of an armed conflict, strengthening forces of the state or of allied states as well as in the case of peace missions – the decision on the use of military units outside the state is issued by the President of Poland at the request of the Council of Ministers. According to art. 5 point 2 of the Act, a decision on the extension or reduction of the period of using military units outside the state is issued¹³. At present, the basic issues regarding Polish involvement in the military missions under the auspices of UN, NATO and the EU are regulated in the following political documents: ‘The

⁸ Polish soldiers served almost all over the world; Polish Military Contingents were deployed in the Golan Heights, Lebanon, Bosnia and Herzegovina, Kosovo, Afghanistan, Iraq, Pakistan, Congo and Chad. See The Education and Promotion of Defence Department of the Ministry of National Defence, *Wojско Polskie (Polish Armed Forces)*, Warszawa 2009, p. 196.

⁹ Zenon Trejnis, *Sily zbrojne w państwie demokratycznym i autorytarnym (Armed Forces in a democratic and authoritarian state)*, Warszawa 1997, p. 307.

¹⁰ *Constitution of the Republic of Poland* dated 2 April 1997, Journal of Laws from 1997, nr 78 item 483.

¹¹ Waldemar J. Wołpiuk, *Sily Zbrojne w regulacjach Konstytucji RP (Armed Forces in the regulations of the Constitution of the Republic of Poland)*, Warszawa 1998, p. 25.

¹² Act as of 17 December 1998 on ‘the rules of the use or stay of Polish Armed Forces outside the country’, Journal of Laws as of 1998, nr 162, item 1117.

¹³ Art. 5 point 1 of the act on ‘the rules of the use or stay of Polish Armed Forces outside the country’ defines formal requirements of the decision of using military units outside the country. The following are specified:

- 1) military units, their numbers, strength and time of remaining outside the state,
- 2) the purpose of dispatching military units, the scope of their tasks and actions,
- 3) the system of commanding military units and an international organization, to which the units will report;
- 4) institutions of government administration responsible for the cooperation with the head bodies of a respective international organisation as regards managing the activity and equipping the military units that perform tasks outside the country,
- 5) weaponry and military equipment,
- 6) routes and time of the relocation of military units in the case of a transit”. See the Act as of 17 December 1998 „on the rules of the use or stay of Armed Forces of the Republic of Poland outside the country”, Journal of Laws as of 1998, nr 162, item 1117.

Strategy of National Security' from 2007¹⁴, „The Strategy of defense” of the Republic of Poland from 2009¹⁵ and „The strategy of the participation of the Armed Forces of the Republic of Poland in international operations” from 2009¹⁶.

In accordance with the theory of the collective security system it is the international community which is the foundation for creating conditions that guarantee security of

¹⁴ *The strategy of the National Security of the Republic of Poland* as of 15 November 2007, Warszawa 2007; In point 41 it was written that Poland 'supports selective involvement into stabilization missions outside of Europe, however, under the condition of maintaining by the Alliance (the North Atlantic one – writer's note) credible potential and full capacity for a collective defense of member states, as well as taking into account the impact of the NATO activity outside Europe on the course, pace and costs of modernizing and transforming allies' armed forces, including Poland'. In point 46 it was written that „Poland will contribute significantly with people and material values in the stabilization, peace, humanitarian, rescue and training missions organised by the Union' (European Union – writer's note). In point 51 of the Strategy of the National Security of the Republic of Poland as of 2007, it was written that 'Poland shall get involved into actions undertaken by the UN which aim at solving conflicts as well as they shall report military, police and civilian personnel to participate in peace and stabilization missions'. In point 57 it was written that „The conditions of the success of military operations shall be, first of all, gaining information advantage, the use of task structures of armed forces equipped with the more modern technical equipment than the opponent's, the use of advanced command technologies, having the possibilities of effective striking power, performing maneuvers and protection against opponent's striking power; skillful use of the symmetrical strategy towards opponent's actions, full use of country logistic resources and the civilian and military cooperation'.

¹⁵ Ministry of National Defense, *The strategy of defense 2009*, Warszawa 2009; Point 78 of the strategy says that „The co-participation in the stabilization mission of an international situation and in humanitarian and crisis-reaction operations requires maintaining by the Armed Forces of the Republic of Poland forces and capacities to participate in peace operations and crisis response carried out by NATO, the EU, United Nations and other operations resulting from the international agreements; the participation in humanitarian operations carried out by international, governmental and other organizations; carrying out military cooperation in the field of developing and using measures of building trust and security'; Similar wordings were included in earlier defense strategies of the Republic of Poland. For instance, in the strategy from 2000 it was written that the Armed Forces of the Republic of Poland are prepared to perform three strategic tasks: defense ones during war, crisis reaction and stabilization and preventive ones in the times of peace. See Jerzy Zalewski, *Wojsko Polskie w przemianach ustrojowych (Polish Army in system transformations) (1989-2001)* Warszawa 2002, p. 325; Henryk Binkowski, *Wojsko i obronność w działalności Sejmu RP (Army and defence in the activity of Polish Sejm) (1989-2001)*, Warszawa 2003, p. 138.

¹⁶ In accordance with „The strategy of the participation of the Armed Forces of the Republic of Poland in international operations' 'The most important goals of the participation of the Armed Forces of the Republic of Poland in international operations are:

- the defense of national interests against external threats,
- the liquidation of crisis sources and suppressing conflicts in the nearer and further strategic surrounding of Poland,
- building stable security,
- strengthening institutions and organizations of international security,
- fulfilling allied obligations,
- preventing humanitarian disasters and suppressing infringement of human rights.' The strategy includes also the character of the Polish participation in contemporary international operations. Political, diplomatic, economic and social actions are their important element. A condition of their success is a strict coordination of actions, both at the international and domestic level, taking into account good civilian and military cooperation. Fulfilling the assumptions of security policy and reaction to changes in the international security area, Poland will be participating more actively in keeping peace and security, both regionally as well as globally'; The Chancellery of the Prime Minister (online), http://www.premier.gov.pl/rzad/legislacja/dokumenty_rady_ministrow/strategie/id:951, *Strategia udziału Sił Zbrojnych RP w operacjach międzynarodowych (Strategy of the participation of the Armed Forces of the Republic of Poland in international operations)*, Warszawa, 13 January 2009.

particular states, members of the international system¹⁷. However, at the same time, the community generates threats, which should be tackled by its members in solidarity. In the globalizing world, state security cannot be considered solely in the context of the nearest surroundings, but also in the context of global relations¹⁸. For this reason countries, following the need of strengthening their own security, should actively participate in the consolidation actions of international security¹⁹. Moreover, the importance of defense against threats has declined and what has gained in importance is their prevention²⁰. For these reasons Poland should take on some of the responsibility for conducting peace and stabilization mission in various regions of the world, which strengthens its image as a responsible member of the international community²¹.

What is particularly crucial here is cooperation with the allies from NATO and the EU. Becoming a part of the collective defense system of the North Atlantic Alliance, Poland obliged itself that its Armed Forces would be available to execute two principal tasks. These tasks include participation in the allied defense system and participation in international peace-keeping operations²². The participation in the European Security and Defense Policy (ESDP), imposes on Poland similar obligations towards the EU. The European Strategy Security adopted on 12 December 2003 sets out a direction of the European army and specifies the rules of military involvement of the Union into external issues²³. The strategy contains the possibility of conducting operations of expeditionary crisis response, i.e. outside the borders of the Union in the form of peace building, peace keeping and peace enforcement²⁴. Currently, the EU can perform missions of this type thanks to the use of NATO resources on the basis of the Berlin Plus agreement as of 16 December 2002²⁵.

¹⁷ John Baylis, *International and global security in the post-cold war world*, [transl. Wojciech Nowicki], [in:] *The globalization of world politics: An introduction of international relations*, John Baylis, Steve Smith (edit.), Kraków 2008, p. 390-391.

¹⁸ Włodzimierz Fehler, *O pojęciu bezpieczeństwa państwa (On the concept of state security)*, [in:] *Security of states and nations in the process of European integration*, Wiesław Śmiałek, Józef Tymanowski (edit.), Toruń 2002, p. 170.

¹⁹ Ryszard Zięba, *Instytucjonalizacja bezpieczeństwa europejskiego. Koncepcje – struktury – funkcjonowanie (Institutionalization of European security. Concepts-structures-functioning)*, Warszawa 2004, p. 52.

²⁰ Marek Pietraś, *International security*, [in:] *International political relations*, Marek Pietraś (edit.), Lublin 2007, p. 341.

²¹ Paweł Herczyński, *Zaangażowanie Polski na rzecz stabilizacji Iraku (Involvement of Poland in Iraqi stabilization)*, „Rocznik Polskiej Polityki Zagranicznej” 2006, p. 217.

²² Piotr Mickiewicz, *Polska droga do NATO. Implikacje polityczne i wojskowe (Polish Road to NATO. Political and military implications)*, Toruń 2005, p. 304.

²³ Office of the Committee of European Integration (online), [http://www.ukie.gov.pl/hlp/mointintgr.nsf/0/122ECE1168BF95B1C1256E7500562E67/\\$file/ME7012.pdf?Open](http://www.ukie.gov.pl/hlp/mointintgr.nsf/0/122ECE1168BF95B1C1256E7500562E67/$file/ME7012.pdf?Open), European Council, *Bezpieczna Europa w Lepszym świecie – Europejska Strategia Bezpieczeństwa (Safe Europe in better world – the European Security Strategy)*, Brussels, 12 December 2003.

²⁴ Roman Kuźniar, *Bezpieczeństwo w stosunkach międzynarodowych (Security in international relations)*, [in:] *Stosunki międzynarodowe. Geneza, struktura, dynamika (International relations. Genesis, structure, dynamics)*, Edward Haliżak, Roman Kuźniar (edit.), Warszawa 2006, p. 156.

²⁵ North Atlantic Treaty Organization (online), <http://www.nato.int/docu/pr/2002/p02-142e.htm>, *EU-NATO Declaration on ESDP*, “NATO Press Release” 2002, nr 142, Brussels, 16 December 2002; In the situation when NATO does not conduct a mission independently the EU decides whether it will take on this obligation. At the same time, the EU bodies decide whether they should turn to NATO bodies with the request of using its planning and staff institutions, funds or subordinated forces. See Grzegorz Rdzanek, *Unia Europejska i Sojusz*

PMC Afghanistan

The intervention of multinational forces in Afghanistan was a direct consequence of terrorist attacks on the World Trade Center and Pentagon on 11 September 2001. Al-Kaida of Osama bin Laden and the Talibans²⁶, controlling Afghanistan where the terrorists' training camps were, were charged with the responsibility of these attacks. After mullah Omar, the commander of the Talibans had rejected American ultimatum, where the Americans had demanded, amongst others, handing over the commanders of Al-Kaida, closing terrorist training camps and making them accessible to the international community, the American and British forces supported by a few contingents from other countries invaded Afghanistan on 7 October 2001²⁷. The main armed operations lasted until the end of 2001, however, battles with partisan units of the Talibans have been going on continuously with various intensity.

On 22 November 2001 President Aleksander Kwaśniewski, at the request of the Council of Ministers and the Prime Minister Leszek Miller, issued a decision on the use of the Polish Armed Forces in Afghanistan. On 16 March 2002, 300 Polish soldiers were sent to Afghanistan to take part in the operation 'Enduring Freedom'. The tasks of the PMC Afghanistan

Północnoatlantycki wobec konieczności wspólnego organizowania operacji wojskowych (The European Union and North Atlantic Alliance towards the necessity of joint organization of military operations, [in:] NATO w dobie transformacji. Siły w transatlantyckim systemie bezpieczeństwa początku XXI wieku (NATO in the transformation era. Forces in the transatlantic security system of the beginnings of the 21st century), Krzysztof Kubiak, Piotr Mickiewicz (edit.), Toruń 2008, p. 91-92.

²⁶ The Talibans in the Pashto language mean pupils and those who are seeking knowledge and truth. Their name officially appeared in 1994. Mullah Omar became the head of the movement. They are a creation of war culture and orthodox Islamic fundamentalism. This movement appeared at the beginning of the 1990's and as a consequence of the war with the Soviet Union and the subsequent Afghan civil war. The ranks of the Taliban movement were joined mainly by young people who were forced by the war to emigrate. The majority of them are Pashtu's and their faith is Sunni Islam. They are the disciples of madrasahs – Koranic schools in the neighboring Pakistan. In 1990 the number of Afghan emigrants staying in Pakistan amounted to over three millions. They sought their shelter mainly in Punjab. It is where most madrasahs turned up. In 1997 their number amounted to two and a half thousand. Some researchers think that the government and Pakistani secret services used the Talibans in order to achieve their own interests. They trained these ruthless warriors in order to take over with their hands the control of Afghanistan with its considerable mineral deposits and transport routes. Refugees, mainly young people, living in terrible camp conditions, willingly enrolled in these institutions. Depressed with the hopelessness of life they were very susceptible to full indoctrination. It was the madrasahs where the Talibans gained the most precious arms, i.e. the ideology. Deprived of traditional education they were receiving only appropriately interpreted knowledge of the Koran, Muhammad's utterances and Islamic law. The first months of Taliban activity were promising. They were helping all those who were oppressed. During their march they crushed thieves' bands, corrupted warlords and other criminals. The legend about merciful black turbans was quickly spread all over the country. The liking was soon transformed into fear, together with thousands of victims and with implementing the ruthless law of Sharia on the conquered territories. The Talibans started the conquest of Afghanistan in November 1994, when they conquered Kandahar and already in September 1996 they conquered the capital in Kabul, taking over the rule over the state. Later, the Talibans had to face the forces of the North Atlantic Alliance, which controlled approximately 10 percent of the country territory. Łukasz Jureńczyk, *Talibów wizja państwa i jej alternatywa (Taliban state vision and its alternative)*, typescript, Bydgoszcz 2005, p. 18-21; Joanna Modrzejewska-Leśniewska, *Talibowie (The Talibans)*, Pułtusk 2001, p. 22-29.

²⁷ Roman Przciszewski, *Afgańska operacja (Afgan operations)*, „Polska Zbrojna” 2002, nr 11, p. 12; Henryk Suchar, *Parada zwycięstwa w Kabulu (Victory parade in Kabul)*, „Rzeczpospolita” 14 November 2001, p. 6.

included, first of all, clearing the territory of mines, protecting the Kabul airport and building road and bridge infrastructure for multinational forces. Until the beginning of 2007 the tasks of PMC in Afghanistan were, in fact, limited to the engineering ones²⁸. At the same time, since 2004 a group of Polish officers have been serving in the command of International Security Assistance Force – ISAF²⁹. In 2007 Poland was one of few countries which agreed on the use of their forces in the war against illegal combat groups³⁰. Simultaneously, the whole PMC was subordinated to the ISAF command. On 30 October 2008, the PMC Afghanistan took on the command over the Afghan province Ghazni. Currently, the main tasks of the Polish soldiers include the provision of security in the Afghan Development Zone in Ghazni, the protection of the executed reconstruction projects, training of Afghan security forces and controlling the situation on a part of the route of Kabul-Kandahar.

The strength of the PMC Afghanistan changed with time³¹. In the middle of 2002 it was limited to 120 soldiers and up to year 2006 it amounted to ca. 100 soldiers under the operation of 'Enduring Freedom' and a dozen or so officers in the ISAF command in Kabul. The justification for such little participation of the Polish Armed Forces in Afghanistan was their significant involvement in Iraq. However, it was received with criticism from NATO allies, accusing Poland of an unbalanced involvement in foreign missions carried out by NATO³². On 22 November 2006, President Lech Kaczyński, in agreement with the government of the Prime Minister Jarosław Kaczyński, made a decision on significant strength-

²⁸ Polish Army (online), <http://www.isaf.wp.mil.pl/pl/15.html>, *PKW Afghanistan. Informacje ogólne o PKW (PMC Afghanistan. General information about PMC)*.

²⁹ The ISAF mission is called a peace one. It is carried out on the basis of the resolution of the United Nations Security Council (UNSC) nr 1386 as of 20 December 2001, nr 1510 as of 13 October 2003, nr 1563 as of 17 September 2004, nr 1623 dated 13 September 2005 and nr 1707 dated 13 September 2006 (also the following resolutions of UNSC concern the situation in Afghanistan: nr 1413, 1444, 1776, 1817, 1833, 1890 and 1917). It was created on the basis of the agreement from Bonn on 5 December 2001. On 11 August 2003 the command of ISAF was taken over by NATO. Initially, the activity of ISAF forces was limited to the Kabul area and its surroundings. The decision of Bundestag on 24 October 2003 about dispatching German army to the Kunduz region was a breakthrough. Since that moment the ISAF mission covered various areas of the country. In July 2006 ISAF took over the command of southern provinces of the country and in October – of the eastern ones, where the situation is the most unstable. The multinational forces concentrate mainly on operations around bases and central transport routes. The statutory aims of the ISAF mission currently include the support for the Afghan government, carrying out military operations in order to limit the insurgency capacities of the enemy, organization and training of Afghan security forces and the support of economic and social development of Afghanistan. See International Security Assistance Force – ISAF, (online), <http://www.isaf.nato.int/mission.html>, *About ISAF Mission*.

³⁰ Except for Poland the consent to offensive operations was granted, amongst others, by the United States, Great Britain, France and Canada.

³¹ Since 2005 the PMC was deployed also in Pakistan under the NATO humanitarian mission „Swift Relief”. See Polish Army (online), <http://wojskopolskie.pl/articles/view/3346/222/Polski%20Kontyngent%20Wojskowy%20z%20misj%C4%85%20w%20Pakistanie.html>, MON, *Polski kontyngent Wojskowy z misją w Pakistanie (Polish military contingent in Pakistan)*, 19 December 2005.

³² In response to the criticism there appeared a concept of increasing the involvement of the Polish Armed Forces in Afghanistan and a simultaneous taking over of the ISAF command by the Polish, German and Dutch Multinational Corps Northeast during the 11th rotation, i.e. from August 2007 to February 2008. The concept was never executed, because NATO adopted the American proposal of reorganizing the structure of commanding the mission. Instead of the rotational command a permanent command was established, headed by an American general. ISAF and the operation 'Enduring freedom' were to be under that command. Meanwhile, the number of appointed commanding positions was proportional to the size of the contingent of

ening of the PCM in Afghanistan. In the wake of the decision, from 1 December 2006 to 13 October 2007, 1200 Polish soldiers and army employees were deployed in Afghanistan. The 4th contingent of the PMC in Afghanistan consisted of 1600 Polish troops, the 5th contingent included 2000 troops and the 7th one was composed of 2500 troops. On 1 August 2010 there were 2515 Polish soldiers serving in Afghanistan³³.

In his presidential campaign, Bronisław Komorowski who was sworn in to the office of the President of the Republic of Poland on 6 August 2010, promised fast withdrawal of the PMC from Afghanistan, which is expected by most of the Polish society. However, keeping the pre-election promise may significantly undermine the credibility of Poland as a responsible ally. Nonetheless, a few arguments in favor of ending or reducing the mission in Afghanistan can be mentioned. The financial factor, i.e. the mission cost, is quite essential, equalling to 1 billion PLN per year³⁴. Among the most serious problems of the PMC Afghanistan are, first of all, equipment shortages. The most difficult problem is the lack of a sufficient number of reliable helicopters Mi „24”, not to mention unmanned planes, or MRAP (Mine Resistant Ambush Protected) vehicles. One third of the armored modular vehicles „Rosomak”, which are frequently ordered by the Polish Army, are used by the PMC Afghanistan³⁵. Moreover, there arise bigger and bigger problems related to security of the troops. Until mid 2010, 22 Polish soldiers lost their lives in Afghanistan. Most of them during the last two years. Despite the significant commitment, in practice Poland does not have any benefits from the participation in the mission.

Currently, the chances of finishing the mission in Afghanistan with success, i.e. with ensuring security in that country, are slim. The main reason are the systematically regenerating Taliban forces, which intensify armed operations in Afghanistan, particularly in its southern and eastern parts. The Taliban control about 10 percent of the country territory and have various degree of influence in its remaining parts. As a matter of fact, the rule of president Hamid Karzai is limited to Kabul and its environs. He maintains his power thanks to the deployment of American soldiers in the capital. Local clan and spiritual leaders as well as drug barons rule in the countryside. Besides the Taliban, the greatest threat is

a given state. See Beata Górka-Winter, *Udział Polski w operacjach pokojowych i stabilizacyjnych (Participation of Poland in peace and stabilisation operations)*, „Rocznik Polskiej Polityki Zagranicznej” 2007, p. 268.

³³ As a comparison, during the same time in Afghanistan there were 62415 American soldiers, 9500 British ones, 4665 German ones, 3750 French ones, 3300 Italian ones, 2830 Canadian ones and 1270 Spanish ones. In total, in Afghanistan there were almost 120000 soldiers from 46 countries. See. International Security Assistance Force – ISAF, (online), <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php>, *Troop numbers and contributions*.

³⁴ It is a substantial burden for the budget of the Ministry of National Defense, whose expenses for 2010 were established at the level of 25,7 billion PLN. It should be borne in mind that approximately two thirds of this amount are fixed costs, which include remunerations and other benefits as well as the costs of maintaining infrastructure. Over 22 percent of the budget of the Ministry of National Defense are to be designated for the modernization of the army (it constitutes over 5 billion PLN). Expenses forecast for peace missions in the budget of the Ministry of National Defense equal 1,9 billion PLN. See „Dziennik Urzędowy Ministra Obrony Narodowej” 2010, *Decyzja budżetowa na rok 2010 Nr 55/MON z dnia 16 lutego 2010 (Budget decision for year 2010 nr 55/MON as of 16 February 2010)*, Warszawa, 25 February 2010.

³⁵ An individual cost of an armored modular vehicle ‘Rosomak’ equals about 11 million PLN. At least a dozen or so pieces of Polish ‘Rosomaks’ were destroyed during the mission in Afghanistan. Harsh climate wears out the machines used in Afghanistan much quicker than the machines located in Poland.

posed by the terrorist groups of the radical fraction of Hizb-e-Islami of Gulbuddin Hekmatjar³⁶, local units of Al-Kaida and other terrorist organizations and illegal armed groups, whose number is estimated to be about 1,8 thousand and consist of over 70 thousand combatants³⁷.

At the end of July 2010 there appeared information that the situation in Afghanistan is much worse than the one presented to the public in official announcements. It is based on documents found by journalists from three western newspapers: the German „Der Spiegel”, British „the Guardian” and American „the New York Times”. According to those sources the materials are credible and they embrace over 90 thousand documents, mainly reports of officers and soldiers who participate in the mission in Afghanistan. The documents present failures, wrong decisions and wrongly performed operations of the coalition forces as well as the brutality of actions towards the civilians³⁸. Moreover, they contain information about the helplessness of the Afghan security services and the support of Pakistani government for the Taliban³⁹. American and Pakistani authorities definitely denied the allegations, accusing the newspapers of contributing to the destabilization of the situation in the region and increasing the threat to security of the Americans and their allies.

³⁶ In the 1970's of the 20th century Gulbuddin Hekmatjar belonged to „Parcham”, a fraction of the People's Democratic Party of Afghanistan. His task was to keep under surveillance the Islamic extremist movements, however, after becoming familiar with their activity, he went over to their side. In 1977 he set up an organization of Hizb-e-Islami, whom he has headed so far. During the Russian intervention in Afghanistan his organization was the main beneficiary of the American military aid received through the Pakistani Inter-Services Intelligence – ISI for Afghan mujahideens fighting against Soviet occupation. His numerous betrayals of various fractions of mujahideens paralysed the actions of insurgents. In 2001 Gulbuddin Hekmatjar went over to the Taliban's side. See Mariusz Borkowski, *spory kawałek tortu (a big piece of cake)*, „Polityka” 1996, nr 47 (2064), p. 36.

³⁷ Piotr Cywiński, *Po co nam NATO (Why do we need NATO)*, „Wprost” 2009, nr 11 (1366), p. 39.

³⁸ The way of carrying out the operations by the American army, i.e. abusing armed power, which kills many people, mainly among civilian population, has been for a long time a subject of experts' and media criticism in many countries. See Roman Kuźniar, *Droga do wolności. Polityka zagraniczna III Rzeczypospolitej (Road to freedom. Foreign policy of the Third Republic of Poland)*, Warszawa 2008, p. 302.

³⁹ Portal of Foreign Affairs (online), http://www.psz.pl/tekst-32663/Sytuacja-w-Afganistanie-jest-gorsza-niz-przestawiaja-ja-oficjalne-komunikaty,1AR,Sytuacja_w_Afganistanie_jest_gorsza_niz_przedstawiaja_ja_oficjalne_komunikaty (Situation in Poland is worse than in official announcements), 26 July 2010; „Gazeta Wyborcza” (online), http://wyborcza.pl/1,76842,8176765,Tajne_informacje_o_operacjach_w_Afganistanie_w_zachodniej.html, PAP, *Tajne informacje o operacjach w Afganistanie w zachodniej prasie (Secret information on operations in Afghanistan in the western press)*, 26 July 2010; Also Polish soldiers were accused of breaking the war law. It referred to firing the Afghan village of Nangar Khel on 16 August 2007, as a result of which six people died, including women and children. The perpetrators say that it was a consequence of detonating a trap mine or patrol gunfire. Polish soldiers were saying that the attackers withdrew to the above-mentioned village. The prosecutor's office accused six soldiers of assassinating civilian people with the verdict of life sentence and one soldier of an attack on an undefended civil object, with the verdict of 25-year imprisonment. The issue is being processed by the Military Regional Court in Warsaw.

PMC Iraq

On 17 March 2003, president Aleksander Kwaśniewski accepted the request of Leszek Miller's government, expressing his consent on dispatching Polish soldiers to Iraq⁴⁰. The president's argument was that sometimes, in order to save peace, one must go to war⁴¹. Polish authorities acted on the untrue information delivered by American and British secret services indicating that the Iraqi regime possessed weapons of mass destruction and that they cooperated with the international terrorist network of Al-Kaida⁴². However, it seems that the main reasons for the Polish participation in the intervention and later in the stabilization of Iraq was the traditional support for the United States and treating it as the ultimate security guarantor⁴³. An additional reason could be the willingness of increasing the prestige of Poland on the international arena. Accusing Poland of acting in order to gain economic and financial advantages seems to be unfair⁴⁴.

It was surprising that the Polish authorities agreed to participate in the intervention in Iraq without the authorization of UN Security Council. The Polish authorities supported American argumentation that an additional resolution, sanctioning the use of power against Iraq is not necessary, as Iraq did not abide by any resolutions. It was indicated that the Iraqi regime breached the wordings of 14 subsequent UNO resolutions. According to the Polish government, resolution nr 1441⁴⁵ dated 8 November 2002, combined with the earlier resolution nr 678⁴⁶ dated 29 November 1990 and resolution nr 687⁴⁷ dated 3 April 1991 was sufficient to undertake military operations. This approach was undermined by the

⁴⁰ Invasion of Iraq, under the name of 'Iraqi Freedom' started on March 20, 2003 at 17.30 of local time. 250 thousands soldiers grouped in four divisions, took part in the intervention. Except for the American and British armies, 2000 Australian soldiers participated in the armed operations as well as symbolic contingents from other states, amongst others, from Spain, Portugal, the Czech Republic, Hungary, including also 198 Polish soldiers. On 1 May 2003 president George W. Bush announced the end of war operations in Iraq.

⁴¹ ML, *Wojna dla pokoju (War for peace)*, „Gazeta Wyborcza” 19 March 2003, p. 6.

⁴² Those were the two main administrative reasons for the attack on Iraq and both turned out to be untrue. Other reasons for the intervention in Iraq included, first of all, the willingness of overthrowing the criminal regime of Saddam Hussein, a resource factor, the pressure of high representatives of American administration of Jewish background, a personal 'crusade' of president George W. Bush and the reinforcement of the U.S. position in the Middle East.

⁴³ On 30 January 2003 the prime minister Leszek Miller signed the so-called 'Letter of eight', where the prime ministers of eight states supported the policy of George W. Bush in the Middle East. See Krzysztof Darewicz, *Wielkie znaczenie więzi transatlantyckiej (A great importance of the transatlantic bond)*, „Rzeczpospolita” 4 February 2003, p. 6.

⁴⁴ A short time before the intervention in Iraq the Minister of Foreign Affairs Włodzimierz Cimoszewicz said that Poland is interested in the exploitation of Iraqi oil deposits and the best would be to obtain its own deposits in Iraq. The minister's statement put the Polish authorities in an unfavourable situation, because it made an impression that the oil could be an aim of the participation in the intervention and mission in Iraq.

⁴⁵ United Nations Organization (online), <http://daccess-ods.un.org/TMP/8894420.html>, *United Nations Security Council Resolution 1441 (2002)*, 8 November 2002.

⁴⁶ United Nations Organization (online), <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/575/28/IMG/NR057528.pdf?OpenElement>, *United Nations Security Council Resolution 678 (1990)*, 29 November 1990.

⁴⁷ United Nations Organization (online), <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/596/23/IMG/NR059623.pdf?OpenElement>, *United Nations Security Council Resolution 687 (1991)*, 3 April 1991.

Secretary- General of the UN - Kofi Annan, who stated on 15 September that the war in Iraq was illegal⁴⁸.

On 3 September 2003, Poland officially took over the command of the Multi-National Division Central-South (MND CS). About 9,2 thousand soldiers from 24 states were under the Polish command. The post-war Iraq was divided, by the Americans, into four zones and the Poles took over the command of the central and southern zone⁴⁹. This zone, inhabited by 4 955 thousand people, was the smallest one and it covered the area of 65 632 km²⁵⁰. It was comprised the Nadjaf, Kadisija, Karbala, Babil and Wasit provinces with their biggest cities of Karbala, Al-Hilla, Al-Kut and Diwanija⁵⁰. As military contingents of particular states were being withdrawn the central and southern zone diminished. During the operation of the 10th PMC (being the last one) the Poles were responsible only for the Kadisija province. The PMC was also gradually reduced. During the time of the first PMC there were about 2500 soldiers in Iraq. When the 4th contingent served in Iraq there were about 1700 soldiers and when the 6th one operated there the number of troops was only about 900. Due to the situation in Iraq the character of the mission changed several times. The first three contingents were referred to as stabilization ones. The fourth contingent had a stabilization and training status, the fifth one – training and stabilization, the sixth one had a training and counseling character and the seventh and eighth ones – counseling and training. Because of a temporary intensification of partisan military activity, the ninth contingent adopted again the stabilization and counseling and training character.

Together with the change in the mission status the tasks of the Polish soldiers evolved. They included, amongst others, activities aimed at ensuring security, such as conducting patrols, mine clearing and the liquidation of weapon arsenals. A very important element was training of Iraqi security services and, first of all, the soldiers of the 8th Iraqi Army Division. The Poles supported the Iraqis in their efforts to establish the government by, amongst others, protecting the elections. What was important was the activity of CIMIC, which carried out thousands of projects set up to restore infrastructure, mainly electric power network and water treatment, organize government administration and humanitarian aid⁵¹.

The withdrawal of the PMC from Iraq took place in October 2008. It was fulfilling the pre-election promise made by Platforma Obywatelska (Civic Platform) and the new

⁴⁸ Carrying out the armed intervention without the authorisation of the UNSC was the violation of the international law. According to the UN Charter, the UNSC is the only body which may issue a consent for the use of armed sanctions. See Roman Kwiecień, *Interwencja zbrojna a naruszenie suwerenności państwa w prawie międzynarodowym (An armed intervention and the infringement on state sovereignty in the international law)*, „Sprawy Międzynarodowe” 2004, nr 1, p. 80.

⁴⁹ The Americans took command of the northern and central-northern zone, while the British – of the southern zone.

⁵⁰ Initially, the Spanish brigade was responsible for the provinces of Kadisija and Nadjaf, the Ukrainian one for the Wasit province and the Polish one for the provinces of Karbala and Babil. The whole zone was permanently commanded by a Polish general, who was replaced after the half-a-year rotation of the contingent.

⁵¹ Ryszard Jakubczak, *Polska w stabilizacji Iraku (Poland in the stabilisation of Iraq)*, [in:] *Działania stabilizacyjne Polskiego Kontyngentu Wojskowego w Iraku (Stabilisation Operations of the Polish Military Contingent in Iraq)* Ryszard Jakubczak (edit.), Słupsk 2007, p. 60.

government of Donald Tusk, which was in line with the expectations of the Polish society⁵². The intervention in Iraq was recognized by most world experts and commentators as a serious political mistake, which contributed to deepening of the destabilization of the Middle East. Whatever the views concerned with justification for the intervention, the fact is that the actions of the Polish soldiers in Iraq were very well assessed both by Polish, American and Iraqi authorities. The Kadisija province, where Polish soldiers remained until the end of the stabilization mission, actually became one of the safest provinces in Iraq. However, mistakes were unavoidable. The greatest problem, particularly in the time of the first contingent, was weapons of the Polish soldiers and insufficient training to perform combat tasks. There also arose some logistic and procedural mistakes. They hindered commanding the division and managing the military bases, yet they were unavoidable. From time to time there were also allegations of exceeding the stabilization mandate of the mission and conducting operations too offensive in character⁵³. During the mission in Iraq 22 Polish soldiers lost their lives.

The Poles did not obtain any tangible advantages following the involvement in this difficult mission. The hopes of big contracts on the Iraqi market quickly disappeared. As a matter of fact, the Americans did not meet any of the demands issued by the Polish side. No closer economic cooperation with the United States ensued and the support for the modernization of the Polish army turned out to be next to nothing. Establishing the anti-missile shield in Poland was stopped and the „Patriot” missile system transferred to Poland turned out to be incomplete. Even the seemingly simple issue of abolishing visas for Polish citizens travelling to the United States was not settled. Also boosting the prestige of Poland on the international arena is disputable. Indeed, on the one hand Poland, taking on such a difficult task, strengthened its position in NATO and increased its credibility in the United States. On the other hand it simultaneously came into a temporary, but quite serious political conflict with the states of the anti-war coalition⁵⁴. What was positive was gaining precious experience by the Polish military personnel. However, this experience could as well have been gained during the mission in Afghanistan.

⁵² The PMC withdrew from Iraq as one of the last ones. In August 2010, in accordance with the decision of President Barack Obama, the Americans withdrew their combat units, leaving until 2011 only the units that are responsible for training the Iraqi security forces. However, the number of these units is substantial and equals approximately 50 thousand soldiers, which suggests that they will be able to be used also in combat operations, if needed, as a support for the Iraqi army.

⁵³ Łukasz Jureńczyk, *Polska misja w Iraku. Implikacje dla Iraku i Polski (Polish mission in Iraq. Implications for Iraq and Poland)*, Bydgoszcz 2010, p. 234-236.

⁵⁴ Deciding to support American politics, Poland came into a serious political conflict with the EU partners who are the leaders of the so-called anti-war coalition, i.e. France and Germany and the neighbouring Russia.

PMC Syria and PMC Lebanon

The involvement of Polish soldiers in the Golan Heights was a consequence of the Israeli-Arab war in 1973⁵⁵. From June 1974 to December 1979 Polish soldiers acted in Syria as a Polish Special Military Unit (PSMU) under the Second United Nations Emergency Force (UNEF II). After the expiry of the UNEF II mandate, the PSMU withdrew from the country and was replaced by the PMC in Syria, strengthened in number. In 1974-1979 90 Polish soldiers served in Syria, in 1979-1992 the number was 150 and in 1993-2009 it was 360. In 1991-1994 the function of the commander of United Nations Disengagement Observer Force (UNDOF) was taken over by two star general Roman Misztal and in 2003-2004 by two star general Franciszek Gagor.

In 1974 – 1993 the Polish logistics company (POLLOG) constituted the Polish component. The Polish unit was responsible mainly for mine clearing, destroying weapons, transport of people, equipment, goods and food between bases, water treatment, vehicle repair, building restoration and medical treatment of people⁵⁶. In 1993 POLLOG was replaced by POLBATT, an infantry battalion, which relieved the withdrawing Finnish operational unit (FINBATT)⁵⁷. POLBATT took over the responsibility for the southern sector of the disengagement zone between the Israeli and Syrian armies, which was 50 km long and 9 km wide. Its main tasks included maintaining guard posts, area monitoring, patrolling the assigned buffer zone that separated Israeli and Syrian armies as well as protection of civilians and protection of the UN personnel⁵⁸.

The activity of both POLLOG and POLBATT was evaluated very positively. During the ceremonies in the „Ziouani” camp finishing the participation of Polish soldiers in the

⁵⁵ On 6 October 1973, the day of the main Jewish holiday Jom Kippur (Judgement Day), joint Syrian and Egyptian armies, supported by the soldiers from Iraq, Morocco, Algier, Saudi Arabia, Kuwait, Tunisia, Sudan and Jordania launched armed operations against the Israeli army. Within as little as two weeks the Israeli army took over the initiative coming close to Cairo and Damascus. Three subsequent resolutions of the UNSC nr 338, nr 339 and nr 340, calling the sides for the withdrawal of armies, were not effective. On the strength of the resolution nr 340 the forces of UNEF II were established in the number of 7 thousand soldiers (the first ones were created after the Sues crisis in 1956). Thanks to the mediation of Henry Kissinger, on 31 May 1974, Syria and Israel signed an agreement on the disengagement of the armies in the Golan Heights, where the UNDOF forces were deployed on the strength of the UNSC resolution nr 350. See Józef Kukułka, *Historia współczesnych stosunków międzynarodowych 1945-2000 (History of contemporary international relations 1945-2000)*, Warszawa 2007, p. 226-227; Jerzy Markowski, *Polska w operacjach pokojowych. Operacje pokojowe ONZ (Poland in peace operations. UN Peace operations)*, Warszawa 1994, p. 43.

⁵⁶ Julian Babula, *Wojsko Polskie 1945-1989. Próba analizy operacyjnej (Polish Army 1945-1989. An attempt of an operational analysis)*, Warszawa 1998, p. 265.

⁵⁷ Grzegorz Ciechanowski, *Żołnierze polscy w misjach i operacjach pokojowych poza granicami kraju w latach 1953-1989 (Polish soldiers in missions and peace operations outside the country in 1953-1989)*, Toruń 2009, p. 178.

⁵⁸ Tomasz Kołodziejczyk, *Udział żołnierzy Wojska Polskiego w misjach pokojowych ONZ na Bliskim Wschodzie w latach 1973-2004 (Participation of Polish Army in UN peace missions in the Middle East in 1973-2004, [in:] Operacje pokojowe i antyterrorystyczne w procesie utrzymania bezpieczeństwa międzynarodowego w latach 1948-2004 (Peace and anti-terrorist operations in the process of maintaining international security in 1948-2004)*, Dariusz Kozerawski (edit.), Toruń 2006, p. 85.

mission, the UNDOF commander general Wolfgang Jilke said that „it was a great honor for him to command soldiers from the Vistula river”⁵⁹.

On the territory of Lebanon Poland became involved 20 years after the outbreak of the war in that country⁶⁰. In April 1992, at the request of the UN Secretary-General, a Polish Military Medical Unit consisting of 80 soldiers was deployed to the town of Naqura in Lebanon. In 1994-1996 in Lebanon there were about 550 Polish soldiers, in 1996-2002 about 630 soldiers and from 2002 to 2005 about 240 ones⁶¹, while in 2006-2007 about 320

⁵⁹ Quoted from: Polish Army (online), <http://www.wojsko-polskie.pl/articles/view/14296/160/Przekazanie%20obowiaz%20C4%85zk%20C3%B3w%20pod%20b%20C5%82%C4%99kitn%C4%85%20flag%C4%85.html>, Robert Winiszewski, *Przekazanie obowiązków pod błękitną flagą (Handing over the responsibilities under a blue banner)*, 26 October 2009.

⁶⁰ The mission is a consequence of the Lebanese crisis from the second half of the 1970's of the 20th century. The prosperity of Lebanon, compared earlier with European Switzerland, collapsed when, in 1974, there were over 200 thousand Palestinian refugees on its territory. A serious change of faith proportions took place in the country to the benefit of Muslims. The situation was destabilised by Shiite fedains, concentrated in camps near the border with Israeli. The Lebanese Christians accused them of provoking the neighbour with terrorist actions and drawing Israeli revenge air raids to the country. The impulse for the outbreak of religious fights was murdering four Christians by the Palestinians on 15 April 1975. Beirut, which had had the opinion of Geneva of the Middle East became a central battlefield and was completely destroyed. In June 1976 the Syrian army crossed the borders of Lebanon. Syria had never acknowledged the independence of the neighbouring country and tried to subordinate the Palestinians. The League of Arab States, not being able to stop the interventionists, granted them a status of peace forces. Jakub Polit, *Bliski Wschód w ogniu (Middle East in fire)*, [in:] *Polityczna Historia Świata XXw. (World Political History of the 20th century) 1945-2000*, Marek Bankowicz (edit.), Kraków 2004, p. 459; The Christian falanga from Lebanon, supported by Israel, resisted Syrian forces, the Palestinians and Lebanese communists. In March 1978, as a reaction to the Palestinian terrorist attacks on Israel, whose perpetrators attacked from the Lebanese territory, the Israeli army entered southern Lebanon. The withdrawing Israeli army was replaced by United Nations Interim Force in Lebanon – UNFIL. On 6 June 1982 30 thousands of Israeli soldiers took part in the operation 'Peace for Galilea'. Having conquered southern Lebanon, the Israeli army attacked Beirut, which became occupied by them. With the mediation of the United States, Israel concluded an agreement with Lebanon, and on its strength it was to withdraw its army from that country. Syria was also to withdraw its army, but they did not do it. Due to it, Israel left its soldiers in the south of Lebanon. Under the pressure of the public opinion Israel started withdrawing the army in 1985, however, they sustained the control over the southern Lebanon by the means of the South Lebanon Army. See Artur Gruszcak, *Liban. Anarchia i wojna domowa (Lebanon. Anarchy and civil war)*, [in:] *World Political History...*, p. 458-459; In the second half of the 1980's of the 20th century the South Lebanon Army fought mainly against the pro-Russian Amal and the pro-Iranian Hezbollah, which were in a conflict. In September 1988 general Michel Aoun was appointed a head of the Lebanese government army, who, with the Iraqi support, started a liberation war against Syria. As a reaction Syria established 'a united front' which included, amongst others, Amal and Hezbollah. They led to overthrowing Aoun's government and a battle with the Christian Lebanese army. The new government of Uram Karami, supported by the Syrians, brought about the disarmament of all Lebanese military formations, except for the pro-Iranian Hezbollah and pro-Israeli South Lebanon Army. On 22 May 1991 Syria and Lebanon signed an agreement on friendship and cooperation, which meant a consent for the dependence of Lebanon on Syria. See Artur Gruszcak, *Liban: Klęska sił chrześcijańskich (Lebanon: Failure of Christian forces)*, [in:] *World Political History...*, p. 709-711.

⁶¹ The reduction of both UNFIL and PMC in Lebanon was possible because of the withdrawal of Israeli army from that country and a gradual stabilisation of the situation. It was the most peaceful period and in Poland the mission received a nickname of a 'Military Holiday House'. The most serious problems faced by the soldiers were those of high temperatures. Polish Army (online), <http://www.wojsko-polskie.pl/articles/view/14477/219/Koniec%20misji%20w%20Libanie,%20bydgoscyc%20logistycy%20w%20domu%20-%20refleksja.html>, Paweł Wąsowicz, *Koniec misji w Libanie, bydgoscyc logistycy w domu – refleksja (The end of the mission in Lebanon, Bydgoszcz logistics personnel at home – a reflection)*, 8 December 2009.

soldiers and from 2007 to 2009 approximately 500 soldiers⁶². The soldiers served in medical, logistic, engineering and also operational units. From 1994 to 1996 one star general Stanisław Woźniak was the UNFIL commander.

The Poles were deployed in Jwayya, Mrjayoun, Naquora and Tibnin. During the mission the tasks of Polish soldiers evolved. Their main responsibilities were giving medical aid to the victims of armed actions, clearing the area of mines, repairing equipment used by UNFIL, storing and transporting goods to the operational area, evacuation of population from dangerous areas and humanitarian aid⁶³. After the 2nd Lebanese war, from the second half of 2006, the tasks of Polish soldiers also included maintaining security in the zone of their responsibility, monitoring observance of the cease-fire terms and conditions, maintaining guard posts, patrolling the territory, protecting convoys, supporting Lebanese army and helping execute the UN projects⁶⁴.

The mission of Polish soldiers in Lebanon finished on 1 December 2009. 31 contingents of the PMC participated therein. The operations of the Polish contingents were positively evaluated by the allies. A very positive opinion was expressed by, amongst others, the Commander of the East Sector, where the Poles were serving, brigadier-general Ricardo Alvarez – Espejo Garcia. During the ceremony of lowering the Polish flag in the „Cervantes” camp he highly assessed the professionalism, morale and military discipline of the Polish soldiers⁶⁵. The decision to conclude the mission was recognized by some generals as too hasty. For instance, general Stanisław Koziej believed that the contingent in Lebanon should have been increased, instead of strengthening the contingent in Afghanistan, indicating that region as much more important from the point of view of Polish strategic interests. He pointed also to the possibility of dispatching on the mission not only logistics personnel, but also combat, airborne and mechanized units. Those units would have provided support to the Lebanese army in disarming Hezbollah in the south of the country⁶⁶.

What came as a surprise was submitting the document of “Memorandum on the agreement between the United Nations Organization and the government of the Republic of Poland on preparing resources to join the ranks of United Nations Interim Force in Lebanon - UNIFIL” to the Parliamentary Commission on Foreign Affairs at the beginning of June 2010. It said about another dispatching of 328 Polish soldiers to Lebanon. That would have happened, if the document had been approved by the Parliament and then signed by

⁶² Another extension of the contingent was a consequence of the so-called 2nd Lebanese war, which started on 12 July 2006 with the attack of the Israeli army as a response to the missile firing of Israeli border towns by Hezbollah.

⁶³ The Education and Promotion of Defence Department of the Ministry of Defence, *Polacy w służbie pokoju 1953-2003 (Polish service for peace 1953-2003)*, Warszawa 2003, p. 53.

⁶⁴ Ministry of Foreign Affairs (online), <http://www.msz.gov.pl/Udzial,wojska,w,misjach,stabilizacyjnych,i,pokojowych,9162.html>, *Udział wojska polskiego i policji w misjach stabilizacyjnych i pokojowych (Participation of Polish army and police in stabilisation and peace missions)*, 7 February 2007.

⁶⁵ Polish Army (online), <http://www.wojsko-polskie.pl/articles/view/14307>, Tomasz Roźniakowski, *XXXI zmianna PKW UNFIL – Flaming Home (31st rotation of PMC UNFIL – Flaming Home)*, 28 October 2010.

⁶⁶ Internet portal „Portalisko” (online), http://www.news.portalisko.pl/news/view/876/gen_koziej_o_misji_w_libanie, *Gen. Koziej o misji w Libanie (General Koziej about the mission in Lebanon)*.

the President⁶⁷. The spokesperson for the Ministry of National Defense informed that the document was necessary in order to obtain unpaid money from the UN for the participation in the mission⁶⁸.

On 28 December 2009 a ship with the last transport of the PMC equipment in Lebanon and Syria set sail. Part of the equipment remained on the territory of the mission, because the cost of transport exceeded its market value⁶⁹. The decision to finish the mission in the Golan Heights and in Lebanon was a consequence of changing the strategy of the Ministry of National Defense concerned with participation in multinational missions. The efforts of the Polish Armed Forces were re-oriented to the benefit of missions carried out by NATO and the EU at the expense of missions performed under the auspices of the United Nations. It was written, amongst others, in the earlier-mentioned 'Strategy of defense of the Republic of Poland' from 2009⁷⁰ and in 'The strategy of the participation of the Armed Forces of the Republic of Poland in international missions' from 2009⁷¹. A crucial and, perhaps, the most important factor that influenced finishing the mission in Lebanon and Golan Heights were financial issues. A savings program implemented in February 2009 by the government of Donald Tusk affected also the Ministry of National Defense, which had to cut down on the expenses by 1,9 billion PLN⁷². One of the elements of the savings plan was to end the

⁶⁷ „Rzeczpospolita” (online), http://www.rp.pl/artykul/68342,491263_Polscy_zolnierze_wroca_na_misje_ONZ_w_Libanu.html, Dorota Kołakowska, Edyta Żemła, *Polscy żołnierze wrócą na misję ONZ w Libanie? (Will Polish soldiers return on the UN mission in Lebanon?)*, 8 June 2010.

⁶⁸ If, indeed, the mission had been finished after 20 years and restarted after nearly one year, it would have been a bizarre situation; equal to admitting by the government making a mistake of finishing the mission in Lebanon.

⁶⁹ Polish Army (online), <http://www.wojsko-polskie.pl/articles/view/14526/160/Ostatni%20transport%20z%20Syrrii%20i%20Libanu.html>, Sławomir Mrowiński, *Ostatni transport z Syrii i Libanu (The last transport from Syria and Lebanon)*, 30 December 2009.

⁷⁰ Point 30 says that one of the main strategic goals of the Republic of Poland in the defence field is 'the involvement in the international operations of crisis response, carried out, first of all, by NATO and the UE and also by the United Nations or under temporary coalitions'. Point 46 says that 'In the case of the appearance of a crisis in a further surrounding of Poland, when NATO or the EU become involved, the Republic of Poland, on the strength of decisions of authorised bodies, will be ready to participate in allied operations'. Such an approach results from the importance of NATO and the UE for Poland. In point 20 it was written that „the membership in the North Atlantic Alliance and the European Union as well as the strategic partnership with the United States is the main reference point for the Polish foreign and defense policy. It is extremely important for Poland that NATO and the EU strengthen their position on the international arena, increasing that way the security level of member states”. See Ministry of National Defence, *The Strategy of defence 2009*, Warszawa 2009.

⁷¹ In the strategy of the participation of the Armed Forces of the Republic in Poland in international operations it was written that the priority importance for the Polish state are operations carried out by NATO and the European Union. The involvement of the Polish army in such operations boosts the prestige of the country and gives a possibility of influencing decision processes in those organisations. The participation of the Armed forces of the Republic of Poland is connected also with the need of reaching interoperability with the forces of NATO and the EU. What is the most desirable in order to use the Armed Forces of the Republic of Poland outside the country is the authorisation of the mandate by the UN Security Council in the form of a resolution or legitimisation of the actions on the basis of the United Nations Charter, although it is not necessary. See the Chancellery of the Prime Minister (online), http://www.premier.gov.pl/rzad/legislacja/dokumenty_rady_ministrow/strategie/id:951, *Strategia udziału (The strategy of participation)*...

⁷² „Gazeta Prawna” (online), http://www.gazetaprawna.pl/wiadomosci/artykuly/112856,klich_podpisal_decyzje_ws_oszczednosci_w_budzecie_mon.html, PAP, *Klich podpisał decyzję w sprawie oszczędności w budżecie MON (Klich signed a decision on savings in the budget of the Ministry of National Defence)*, 11 February 2009.

participation of the Polish contingents in military missions carried out under the auspices of the UNO.

Conclusion

The head of the General Staff of the Polish Armed Forces general Franciszek Gagor concluded that the missions in Lebanon and Golan Heights were a primary school for the Polish Army, the missions in the Balkans was a secondary school and the missions in Afghanistan and Iraq was a university⁷³. The number of soldiers participating in missions outside the country, recommended by NATO, equals 8 percent of Land Forces⁷⁴. In the first half of 2010 there were 2640 Polish soldiers participating in foreign missions⁷⁵. For the deputy minister of National Defense Stanisław Komorowski the ideal number of Polish soldiers serving abroad is between 3200 and 3800 soldiers.

The Polish Army should participate in military missions in various parts of the world, which means, also in the region of the Middle East, if necessary. However, sending troops on a mission should be each time preceded by a detailed analysis of not only the crisis situation and the international context, but also of the possibilities of Poland in the context of an effective participation in the mission. First of all, it should be checked whether Poland can afford a mission and whether they possess appropriate logistics equipment and personnel back-up facilities. Furthermore, what should be the priority for Poland are missions carried out in its closest surroundings and missions performed by organizations, on which Polish security depends, i.e. NATO and the EU. The last but not least important factor should be an analysis of potential benefits and losses, mainly in the political, economic, military and human field.

⁷³ News bulletin of the internet portal „Wirtualna Polska” (online), <http://wiadomosci.wp.pl/kat,1342,title,MON-Polska-nie-moze-uczestniczyc-we-wszystkich-misjach,wid,12059177,wiadomosc.html?ticaid=1aa63>, PAP, bart, *MON: Polska nie może uczestniczyć we wszystkich misjach (Ministry of National Defence: Poland cannot participate in all missions)*, 9 March 2010.

⁷⁴ Land Forces of the Armed Forces of the Republic of Poland currently contain about 60 thousand soldiers.

⁷⁵ In 2003, this number equalled approximately five thousand Poles, who served then in 18 missions in various regions of the world, including the biggest contingent of 2 500 soldiers, which was deployed in Iraq.

Debuts

Łukasz D. Dąbrowski

International efforts to prevent corruption and money laundering

Bartosz Odorowicz

‘Embedding’ – cooperation for the price of restrictions.

The military concept of reporting events from the zone of an armed conflict by war reporters based on British and American documents

Anna Niwczyk

Jemaah Islamiyah – action strategy and tactic

International efforts to prevent corruption and money laundering

The paper presents the most important international organizations involved in fight against corruption following the provisions of the most significant international documents. It discusses the basic objectives and guidelines of the regional, inter-regional and multilateral initiatives that deal with the fight against money laundering, in particular the money for banks or financial institutions. Those initiatives are presented with respect to the conventional regulations for fighting and prevention of corruption. However, they may be also used to discuss any other transboundary criminal activity.

I. Preliminary remarks

The growing internationalisation and liberalisation of the world financial market leads to the free flow of capital, goods and services and eliminates barriers that hinder economic development. Yet, it also brings about certain problems which cannot be solved solely by internal means of a country. The fast development and new technical possibilities make it easy for criminal organisations to act on the international arena. They recognise advantages of a common market and use them appropriately¹, also thanks to corruption practices.

Currently, there is a process going on of building a uniform methodological system that could effectively combat all symptoms of organised crime. The measure of success of such actions is, amongst others, decrease in money laundering², whose beginnings were strictly connected with producing, trading and distributing drugs. When conventional methods for drug prevention failed, there appeared an idea of dealing with the problem through chasing financial means that originated from drug trade since to reach legal turnover, the money had to be 'laundered' and then used to finance legal undertakings and transactions³. With the passage of time the problem concerned funds derived from other well-prospering forms of organised crime, including corruption.

¹ M. Prengel, *Międzynarodowe przeciwdziałanie praniu pieniędzy w sektorze finansowym (International prevention of money laundering in a financial sector)*, Monitor Prawa Celnego i Podatkowego, 1999/10, p. 1.

² M. Krzewski, S. Michalak, *Proceder prania brudnych pieniędzy, międzynarodowe inicjatywy w zakresie jego zwalczania oraz polskie regulacje prawne (The practice of laundering dirty money, international initiatives of its prevention and Polish legal regulations)* Bezpieczny Bank 2(21), 2003, p. 1.

³ E. Gabara, *Stanowisko Polski w zwalczaniu międzynarodowej przestępczości zorganizowanej (Position of Poland on the fight against organised crime)*, Toruń 2004, p. 217.

On the international scale several documents were adopted in order to fight and prevent corruption. The most important ones include: Inter-American Convention against Corruption⁴, African Union Convention on Preventing and Combating Corruption⁵, Protocol on the Fight Against Corruption of the Economic Community of West African States⁶, Protocol against Corruption of the Southern African Development Community (SADC)⁷, Criminal Law Convention on Corruption of the European Council⁸ and the United Nations Convention against Corruption⁹ (further United Nations Convention). They put an obligation to criminalise a wide range of corruption acts. Here, only the conventions of OECD, UN, the criminal law and the African one criminalise the act of laundering money that comes from corruption practices. The UN convention, a document with a thorough approach to fighting corruption behaviour, is the only one which also includes general guidelines for the prevention of laundering money that comes from corruption crime.

The article presents the most important international organisations whose activities focus on the war against money laundering, following the provisions of the most significant international documents.

II. International organisations

The stipulations of art. 14 section 4 of the UN Convention oblige to use as guidelines appropriate initiatives of regional, interregional and multilateral organisations that fight the crime of money laundering. There are a lot of organisations and institutions that tackle this phenomenon, within a state¹⁰ and also internationally. The presentation and assessment of the compatibility of the Polish law aimed at preventing money laundering with international regulations require a separate analysis, which goes beyond the scope of this study¹¹.

⁴ Organization of American States – *Inter-American Convention against Corruption*, Caracas, 29 III 1996, available on page <http://www.oas.org/juridico/english/Treaties/b-58.html>.

⁵ African Union *Convention on Preventing and Combating Corruption (CICC)*, Maputo, Mozambik 11 VII 2003, available on page <http://www.african-union.org>.

⁶ Economic Community of West African States (ECOWAS) *Protocol on the Fight Against Corruption*, 21 XII 2001, available on page <http://www.ecowas.int>.

⁷ Southern African Development Community (SADC) *Protocol against Corruption*, Blantyre, Malawi, 14 VIII 2001, available on page <http://www.sadc.int>.

⁸ Criminal Law Convention on Corruption, Strasbourg, 27 I 1999, European Treaty Series No 173. (Act of 5 June 2002 on the ratification of Criminal law Convention on corruption, Journal of Law as of 2002, nr 126, item 1066), available on page <http://www.coe.int>.

⁹ United Nations *Convention against Corruption*, New York, 31 X 2003, available on page <http://www.un.org>.

¹⁰ See the act as of 16 November 2000 on the prevention of introducing assets which originate from illegal or unrevealed sources and on the prevention of the financing of terrorism – Journal of Laws as of 2003, nr 153, item 1505., Bank Law, Currency Law – Journal of Laws as of 2002, nr 141, item 1178, art. 100, 106-108 and an act as of 24 April 1997 on preventing drug addiction, Journal of Laws as of 2003, nr 24, item 198.

¹¹ More on this topic: Agnieszka Grzywacz, *Komentarz do ustawy z dnia 16 listopada 2000 r. o przeciwdziałaniu wprowadzaniu do obrotu fi nansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł oraz o przeciwdziałaniu fi nansowaniu terroryzmu (Commentary to the act of 16 November 2000 on the revention of introducing assets which originate from illegal or unrevealed sources and on the prevention of the financing of terrorism (Journal of Laws 00.116.1216), LEX/el 2003. W. Jasiński, *Nowe rozwiązania prawne**

Internationally, the directions for developing regulations related to the prevention of money laundering are specified, amongst others, by international governmental organisations (in particular – it is the UNO). However, the most important organisations established especially to prevent and fight the money laundering include, amongst others, **Financial Action Task Force (FATF)**, **EGMONT group or Task Force on Organised Crime in the Baltic Sea Region (Baltcom)**¹². An important role is also played by financial institutions¹³, including, for instance, the Basel Committee on Banking Supervision at the Bank for International Settlements, founded in 1974. It comprises representatives of central banks and representatives of banking supervision from 12 leading industrial countries¹⁴. Involving bank systems in the practices of money laundering is connected with the superior position of banks in money turnover. It is only in a bank system that huge amounts of money may be transformed and transferred by¹⁵. The **Financial Action Task Force (FATF)** has achieved spectacular successes in this area¹⁶. It is a leading international body that actively fights against money laundering and which extended its mandate in 2001 also to combat financial support of terrorism.

FATF has no strictly defined status or an unlimited time of duration. Its tasks include mainly research into the range and size of the process of ‘money laundering’, the analysis and working out new activity directions, developing international cooperation and, first of all, supporting their members in the implementation of the recommendations (i.e. 40 recommendations for the fight against money laundering and nine recommendations for the fight against the financing of terrorism).

w zakresie przeciwdziałania praniu pieniędzy (New legal solutions for the prevention of money laundering), PUG 2002, nr 4. M. Krzewski, S. Michalak, Ustawa o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł – komentarz i tekst ustawy (The act on the prevention of introducing assets which originate from illegal or unrevealed sources and on the prevention of the financing of terrorism – a commentary and the text of the act), Warszawa 2001. T. Dukiet-Nagórska, Obowiązki banków związane z przeciwdziałaniem praniu pieniędzy (Bank obligations connected with the prevention of money laundering), „Prawo Bankowe,” 2002, nr 3. O. Górniok, Z problematyki prawnokarnej prania pieniędzy na tle ustawy z dnia 16 listopada 2000 (About the legal and criminal issue of money laundering in the light of the act of 16 November 2000), „Przegląd Sądowy” 2002, nr 4. M. Szmaj, Pranie pieniędzy – regulacja karnoprawna i finansowoprawna (Money laundering – legal, criminal and financial regulations), „Prawo Bankowe,” 1999, nr 2.

¹² For further reference see www.balticseatastaskforce.lt/Money/Money.htm.

¹³ Asian Development Bank, European Bank of Development and Reconstruction, American Development Bank, World Bank, African Development Bank, International Monetary Fund, European Central Bank, World Customs Organization.

¹⁴ Belgium, France, Holland, Japan, Canada, Luxembourg, the Federal Republic of Germany, Sweden, Switzerland, the USA, Great Britain and Italy. More about the bank on <http://www.bis.org>.

¹⁵ *Statement on Prevention of Criminal Use of the Banking System to the Purpose of Money Laundering*, [in:] W.C. Gilmore (red.), *International Efforts to Combat Money Laundering*, Cambridge 1992, p. 273 and the following.

¹⁶ In July 1989 in Paris, during the 15th annual Economy Summit G-7, seven most industrial world countries together with the chairman of the Commission of European Community, joined by government heads of Sweden, Holland, Belgium, Luxembourg, Switzerland, Australia, Spain and Austria established FAFT. The Group includes also Denmark, Finland, Greece, Hongkong, Ireland, Island, Norway, New Zealand, Portugal, Singapur, Turkey, the European Union and the Council of the Persian Gulf including Saudi Arabia, Bahrain, United Arab Emirates, Oman, Qatar and Kuwait. More about FATF on page <http://www.fatf-gafi.org>.

Currently, the organisation comprises 33 states and five so-called Regional Bodies as observers (called a wing of FATF). They include organisations that counteract money laundering in 1) the European Council – a special Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism in the countries of Central and Eastern Europe (MONEYVAL¹⁷), 2) South America (GAFISUD¹⁸), 3) Asia and Oceania (APG¹⁹), 4) the Carribean (CFATF²⁰), 5) South and West Africa (MENAFATF²¹).

The task of these organisations is the adaptation, implementation and execution of international standards of prevention and fight against money laundering, in particular 40 FATF recommendations. The activities of the organisation aim at supporting countries of the region in adjusting their law to the procedures related to funds of criminal origin, mutual help, confiscation or extradition, delivering instructions for improving the system of reporting and taking measures in cases of suspicious transactions, as well as extending assistance in establishing financial intelligence²².

The Egmont Group²³ is created by many Financial Intelligence Units – FIUs. In 1995 these units started cooperation as an informal organisation. The group constitutes a forum which aims at strengthening and supporting domestic programmes and the global fight against economic crime, especially against money laundering and the financing of terrorism²⁴. According to the definition by Egmont, the definition of a financial intelligence unit means a central, national agency responsible for obtaining (demanding), analysing, transferring and disclosing, to appropriate institutions, financial information regarding suspicious income from crime, required by the state legislature or regulations on fighting the crime of money laundering. In art.14, section 1 of the UN Convention there is an obligation of state bodies to have an ability to cooperate and exchange information at the domestic and international level under the conditions specified by internal law and the proposal of establishing financial intelligence units. These units are to serve as national centres of collecting, analysing and propagating information on potential money laundering. According to art. 14, section 1, point b of the UN Convention the term financial intelligence units

¹⁷ *The Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism*. Moneyval is a subcommittee of the European Committee of Crime Problems of the European Council. More about the committee on <http://www.coe.int/t/dghl/monitoring/moneyval>.

¹⁸ *Financial Action Task Force on Money Laundering in South America*. More about the organisation on <http://www.gafisud.org>.

¹⁹ *Asia/Pacific Group on Money Laundering*. More about the group on <http://www.apgml.org>.

²⁰ *Carribean Financial Action Task Force*. More about the organisation on <http://www.cfatf.org>.

²¹ *Middle East and North Africa Financial Action Task Force*. More about the organisation on <http://www.menafatf.org>.

²² Besides, the following FATF *Style Regional Bodies* can be also distinguished *Euroasian Group (EAG)*, *Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG)* and *Intergovernmental Action Group against Money-Laundering in Africa (GIABA)*.

²³ The name comes from the venue of the first meeting in Egmont-Arenberg Palace in Brussels, Belgium.

²⁴ The organisation structure of the group consists of the Committee (*Egmont Committee*) and five *Egmont Working Groups*. The committee consists of 14 members acting between 106 bosses – representatives of the units of the financial interview. The committee consists of seven permanent members and seven regional representatives (based on geographical representation – Asia, Europe, America, Africa and Oceania). The working groups are *Legal, Operational, Training, Information Technology and Outreach*. The works of the group is supported by the secretariat with the seat in Toronto, Canada. More about the Egmont group on <http://www.egmontgroup.org>.

means national centres of collecting, analysing and propagating information on potential money laundering. This definition is identical with the definition of financial intelligence units used by the Egmont group. It took three years to develop the concept of *FIUs*, and currently it is an important element of international fight against money laundering and the financing of terrorism. It was behind the decision to include the above stipulations into the United Nations Convention.

The activities of the **Baltcom** Task Force are of working character and their aim is to develop practical solutions used to fight against the practices of money laundering. During the meetings of the Group, financial analysts discuss possibilities of improving the effectiveness of information exchange on the typology and methodology of fighting money laundering. They also discuss the issues of cooperation in the new area of the financing of terrorism.

III. Provisions of the documents

On the international scale numerous initiatives on prevention of money laundering and other forms of abusing financial systems are undertaken. Therefore, documents mentioned in the UN Convention include many international legal acts. However, one of the more important documents are the **Recommendations of the European Council** of 27 June 1980 regarding actions aimed against transfers and safekeeping of funds of criminal origin²⁵.

The recommendations cover a catalogue of obligatory measures, which are certain guidelines for bank systems in particular countries. With the passage of time, many of the solutions have lost their relevance. It was only the provisions concerning mechanisms of customer identification by banks, being a reference point for other, further regulations of this subject²⁶ that were significant.

The Declaration of Rules of the Basilean Commission on Bank Regulations and Supervision Procedures of 12 December 1988 is a crucial document. It regards avoiding by banks cases of being used for 'money laundering'. The declaration does not specify exactly the very concept of 'money laundering' and it only turns one's attention to the issue of the money laundering crime and possibilities of using the bank sector for this purpose. The following were considered the most important: 1) the obligation to identify customers, and in the case of lack of identification – the refusal to conduct any major financial operations with such a customer, 2) the necessity of refusing to participate in a transaction which is suspected of money laundering²⁷ and 3) the obligation to cooperate with authorities which are responsible for obeying law with regard to bank confidentiality. Although the Basilean Declaration of Rules is not legally binding most member states of FATF have implemented detailed procedure rules, which actually have made their solutions effective. The main act

²⁵ *Recommendation No. R (80) 10 on Measures against the Transfer and the Safekeeping of Funds of Criminal Origin*, [w:] *Explanatory Memorandum on Recommendation No. R (80) 10*, Council of Europe (edit.), Strasbourg 1981.

²⁶ Marek Prengel, *op. cit.*, p. 2.

²⁷ See. J.W. Wójcik, *Typowanie transakcji podejrzanych (Picking suspicious transactions)*, „Gazeta Sądowa”, 2001, nr 11.

in the system of the European Council is Convention nr 141 as of 08 November 1990 on laundering crime-derived income, its revealing, distraining and confiscating (the so-called Strasbourg Convention) and the Convention of the European Council as of 16 May 2005 on laundering, revealing, distraining and confiscating income that comes from crime and on financing terrorism (the so-called Warsaw Convention). They introduce legal measures that enable intra-navy cooperation. The Convention nr 141 included, for the first time, the definition of money laundering crime. The conventions indicate that in order to fight against the crime of money laundering, appropriate bodies need to have access to bank confidentiality, to distraining bank, financial and trade documents. It is also necessary to apply special investigation techniques in order to identify and find the income and collect the evidence of its existence, which may consist in monitoring the turnover on bank accounts, interference in telecommunication connections or receiving access to computer systems²⁸. The important stipulations of the so-called Strasbourg Convention imply the obligation of legal help with regard to the use of temporary means that consist in freezing or distraining property in order to secure the possibility of its confiscation. At the same time there is a possibility of refusing to cooperate in the cases specified by the provisions of the Convention.

The basic legal act that regulates issues of preventing money laundering in the European Union is the Directive 2005/60/WE²⁹ of the European Parliament and Council as of 26 October 2005 on the prevention of using a financial system for the purposes of money laundering and the prevention of the financing of terrorism³⁰. This directive repeals previously binding Directive of the Council of European Communities as of 10 June 1991 on the protection of the use of a financial system for purposes of money laundering (91/308/EWG³¹), which was amended by the Directive 2001/97/WE³² as of 4 December 2001. The directive has a wide range of application due to the use of the term 'criminal activity' with regard to the legal definition of money laundering, which means any criminal participation in committing a serious crime.

A serious crime, in turn, means, amongst others, a corruption crime, according to art.3, section 5, point e. What was kept in the directive was, amongst others, the obligation to identify customers if the transaction's value exceeds 15 thousand ECU, keep the record of bank documents in the way that makes it possible to use them in a possible court proceedings, keep the documents for the period of at least five years, warrant full cooperation of bank institutions with appropriate law enforcement bodies, ban suspicious financial

²⁸ See H.G. Nilsson, *The Council of Europe Laundering Convention. A Recent Example of a Developing International Criminal Law*, „Criminal Law Forum. An International Journal”, Vol. 2 No. 3/1991, p. 422-423. M. Prengel, *Karnoprawna analiza Dyrektywy Rady EWG z 10 czerwca 1991 w sprawie udaremnienia wykorzystania systemu finansowego do celów prania pieniędzy (A legal and criminal analysis of the Directive of the EEC Council as of 10 June 1991 on thwarting the use of a financial system for the purposes of money laundering)*, „Prawo Unii Europejskiej”, 6/2001, p. 13 and the following.

²⁹ Journal of Laws of the European Union as of 25.11.2005, L 309/15.

³⁰ See W. Jasiński, *Systemy zwalczania prania pieniędzy w państwach dostosowujących prawo do standardów Unii Europejskiej (Systems of combating money laundering in states which adjust their law to the standards of the European Union)*, „Prokuratura i Prawo”, 2000, nr 4.

³¹ Journal of Laws WE L 166 dated 28 06 1991.

³² Journal of Laws WE L 344 dated 18 12 2001.

operations as well as train personnel and provide for effective implementation of the rules mentioned above.

Furthermore, more detailed regulations on identifying a customer and a real beneficiary were implemented, as well as the regulations on verifying their identity. It was stated that the effectiveness of the law requires resignation from the use of restrictions in transferring information required by bank confidentiality and other types of professional confidentiality.

The Directive 2005/60/WE maintains in force the wording that freelance lawyers (bar-risters, solicitors and notaries) should be subject to the directive in the case of financial and corporate transactions, including rendering tax advisory services in cases when the risk that the services rendered by those lawyers may be used for the purposes of laundering crime-derived money or for the financing of terrorism is the greatest.

The involvement of representatives of those professions consists in the duty of verifying the identity of customers, the duty of registering a transaction, when circumstances indicate that the assets may have come from illegal or unrevealed sources as well as the duty of informing appropriate institutions about such transactions. These regulations prompted a great deal of protests from the side of trade unions saying that the obligations formulated in the said directive infringe their independence and professional confidentiality and interfere with constitutional rights to which they and their customers are entitled³³. This issue became so crucial that, both the Court of Justice of the European Union and the Polish Constitutional Tribunal dealt with it. Adjudicating on the above matter, the Court of Justice of the EU stated that the obligations put on representatives of freelance lawyers do not infringe the rights granted by the constitution as long as the execution of these obligations takes place solely within such professional activities which have nothing in common with court proceedings³⁴. The right to keep the professional confidentiality is broken when a representative of indicated professions, consciously cooperates with a customer in money laundering or knows that their customer will use their advice for this purpose³⁵. In the verdict of the Constitutional Tribunal the issue was adjudicated in a similar way³⁶.

Another document is a report of 160 FATF experts in the form of **40 legal, institutional and financial recommendations** as of 6 February 1990. **The FATF recommendations** are addressed to states and, in particular, to their banks. They include a catalogue of practical solutions, amongst others, the standardisation of domestic legal systems with regard to criminal law, the specification of the role of banks and financial institutions in preventing

³³ J. Długosz, *Obowiązki prawników wykonujących wolne zawody w zakresie przeciwdziałania praniu pieniędzy*, (*Duties of freelance lawyers as regards prevention of money laundering*) *Radca Prawny* nr 3, 2008, p. 40.

³⁴ Verdict of ETS as of 26.06.2007, nr C-305/05, available on <http://www.curia.europa.eu>. The verdict concerns previous directives: 91/308/EWG and 2001/97/WE which changes the former one, however, it should be assumed that the said verdict determines the interpretation of the currently binding regulations.

³⁵ More in. J. Długosz, *Obowiązki prawników wykonujących wolne zawody w zakresie przeciwdziałania praniu Pieniędzy* (*Duties of freelance lawyers as regards prevention of money laundering*), *Radca Prawny* nr 3, 2008 r., p. 41.

³⁶ Compare the verdict of Constitutional Tribunal as of 2.07.2007, nr K 41/05, available on <http://www.trybunal.gov.pl>.

the anonymity of received, transferred and located funds as well as the cooperation of specialised subjects within international cooperation³⁷.

The recommendations were divided into five groups. The first of them covers actions that are necessary for improving domestic legal systems in the field of fighting the crime of money laundering. It puts an obligation to penalise laundering of income that comes from all major crimes, especially from those which bring large profits. They also put an obligation to confiscate laundered property, income and tools used for or designed for use while committing the crime or to confiscate their equivalent. They are identical here with the stipulations of the UN, African and criminal-law convention. The second group of the recommendations, as well as the provisions of the UN Convention (art. 52, section 1), refer to banks and other, non-bank financial institutions. The documents forbid to operate anonymous accounts and oblige financial institutions to verify the identity of their customers on the basis of appropriate, official and credible identity documents. Recording identification data concerns, in particular, opening the accounts or bank books, submitting deposits, renting deposit boxes and making cash transactions of a significant value. Moreover, the UN convention makes it obligatory to perform enhanced scrutiny of the accounts sought or maintained by or on behalf of individuals who, as well as their family members and close associates, at present or in the past are, have been entrusted with prominent public functions. It is also obligatory to issue advisories regarding types of natural or legal person to whose accounts financial institutions within their jurisdiction will be expected to apply enhanced scrutiny, types of accounts and transactions to which to pay particular attention, and appropriate account-opening, maintenance and record-keeping measures to take, concerning such accounts.

With reference to these requirements, the states are obliged to maintain adequate records of accounts and transactions involving the above mentioned persons, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

The third group of recommendations applies to cooperation of subjects acting in the zone of financial turnover with appropriate authorities dealing with money laundering. The proceedings in the case of suspicious transactions should be based on three basic principles: 1) customers should not be forewarned that their transaction has been reported as suspicious, 2) the institution which reports the transaction as a suspicious one should comply with the instructions of bodies which received the report, 3) even if a suspicious transaction has not been reported, if there is no such obligation – this transaction should not be concluded.

The fourth group of recommendations includes measures, which should be undertaken in order to monitor financial transactions, without impeding in any way the movement of legitimate capital.

This group of recommendations corresponds with the provisions of art. 14 section 2 of the UN Convention, which makes it obligatory to implement feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments, subject

³⁷ See W. Jasiński, *Standardy prawne zwalczania prania pieniędzy – Raport FATF z 14 lutego 2000 (Legal standards of combating money laundering – FATF Report as of 14 February 2000)*, PUG 2000, nr 10.

to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. The provisions of art.14, section 3 of the UN Convention make it obligatory to demand from financial institutions: 1) to include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator, 2) to maintain such information throughout the payment chain, 3) to apply enhanced scrutiny to transfers of funds, which do not contain complete information on the originator. In this group there is also a stipulation of the art. 52, section 4 of the UN Convention that forbids establishing banks that have no physical presence and are not affiliated with a regulated financial group.

The fifth group of recommendations refers to the international cooperation. Appropriate international organisations (e.g. Interpol) with the cooperation of proper national authorities should collect and spread information about new schemes and techniques of money laundering. The international cooperation should cover standardisation of the classification of an act recognised as money laundering, the confiscation of crime-derived income, joint investigation and property recovery. Each of the above mentioned anti-corruption documents includes some regulations concerning international cooperation³⁸.

Other documents, which touch this issue are e.g. **the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988** (the so-called Viennese Convention), the United Nations Convention on combating international organised crime and the Aruba Recommendations adopted in May 1990 by CFATF, which includes measures for fighting against money laundering from the perspective of the states of the Caribbean region completing 40 FATF Recommendations.

IV. Conclusion

The analysis of actions undertaken on the international arena allows us to distinguish two methods for combating money laundering. The first one consists in treating money laundering as crime, which should be combated mainly through penal measures. The second method of action is based on making it impossible to use financial markets for operations connected with the practices of money-laundering and their use. It is also referred to in the international documents mentioned above.

To point also to the importance of the prevention function of the functions fulfilled by the contemporary international criminal law is *signum temporis*. In order to prevent all forms of money laundering it is necessary to introduce complex internal regimes of a regulatory and supervisory character for banks and non-bank financial institutions, including natural and legal persons, who render formal or informal services of transferring money and, in an appropriate scope, for other bodies especially susceptible to money laundering, where this regime will be especially emphasising requirements of customer identification, and, respectively, the identification of a beneficiary, recording documentation and informing about suspicious transactions.

³⁸ See M. Prengel, *Zwalczanie przestępczości – odebranie jej mienia? (Combating crime – distraint of its property?)*, „Gazeta Sądowa”, 2/2003, p. 50 and the following.

The initiatives of the international community are characterised by the diversification of pressure put on particular gravity centres of the fight against the practices of money laundering. They have various forms and legal character. Most of them regulate similar issues, yet, they are a necessary completion of the fight. Therefore, none of these initiatives should be considered separately without taking into account the remaining ones³⁹.

³⁹ See M. Prengel, *Karnoprawne i prawnofinansowe aspekty międzynarodowego ustawodawstwa dotyczącego przeciwdziałania praniu pieniędzy* (*Criminal and legal aspects of international legislature on counteracting money laundering*), „Przegląd Ustawodawstwa Gospodarczego”, 11/2001, p. 26 and the following; J.W. Wójcik, *Pranie pieniędzy. Studium prawno-kryminologiczne i kryminalistyczne* (*Money laundering. Legal, criminal and criminalistic study*), Toruń 1997, p. 124; W.C. Gilmore, *Brudne pieniądze. Metody przeciwdziałania praniu pieniędzy* (*Dirty money. Prevention methods of counteracting money laundering*), Warszawa 1999, p. 285-286. K. Wąsowski, W. Wąsowski, *Laundering dirty money*, Warszawa 2001, p. 12 and the following.

'Embedding' – cooperation for the price of restrictions. The military concept of reporting events from the zone of an armed conflict by war reporters in the light of British and American documents.

The conflicts in the first decade of the 21 century have become media events and the way of their reporting largely creates their picture in the eyes of the international community. The involvement of media has created a situation, where information becomes a weapon of influence having a crucial effect on the course of the very conflict and its image. It is assumed that a new form of informing about conflicts will become an essential limiting factor of the way of conducting military activities. However, it turns out that the change of information policy does not constitute such a big threat to the army of a liberal democracy as it had been expected. Even in the circumstances of ever-present media broadcasting continuously it is possible to maintain social support for the conducted actions and obey the safety rules of an operation. Being careful and distrustful in this matter very often means handing over the information initiative to the opponent and losing control over the topic of the media coverage.

Military public relations

International conflicts of the last twenty years in which liberal democracies have participated, such as the operation *Desert Storm* in 1991, the NATO intervention in Yugoslavia in 1999 or the operation *Iraqi Freedom* in 2003 have proved the increasing role of media, visible chiefly in the political dimension of the operations conducted. As a matter of fact, turning the strict military successes into political benefits depends on the context, in which they are presented in media. It must not be forgotten that, besides the immeasurable benefits of support from 'the international public opinion' (whose existence or importance, however, is doubted by some researchers¹), obtaining and maintaining acceptance by home society for actions conducted is a crucial factor in freedom of using military means by armed forces of liberal democracies. During each of the wars mentioned there were situations where exposing certain military actions by media (or presenting them in a negative

¹ The case of bombing the seat of Serbian RTS state television by NATO is ambiguous. On the one hand it must be noted that a possible fear of NATO planners of causing outrage among public opinion and journalist circles did not stop them from giving consent to the attack. On the other hand – the materials produced by RTS reached not only the home public opinion, but, transmitted through a satellite to the whole world, were considered such a great threat to the operation success that this radical measure was decided to be taken.

context) brought about their temporary restriction or even stopped them. The most important effect of carrying out a proper information policy by armed forces is maintaining high morale, within both military personnel and army employees as, which has a direct impact on the quality of their work. After all, public and private media are a widely available information source, therefore they are accessible by people directly connected with armed forces – also in the zone of an armed conflict.

The currently dominating model of a 24-hour system of broadcasting, publishing and commenting on information used by regional and global information television agencies and internet news bulletins forces a change in the ways of media management in the zone of an armed conflict. With the present level of technology used for information coverage it is not possible to return to the old-style censorship characterized by institutional information monopoly.

Keeping control of information flow requires new methods which should be adjusted to the requirements of the media world. What helps armed forces here are *public relations*, which are variously defined in literature. Some definitions, in particular the classical ones or those created by PR practitioners (E.L.Bernays, A.Davis, F.P.Seitel) emphasize 'mutual understanding' between an institution playing the role of a communicator and its audiences. Others, used by contemporary media experts and communicologists, underline an aspect of 'manipulating' information in order to achieve goals of a given institution (B.Baerns, M.Kunczik) or simply call PR a 'propaganda of liberal democracy' (M.Poletyło).

According to the rules of *public relations* each organization (institution, enterprise, and armed forces) must communicate with essential audiences in order to maximize the effectiveness of actions which are carried out by them. Usually, it is made by a specialist PR centre, which should have a privileged and autonomous position. It is responsible for permanent and consistent building of relations with media representatives, delivering them materials according to the organization interest and for looking after a proper context of their publicizing. It is especially important in a crisis situation, which an armed conflict undoubtedly is, where all so-far contacts with media, procedures and habits must pass an exam in the face of a dynamically changing situation. Naturally, the centre that tries to have an impact on audiences which are important to them (in this case armed forces) must take into account the possibilities of obtaining information from various sources. A journalist or an information selector may always reject the presented materials, use other sources or present them in a context that is different from the one assumed by the centre.

W. Jabłoński suggested an interesting definition of PR actions, perceiving political *public relations* as the adjustment of a political broadcaster to the requirements put by journalists². Simultaneously, Jabłoński points to an extremely crucial issue, whose understanding is a prerequisite to PR success during a contemporary armed conflict: **it is not media that should seek access to information adjusting to the requirements of army, but it is armed forces that should facilitate to the maximum collecting and publishing information about themselves**. At the first glance the above thesis certainly raises serious doubts among representatives of armed forces, bringing fears of a potential use of media reports by the opponent. Nonetheless 'the lack of information' causes a great threat of handing over the

² Wojciech Jabłoński, *Kreowanie informacji. Media relations (Creating information. Media relations)*; Wydawnictwo Naukowe PWN, Warszawa 2007, p. 23.

information initiative to opponents' hands. The multiplicity of information sources, mentioned above, makes journalists independent from materials supplied by military authorities. Thus it also frees them from the control performed under traditional military information strategies, offering the freedom of choice of the topics to be presented and the context of their presentation. Steps taken by armed forces under the public relations policy make it possible to include journalists in the whole system of information concerned with the course of military actions, without cutting them off from non-military sources, effectively convincing them of lesser attractiveness and accessibility of the latter. In other words, in the modern media communication the information provided by armed forces competes with other materials on the market, including these prepared by an opponent. If an information station does not broadcast a documentary about a group of soldiers or new kinds of combat equipment used in an armed conflict to its viewers, the broadcasting time may be filled with digressions on chances of the success of the whole operation³, or materials coming from the other side of the battle front focusing on topics which are not convenient for the force that carries out the operation.

Certainly, one must not forget about security rules of operational security (*Operational Security* – OPSEC), which specify the type of information and rules of communicating them to media by armed forces. Nonetheless, the approach still favored in some countries (including Poland, characteristic of some officers), which perceives media as an opponent and which is characterized by an exaggerated non-disclosure policy of army-related information, fails in confrontation with the style of managing media in the zone of an armed conflict based on PR rules. One can arrive at such a conclusion judging by the conflicts mentioned above as well as by the Russian-Georgian war in 2008. The side of the conflict which ensured journalists the access to their own forces and enabled them to collect information, and to produce and transmit attractive materials, thanks to the large amount news coming from 'their side of front' and presenting 'their vision of the conflict', drove the opponents' information out of the media (they used the methods of classical propaganda, censorship, etc.)

Public Affairs actions – American doctrine of public relations operations

Media management in the zone of an armed conflict compatible with PR rules was developed mainly by American armed forces. The famous 'Vietnamese syndrome', i.e. the political failure of the intervention caused by media reports (despite a definite military domination) brought about the growth in intensive research into the role of media in a conflict zone. Initially, the restrictive system that cut media off from the conflict zone as much as possible was used (Grenada invasion- operation *Urgent Fury* of 1983 and the intervention in Panama – operation *Just Cause* from of 1990) or the one that significantly restricted

³ Such studio speculations very rarely concentrate on positive issues of conducted operations – they usually touch threats and failures. The experts, gathered in a TV studio, refer to a number of less or more successful operations from the past, which usually puts the currently conducted actions in a rather negative light, e.g. through comparing the Iraqi operations to the Vietnamese war.

access to it during the operation of *Desert Storm*⁴. These assumptions were revolutionized, to some extent, during the operation *Iraqi Freedom* in 2003. The model of cooperation of armed forces with media in a conflict zone, used during the operation *Iraqi Freedom*, was based on the system of the so-called *embedding*. The remaining, traditional forms of cooperating with journalists (press conferences, computerized conference centers) played an ancillary role, being rather a monotonous background against exciting possibilities given by *embedding*.

The system consists in permanent assigning journalists to the first-line units. The assumption was that an ideal ‘accompanying reporter’, as the term ‘*embedded reporter*’⁵ should be understood, was to join a unit already during their training (partly taking part in it), to accompany it during taking the equipment, to march out to the front and to walk the whole combat route with it, at the end participating in the expected victory parade and the return to the base. In other words, they were to spend in the unit several weeks without a break, sharing with the soldiers the everyday hardships. The basic aim was to build a strong relation between reporters and soldiers, which obviously required time and special preparation of both of them. Certainly, during his/her stay in the unit the reporter was to broadcast numerous reports (usually – ‘live’ ones) describing his/her own experiences and the ones of the accompanying soldiers. Broadcasting obstacles and topic restrictions were reduced to the acceptable minimum. It was to be a real breakthrough. This time the TV viewers were to see a real war, from its very centre and LIVE!

Embedding was an effect of doctrinal changes in the field of *Public Affairs* – a military equivalent of *public relations*. In the 1990’s in American doctrines *Public Affairs* were assigned to information operations (*InfoOps*). After the operation *Allied Force* the PA actions were separated from *InfoOps*. The reason was that although both of them support armed forces in preventing hostile misinformation and propaganda and conducting analyses of using media achieve to their goals, they differ from each other with regard to the target group, range and the intention of actions.

Both the doctrine for the actions of *Public Affairs* JP 3-61 from 2005⁶, as well as the coursebook of *Public Affairs Tactics, Techniques and Procedures FM 3-61.1*⁷ from 2000⁸ implementing its assumptions, notice the importance of the role of media in a conflict zone for the course of armed operations and care for the openness and friendly coexistence of soldiers and reporters in the region of the actions. The documents present an approach, which is compatible with the rules of *public relations*. Therefore they treat the right of media to provide information with understanding. The personnel of armed forces is made

⁴ The so-called ‘media pools’ system during the *Desert Storm*, consisted in ensuring the access to the front to only a selected and small group of reporters moving together and under a strict control of press officers.

⁵ In this article I will be translating the term ‘*embedded reporters*’ into Polish as ‘accompanying reporters’ emphasizing this way a continuous presence of journalists in combat units and a mobile character of a war with no classical front line.

⁶ *Joint Doctrine for Public Affairs JP 3-61*, Joint Chiefs of Staff 2005; <http://information-retrieval.info/docs/DoD-IO.html>.

⁷ *Public Affairs Tactics, Techniques and Procedures FM 3-61.1*, Headquarters Department of the Army 2000, <http://www.fas.org/irp/doddir/army/fm3-61-1.pdf>.

⁸ The doctrine JP 3-61 was initially formulated in 1997. In 2005 its amended version was published. The amendments were so little that the coursebook FM 3-61.1 did not require an update.

sensitive to the fact that journalists try to obtain credible information and communicate the news which is as close to the truth as possible. Due to this, they often perform journalist investigations and ask questions, which is perceived by the military personnel as inconvenient. A powerful change, which has been made within military forces, consists in adopting an assumption that armed forces should not restrict journalists because for fear of threat to operation safety, but they should support them in the process of collecting information. As point 1-1 of the FM 3-61.1 publication shows, the role of commanders of each level (which also means the strategic and tactic one) is responding to the needs of media representatives, facilitating their search for truth and enabling them to access credible, exact and up-to-date information. In JP 3-61 it was emphasized that media will be communicating information about an armed conflict anyway. The role of *Public Affairs* is to make sure that they broadcast a picture compatible with the viewpoint of the armed forces and do not spread wrong and unproven information, which appears e.g. as a result of miscommunication between the media and the command, and the opponent's propaganda. The leaders were encouraged to assign permanent media representatives to particular units for the duration of an operation (i.e. the so-called *embedding*), as distinguished from the system of controlled expeditions organized for journalists *ad hoc* (the above mentioned '*media pools*')

The U.S. Department of Defense in the JP 3-61 document obliged themselves to reliable communication of information to the USA Congress and media and public opinion, so that they could understand and assimilate issues of the national safety. In accordance with the doctrine wordings, the information shall not be kept confidential or protected otherwise against publishing in order to protect government and armed forces against criticism. Making the information confidential shall concern solely situations where disclosing it would threaten the national safety or the safety and privacy of the personnel of the USA armed forces. The Department of Defense also declared that within the PA actions there is no room for propaganda.

General rules and goals of PA actions were presented in the preamble of FM 3-61.1:

„With the extremely sophisticated communication technologies of the global information environment, the nature of media coverage has a significant impact on the conduct of war and stability and support operations at the strategic, operational and tactical levels. Civilian and military news media coverage influences the perceptions of soldiers, family members, the public and political leaders, and affects the direction, range and duration of operations. It has a direct relation to the confidence these key audiences have in the army and its execution of operations.

Effective PA operations are critical to successful army operations in the information age. [...] Synchronized, well-planned and actively executed PA tactics, techniques and procedures significantly clear the fog of war and impact the morale and effectiveness of the force. They reduce distractions, misinformation, uncertainty, confusion and other factors that cause stress and undermine efficient operations. They enhance understanding, acceptance and support. Effective PA operations contribute to soldier confidence, discipline, will to win, and unit cohesion.”⁹

⁹ FM 3-61.1, s v.

PA operations are to fulfill three main functions:

- informing public opinion – rendering complex services to media representatives in a conflict zone (preparation of materials, facilitating access to the unit, organization of stay, technical assistance)
- internal communication – in order to keep proper morale it is necessary to ensure proper information to all members of armed forces' personnel and also to their families¹⁰.
- relations with local communities – PA operations are focused also on maintaining friendly relations with communities where a unit is deployed.

The document of JP 3-61 also defined groups of recipients of *Public Affairs* operations which correspond with fulfilling the above mentioned functions:

- American public opinion – the military personnel is obliged to communicate information about the armed forces to the American society.
- international public opinion – due to the supranationality of mass media and the global information network (in American terminology: GIE – *Global Information Environment*), also own picture of situation should be presented to the world public opinion, because by the means of world media the picture of the operation reaches also the American society. Moreover, sometimes it is the foreign public opinion which is more interested in the conflict than the home one. Particularly much attention should be devoted to informing the public opinion of the host country abiding the OPSEC rules.
- personnel of armed forces – informing soldiers and their families about the course of events creates a relation between them and the command,
- opponent's forces – reliable information may constitute an effective weapon against its propaganda.

Obviously, the effects of PA operations should be monitored, either by analyzing the media coverage or by public opinion polls or interviews and examining e.g. the level of morale in the armed forces. It is worth emphasizing here the issue of the impact of PA operations on the morale of own armed forces, since very frequently the operations of *Public Affairs* are perceived solely as – putting it colloquially – 'revealing military secrets to the public opinion'. What, in fact, is more important here is the issue of building a proper image of the armed forces, in order to care, amongst others, about the morale of the people who work or serve for the army and their families as well. Well-perceived armed forces mean an attractive employer and also (maybe first of all) a source of prestige for people connected therewith. In the face of easy access to the internet news bulletins, also in a conflict zone (access to fast internet in American military bases) the military personnel can regularly check how their operations are covered by media. The second channel of information related to public feeling is of course the family. How much destructive for the morale of the

¹⁰ As it was noticed, during the operation of Desert Storm media coverage from the conflict zone had a significant impact on the morale of back units. The command announcements were not always compatible with what was communicated by media causing rumors and uncertainty in back units as well as in families of those who served in the Gulf.

combatants can be turning society's back on the army was shown by the Vietnam war. Thus the task of the armed forces with regard to the care about morale, besides the proper internal communication of one's own personnel, is also caring about the proper context of covering the conducted operations in media.

JP 3-61 describes general rules of operations carried out by the PA personnel:

- 'Tell the Truth' – PA personnel will release only truthful information.
- 'Provide Timely Information' – commanders should be prepared to release timely, coordinated, and approved information about military operations.
- 'Practice Security' – all personnel of armed forces, not only PA should comply with the rules that prevent the appearance of sensitive information in media, which may bring about a military advantage to the opponent¹¹. The OPSEC rules should be applied during contacts with media and while sharing information with families and friends. In JP 3-61 it was emphasized that: „*The military's operational mission requires that operations security be practiced at all levels of command to protect the lives of American, allied, and coalition forces, and the security of ongoing or future operations. Though responsible members of the media share these concerns, their job is to report on military operations in real time. These competing goals sometimes lead to friction between the media and the military.*”¹²
- 'Provide Consistent Information' – commanders should ensure that PA operations put forth a consistent message through its many voices at all levels.
- 'Tell the DOD Story' – every military and civilian member of the Department of Defense should help provide accurate information about the armed forces operations to the public. Commanders should educate and encourage their military and civilian employees to such actions providing them with timely information that is appropriate for public release.

What attracts one's attention is noticing positive aspects of media presence in the zone of conflict, which may be used thanks to effective PA operations. As it was emphasized in JP 3-61 „*Public Affairs counters adversary propaganda and disinformation by providing a continuous flow of credible, reliable, timely, and accurate information to military members, their families, the media, and the public.*”¹³

Media may be also used in the operations of MILDEC (*Military Deception*), i.e. deceiving the opponent as regards one's own intentions and plans by means of false and fabricated information. PA and MILDEC interact mutually, nonetheless PA cannot be combined with

¹¹ Joe Galloway, a famous reporter of 'US News and World Report' said in a speech delivered at The Air War College, in 1996: "There was precisely one reporter who went to war with a personal recommendation from General H. Norman Schwarzkopf in his hip pocket, and you're looking at him. Thanks to that trust, I was sent down to the 24th Mech two weeks before G-day. On my first night there the Division CG called me to his TOC and pulled the cover off the battle map. What he said, as my eyes followed the arrows and the hair stood up on the back of my neck was this: I trust you because Schwarzkopf trusts you; but more than that, I trust you because you're coming with me. I never heard a more compelling argument for operational security in my life."

JP 3-61, s III-22.

¹² JP 3-61, s vii.

¹³ JP 3-61, s I-3.

planning or performing the MILDEC operation in any way. It was emphasized that the basis of effective PA operations is credibility (point 2-17 FM 3-61.1). On the other hand, PA personnel should be aware of conducted MILDEC operations, so that they are not threatened by information policy carried out by PA. Also secret service has a certain impact on PA operations, by reading the coverage of media that belong to an opponent and by delivering information about them. It may allow PA personnel to adjust the conducted information policy and react quicker to propaganda communication of the opponent. At the same time it was emphasized many times that PA, although related with *InfoOps*, is not a part of Information Operations as understood by Americans, even if some actions of *InfoOps* or PSYOPS can be carried out by means of media.

The way of implementing the above assumptions is described in detail in *Public Affairs Tactics, Techniques and Procedures FM 3-61.1*. First of all, there is a lot of information related to training of the whole personnel of armed forces focused on the PA issues and the complex process of planning PA policy for a given operation. Planning is necessary for better preparation for probable scenarios and better coordination between all institutions that communicate with audiences in order to have more effective influence on the communication, reduce the loss generated by a negative image of the conflict or simply to 'buy time' for further actions.

One of the basic aspects that are analyzed before launching an operation is specifying the conditions of the information and media environment in the region of a future operation, the so-called *Information Environment* (point 3-26). It concerns one of the following issues:

- *Media Presence* – analysis of media presence in the conflict zone (number of representatives, type of media organizations)
- *Media Capabilities* – capabilities of media mainly in the area of broadcasting and logistics,
- *Media Content Analysis* – the analysis of the contents of media coverage (in which context the events are shown, what is the attitude of particular media towards the operation and the USA in general). It is a constant process, which is independent of preparations to a given operation.
- *Public Opinion* – a public opinion assessment focused on the following groups:
 - American public opinion
 - civilian political leadership of the United States of America
 - general population and armed forces of coalition and allied countries
 - host nation citizens
 - international public
 - internal command audience (soldiers and their families)
 - special interest groups
 - specifying information needs of particular groups of public opinion
 - telecommunication infrastructure – a check of the quality of lines, transmitters, the dominant media, etc.

Such a wide scope of analysis shows how much importance the armed forces of the United States attach to the professionally conducted information policy, prepared along

with the military plan. The PA operations start at the level of the Department of Defense when the deputy secretary of defense, managing the *Office of the Assistant to the Secretary of Defense, Public Affairs* (OASD-PA) specifies general goals of information policy and the frame plan of media presence in the conflict zone (above-mentioned PAG – Public Affairs Guidance). Leaders of the theatre of operations, supported by the PA personnel, draw up, according to the PAG doctrine and assumptions, PA operations with respect to the conducted missions and they care about all aspects of PA operations carried out on their territory. What is important here is that the PA personnel should be deployed to the area of operation in the first echelon of forces since the doctrine assumes that there will be a significant number of journalists in the conflict area already before the arrival of American units. Thus, since the very beginning of the operation they should be protected by the PA personnel for a proper launch and development of relations with media representatives (point 1-7)¹⁴.

The FM 3-61.1 coursebook puts emphasis on carrying out training sessions concerned with PA rules for all military personnel, and also to the extent possible, for their families. Each civilian or military employee of armed forces, talking in front of a camera becomes their spokesperson at that moment and his/her duty is to be faithful to general assumptions of the PA policy (it is essential to maintain the credibility mentioned above). The staff of all levels is faced here with a particularly important task, as journalists often seek information from them, and it is they who very often have to face media without the PA support.

First of all training given to the military personnel is based on implementing the conviction of inevitability of meeting with media representatives. Therefore, a soldier should not avoid media. On the contrary they should be encouraged during the training to be able to make media and audiences interested in their own story and they should be able to tell about performed duties (certainly within the limits set up by the OPS EC). Meanwhile, the training of families should focus on the rights which they are entitled to while contacting media and on non-revealing information which they perhaps received from soldiers, being family members (dates of flights, places of stay).

Points 6-23, 6-24 and Appendix N of the FM 3-61.1 coursebook describe in detail the desired conduct of a soldier during an interview, as regards their attitude and the information to be disclosed as well as the way of speaking (e.g. it was advised not to say ‘*No comment*’, replacing it with the following phrase: ‘*I would not like to speculate on the conducted operations*’), as well as the rules of preparing the material, e.g. avoiding being filmed by media with landmarks in the background (in order to make it impossible to identify an exact place of unit’s stay). Two things were emphasized: ‘never lie to media’ and ‘never give any comments *off the record*’ – all utterances must be made in such a way as if they were recorded’. Of course, speculating and doubting operation objectives were forbidden. Instead, the soldiers were advised to talk about its positive sides and goals to be achieved. While talking about problems, the advice was to focus on the phenomenon without blaming concrete people (e.g. commanders, colleagues).

¹⁴ During the operation in Somalia, the American 10th Mountain Division arrived at Somalia without any PA specialists, although there had been already hundreds of reporters. The first PA section of this division came to Somalia only after 10 days after the landing of the first 10DG units in this country. *FM 3-61.1 Public Affairs Tactics, Techniques and Procedures*, Headquarters Department of the Army 2000, p. 1-5, <http://www.fas.org/irp/doddir/army/fm3-61-1.pdf>.

The FM 3-61.1 coursebook describes four types of units, where the PA personnel is grouped during an operation. The basic ones are: stationary PAOC – *Public Affairs Operations Center* (32 people) and mobile MPAD – *Mobile Public Affairs Detachment* (20 people). American estimates assume that a single PAOC may serve about 100 journalists in an operation area. During an external operation, where PAOC is supported by MPADs acting in various places – this number increases even to 300 reporters. In an operation region the PAOCs and MPADs are simply called *Media Operations Centre* (MOC). These sections, working 24 hours a day, constitute contact and logistic points for media (they provide them with e.g. helmets, bulletproof vests), but they also keep track of journalists¹⁵. What is worth bearing in mind is that each MOC is in a constant and direct contact with Pentagon. In MOC there is also room for a section of InfoOps, which is to deal with proper communication to PA personnel about the course of operation and to coordinate the actions of PA, CA and PSYOPS.

The major supervision of all PA operations in an operation area is performed by a *Public Affairs Officer* (PAO) directly reporting to the chief commander, advising him on PA operations and assisting him while communicating with external and internal audiences. It has already become a standard procedure in the armed forces of NATO countries to assign *Public Affairs* officers to the operation area, making them independent of any other sections (e.g. of signal, security and also of *InfoOps*). What is interesting, in the context of initial distrust to PA services, manifested by line soldiers and *InfoOps*¹⁶ officers, is that a particular role is played by the wording of point 1-10, where it was emphasised that the PA officers should be the best-informed soldiers in the command as regards the exact course of the operation, so that they can quickly prepare themselves to all possible questions of journalists and quickly deny or even forestall rumors and speculations¹⁷. Thanks to detailed knowledge on the conducted actions, the PA sections are able to offer journalists participation in some events or even in direct military operations. They are able to not only respond to journalists' interest, but to create it according to the interest of the armed forces.

With accordance to the agreed PAG the PA personnel carries out the following types of actions:

¹⁵ The coursebook FM 3-61.1 indicates in point 4-46 that the U.S armed forces should avoid accrediting journalists, since it requires verifying their identity, which causes problems in the case of less known media. The registration carried out in the conflict area includes information about who it is and from which media, where he is staying and what his planned route is as well as the obligation of abiding ground rules. These reporters who are not registered will be provided with only the minimum of information and cooperation (e.g. the lack of air transportation).

¹⁶ The PA officers were perceived more as journalists than soldiers, who do not care about the rules of keeping an operation confidential. Due to this, they were often not informed about planned or conducted operations and in the case of media interest they had to face *a fait accompli*, not having sufficient knowledge to render proper services to journalists.

¹⁷ The practice during the operation of *Just Cause* (Panama invasion in 1990) shows the significance of these prejudices. It turned out to be a success, amongst others, thanks to a huge effort of PA services and a favourable attitude of public opinion, but very little was needed to have changed it into a medial failure. The PA officers (only the selected ones) received first information only two days before its launch and some cells from 82 DPDes only two hours before the departure! Additionally, these officers could not discuss the operation with their colleagues, thus it was impossible to prepare plans of PA actions. The general plan of the PA operation was never coordinated by OASD-PA with the command of SOUTHCOM and the commander of airborne corps due to the fear of leaks. FM 3-61.1, p. 3-3

- *Media Facilitation* – activities executed to support news media efforts to cover the operation and to facilitate the timely and accurate provision of information¹⁸. All these take place in order to communicate the army perspective and to avoid broadcasting unproven information received from non-military sources, which could pose a risk to the safety of an operation. Normal media center operations include scheduling briefings, press conferences, coordination for interviews, coordinating unit visits and media escort requirements; but also learning about regulations and rules binding in a conflict area and resolving media – military incidents.
- *Information Strategies* – activities executed to fill the news and information needs and expectations of internal and external audiences. PA personnel do all these by using the means of all media, especially new media by the means of acquired information
- *Force Training and Support* – activities executed to assist members of line soldiers, their families and civilian employees of the army in interacting with media representatives obeying PA rules.

As regards *Media Facilitation* the FM 3-61.1 coursebook included certain declarations of the Department of Defense and guidelines for journalists reporting from a conflict zone (Appendix B):

- open and independent reporting will be the principal means of covering operations in a conflict zone.
- media pools are not to serve as the standard means of covering military operations, but if they are temporarily accepted, they should be as large as possible and disbanded at the earliest opportunity-within 24 to 36 hours.
- journalists in a combat zone will be required to abide by a clear set of military security ground rules on a given area. They will be provided with protection and access to all major military units (except for special operations)
- public affairs officers should act as liaisons but should not interfere with the reporting process. All communication systems shall be acceptable, but there may be some limited restrictions.

What was particularly very important was the issue of the ‘*media pools*’ system perceived by reporters as troublesome and leading to media control. The document sees this system as a last resort, having used other possibilities and only in the situation when there is no other chance of ensuring the journalists access to a given area. Moreover, the press officers were encouraged to more frequent briefings at the expense of publishing press releases, since the former results in better contact with media representatives and the communication is more emotional (point 4-63). While organizing briefings PA personnel should be

¹⁸ In the document it was written amongst others.: „*To prepare for encounters with the media, commanders must accept and understand the role of the news organizations and the journalists in the theater, and their capabilities in getting information from the battlefield or area of operations. Commanders must provide media access to the force, keeping in mind the impact their technology will have on operations security. Commanders must identify and provide support and resources to assist the media in their mission.*” FM 3-61.1, p. 3-11.

taking into account press dates and hours of broadcasting, so that the editing of the materials takes place with a proper time comfort.

Besides facilitating journalists in obtaining the information and broadcasting materials, the PA operations also include the distribution of their own materials, such as photographs, graphic materials, studies and video materials which are targeted at journalists and public opinion, but also at the personnel of armed forces.

Embedding in British and American documents

In order to complete the above general doctrines there appeared military documents that regulate the conditions of media representatives' stay and reporting from an armed conflict zone. One of such documents was the American *Public Affairs Guidance (PAG) on embedding media during possible future operations/deployments in the U.S. Central Commands (CENTCOM) area of responsibility (AOR)*, published by the US Department of Defense in February 2003 before the operation of *Iraqi Freedom*. The PAG discussed in detail the rules of *embedding* system. In general 920 places were prepared in combat units which were to take part in the upcoming operation. 775 licenses were issued for correspondents, however, over 100 accompanying reporters did not reach the units in the end due to visa problems, delays in joining the combat by the units or the withdrawal of Turkey from the anti-Iraqi coalition (which necessitated reorganization of the coalition plan and re-deployment of units of the US 4th Infantry Division). Only every tenth out of 600 accompanying reporters was present in strike units. The remaining ones were describing the life and service in artillery, back or auxiliary units. In total, the number of media employees servicing the operation of *Iraqi Freedom* in the conflict zone was estimated to consist of 5000 people, deployed in Iraq (Bagdad), Kuwait, Jordan, Iraqi Kurdistan and combat units located in Persian Gulf¹⁹.

The concept of 'embedding', as the main and most effective form of reporting on a conflict corresponded ideally with the rules of conducting effective PR. In the characteristic preamble of the document (point 2A) it was written that

The department of defense policy on media coverage of future military operations is that media will have long-term, minimally restrictive access to U.S. air, ground and naval forces through embedding. Media coverage of any future operation will, to a large extent, shape public perception of the national security environment now and in the years ahead. This holds true for the U.S. public; the public in allied countries whose opinion can affect the durability of our coalition; and publics in countries where we conduct operations, whose perceptions of us can affect the cost and duration of

¹⁹ See: P.L. Moorcraft, P.M. Taylor, *Shooting The Messenger. The Political Impact of War Reporting*; Potomac Books Inc, Washington, 2008, p. 186; R. Keeble, *Information Warfare in an Age of Hyper-Militarism*, [in:] *Reporting War. Journalism in Wartime*, edit. S. Allan and B. Zelizer, Routledge, New York 2004, p. 50; B. Katovsky, T. Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003, p. XIV; B. Whitman, *The birth of embedding as Pentagon war policy* [in:] Bill Katovsky, Timothy Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003, p. 208.

*our involvement. Our ultimate strategic success in bringing peace and security to this region will come in our long-term commitment to supporting our democratic ideals. We need to tell the factual story – good or bad – before others seed the media with disinformation and distortions, as they most certainly will continue to do. Our people in the field need to tell our story – only commanders can ensure the media get to the story*²⁰.

What attracts attention is the use of the term ‘story’ in the last fragment of that quotation, somehow understood (as a replacement of) as the term ‘information’ or ‘fact’. Media were not only to ‘inform’, but to propagate the story told by soldiers and it was the story of only one side of the conflict. As a matter of fact, the accompanying reporters were to communicate the American view of a conflict, competing with the view presented by the opponent. It was to be achieved chiefly by providing media with a sufficient number of interesting materials, so that the materials from other sources (including the opponent’s) ‘disappeared’ in a mass of information from the allied side of the front.

Public Affairs Guidance (PAG) regulated very thoroughly all aspects of work, stay and status of reporters assigned to military units. In the document, the notion of *embedded reporters* covered (point 2C) „*a media representative remaining with a unit on an extended basis (perhaps a period of weeks or even months)*”. The places in units were carefully assigned to particular media by OASD-PA. A direct control and care of the accompanying reporters were performed by the commander of the unit where they were assigned (usually the level of battalion or regiment). He supplied them with food, medical care, protection equipment against weapon of mass destruction and transport as long as they travelled with the unit (using own vehicles was banned – the embedded reporters had to use army transport²¹). What is interesting is that the reporters should not stand out, at first glance, from soldiers. Transported by army vehicles, surrounded by armed security guards or accompanying soldiers on a mission, they were to wear protective gear (helmets and vests) in subdued colors (as clearly specified by point 5B of PAG). All this made the opponent combatants think

²⁰ *Public Affairs Guidance (PAG) on embedding media during possible future operations/deployments in the U.S. Central Commands (CENTCOM) area of responsibility (AOR)*, document ‘101900Z FEB 03’ dated February 2003, published by the U.S. Department of Defense, <http://www.fas.org/spp/news/2003/02/dodmedia.pdf>.

²¹ Of course, such requirements did not consider reporters, who were not assigned to a concrete unit, i.e. the so-called *unilaterals*. They could move freely on the territory of war operations, travelling in their own, especially prepared vehicles, sometimes with an armed escort provided by the employees of security companies (*Private Military Corporations* – PMC). Nonetheless, some *embedded* ones were able to ‘arrange’ for their teams the use of private vehicles. Martin Savidge, *embedded* from CNN, mentions that his team had their own vehicle of the Humvee type, bought in Kuwait by the station. It was equipped with all the necessary communication equipment. However, the U.S. Department of Defense forbid the embedded reporters to use their own vehicles because of their potential sensitivity and hindrance to the conducted operations. However, Savidge and collaborators convinced the unit commander, whose actions were to be reported, to accept the vehicle because of its similarity to the military vehicles, the usefulness of communication equipment and driver’s skills (an ex-military man). He was able to drive the car in night-vision goggles not slowing down a military column.

M.Savidge, *Going Live* [in:] Bill Katovsky, Timothy Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003, p. 274-275.

that they are rather a military section of ‘combat camera’, rather than independent press representatives²².

The document also thoroughly enumerates the rules that govern the preparation of audio-video information materials. To communicate and record events the reporters were to be allowed to use any devices they owned, though this could be temporarily restricted for reasons of safety or the success of an operation. However, no system of assessing, reviewing or censoring the materials prepared by reporters was introduced. Confiscation of equipment and materials of embedded reporters was banned. Point 3Q, which includes the principle lying behind the whole idea of *embedded reporters*, is very meaningful here: ‘the standard for release of information should be to ask “why not release” vs. “why release.” Decisions should be made asap, preferably in minutes, not hours’. The process of making a decision regarding doubtful issues was to be accelerated by the fact that it was not at the discretion of a unit commander, but of an on-scene-commander. What is interesting there, where it was possible and ‘in order to ensure certain understanding of conducted operations’ the reporters were allowed to participate in military actions and also in their planning and in briefings before and after a combat. The reporters could not stand out physically from the accompanied soldiers, otherwise they could be withdrawn by the unit commander from the participation in an operation. Obviously, the reporters were not allowed to inform public opinion about all aspects of the conducted operations. A detailed catalogue of releasable information was carefully drawn (4F and 4G). It was allowed to communicate the approximate force strength and own losses. A reporter could confirm the number of unit casualties they had witnessed or publish service members’ names and home towns with the individuals’ consent. What was not allowed to be communicated was the specific number of military equipment, names and numbers of units below the level of corps/wing/carrier. During the whole invasion 24 reporters were dismissed from their assignments – some due to the infringement of PAG conditions, as in the case of Geraldo Rivera²³ from Fox News, the others – because of diseases and injuries²⁴.

The system of *embedding* was to improve the cooperation of journalists with the army, simultaneously channeling the interest and perception of journalists. Out of this system and also without the right to permanently join any allied military unit a numerous group of reporters called *unilaterals* was acting on the territory of armed combat. They were mainly freelancers commissioned by media organizations from all over the world, also by the biggest ones. The lack of the possibility of moving with coalition armies posed a great threat

²² In a way it is a reference to the period of the 2WW, when American and British reporters were wearing regular uniform clothing and were included in the structures of home armed forces. Then, however, the journalist objectivism was out of question – the reporters were just a cog in the propaganda machine, which was going in full swing on all fighting sides.

²³ Geraldo Rivera (a journalist, a host of a famous talk-show in Fox News, earlier not connected with war reporting) assigned to the 101th Airborne Division was removed from the unit having broadcast the current positions of some of its sub-units and having drafted on sand a probable attack plan. S.Schiffes, *Who won the US media war?*, BBC News Online dated 18.04.2003 <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/americas/2959833.stm>.

²⁴ P.L.Moorcraft, P.M.Taylor, *Shooting The Messenger. The Political Impact of War Reporting*; Potomac Books Inc, Washington, 2008, p. 189.

to their lives and health²⁵. Out of 15 death cases of reporters or journalists in Iraq, as many as 13 concerned ‘unilaterals’. They were killed by Iraqi mines, but also by the coalition gunfire²⁶, often largely risking their lives in the attempts to obtain interesting materials²⁷. Bryan Whitman²⁸, a high-rank official of the U.S. Department of Defense and the architect of embedding, who wrote after finishing the conflict

...unilaterals came across all bad things that could have happened only to them. They were killed, injured, kidnapped, they got lost, violated operation safety rules, for which reason they were sent away from the conflict zone. Simply – anything bad that could have happened to reporters in that region happened to unilaterals. I do not want to say that no things like that took place in the case of the embedded, but the task of U.S. armed forces is to control the battlefield. Therefore, reporters who stay on the battlefield will be treated in the same way as all civilians who are there.

These words may be perceived as an announcement of the continuation of the Pentagon cooperation with media under the *embedding* system and, at the same time, as a warning towards all these journalists, who would like to move independently on the combat territory saying that ensuring their security will not be a priority of the U.S. Army. This attempt to connect reporters from the zone of direct combat with the armed forces under embedding constitutes a characteristic feature of the American system. The British armed forces left more freedom to journalists.

²⁵ However, it must be also noted that these rules were not always obeyed even by the very commanders of particular groupings. They offered shelter (at least at night) to some teams of *unilaterals*. All in all, the whole system appeared not to be so tight as Pentagon would have liked to see it. The case of the reporter Phillip Smucker from „Christian Science Monitor”, who, in the neighbourhood of Bagdad, joined one of the Marines units for a longer time already during the operations, is well-known. The fact was revealed when CNN interviewed Smucker, during which he disclosed a lot of information about the unit location. Smucker defended himself saying that he was not *embedded*, so he did not have to obey any information arrangements or restrictions included in the PAG document, Howard Tumber, Jerry Palmer, *Media At War. The Iraq Crisis*, SAGE Publications, London 2004, p. 28.

²⁶ In April 2003, a car of BBC team driven by an experienced correspondent, John Simpson, was hit by a bomb, during a journey from the Canadian territory towards Bagdad. The car was said to have been located by American special forces, who indicated it as a target for air forces.
BBC News, *Friendly Fire’ Hits Kurdish Convoy*, 6 April 2003, http://news.bbc.co.uk/1/hi/world/middle_east/2921743.stm.

²⁷ The case of Terry Lloyd from the British ITN TV is characteristic here. He and his three-person team were going to Basra as they wanted to confront with reality the information about an anti-Suddam uprising supplied by CENTCOM. During the trip they came under Iraqi gunfire. They turned back, but then, in turn, the coalition fire hit them. Out of three people in the team only one survived.
P.Knightley, *The First Casualty*, The John Hopkins University Press, Baltimore 2004, p. 541
Missing ITN Crew May Have Come Under ‘Friendly Fire’, „The Guardian”, 23 March 2003, <http://www.guardian.co.uk/Iraq/Story/0,2763,919832,00.html>.

²⁸ B.Whitman, *The birth of embedding as Pentagon war policy [in:]* Bill Katovsky, Timothy Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003, p. 208

A document that regulates the rules of the cooperation of the British Army with media is the Green Book²⁹, formally established within the assumptions of NATO policy and as a matter of fact being a development of the American system, under which the British cooperated with media during the operations in Iraq. The document includes detailed rules of the cooperation of the armed forces with media in the current and future operations, mutual expectations and also rights and responsibilities of parties to this peculiar agreement. 'The Green Book', drawn up together with the biggest British media organizations and professional associations, is treated as a model example of the cooperation of army with journalists in a conflict zone. It is worth paying attention to the very language of the document. Each of the points includes not only bans, rights and responsibilities, but also very comprehensive explanations of the British defense ministry regarding the need of the adopted rules, with a special emphasis put on any restrictions. The document is really full of understanding of the role of media in the contemporary world and perceives them not as an opponent, but as a partner.

Already in the introduction an important declaration was set out

In an armed conflict and during military operations involving the UK Forces, the Ministry of Defense aims to provide the media with a range of facilities to enable reporting on operational and tactical military and defense-related activity. In addition, the Department will seek to understand editors' and correspondents' requirements and provide an accurate, objective and timely information service³⁰.

Furthermore, the Ministry declares that the correspondents will not be used on purpose to misinform an opponent, therefore – the *InfoOps* operations will not be carried out through them. This assumption is convergent with the whole idea of *Public Affairs* operations in NATO countries, expressed both by the Pact documents as well as the national doctrines (it is sufficient to mention just the JP 3-61). Ultimately, media representatives may not be used for misinformation actions.

In point 8 of the document

The Ministry of Defense recognizes that correspondents are free to look for information in the area of operations and to communicate it back to the public. However, it is important to understand that it implies no specific obligation on the part of UK forces to protect individuals or installations over and above the rights of all civilians working in conflict zones set out in the Geneva conventions and their additional protocols. The Ministry of Defense additionally recognizes its obligations as a UN signatory to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians.

²⁹ *The Green Book* of the British Ministry of Defense, version of 14.11.2008, regarding the cooperation with journalists in the area of an armed conflict. <http://www.mod.uk/NR/rdonlyres/253F09B2-44E1-43E3-9E4E-59B8D3CF4CE5/0/GreenBookVersion-50WebVersion2Dec08.pdf>.

³⁰ *The Green Book*, version of 14.11.2008, p. 3, <http://www.mod.uk/NR/rdonlyres/253F09B2-44E1-43E3-9E4E-59B8D3CF4CE5/0/GreenBookVersion50WebVersion2Dec08.pdf>.

This declaration was strengthened in point 14, where it was pointed out that even though misfortunes or mistakes may occur, armed forces on operations will not deliberately target either individual correspondents or civil media facilities.

The Ministry obliged themselves to conduct talks with representatives of media organizations regarding the details of cooperation as early as in the period of the growing crisis situation, i.e. still before a possible dispatch of the armed force. The dialogue will concern both the explanation of government objectives and policy as well as the practical aspects such as correspondents' safety, Ministry requirements for personnel working in the conflict area, accreditation, relations with allies and possible restrictions as regards broadcasting some information. The personnel of 'Media Operations' (the term identical with the American *Public Affairs*) will appear in the conflict zone together with first units in order to prepare services for the media employees.

According to the Green Book the British armed forces offer the following forms of collecting information by media: press conferences, individual interviews, briefings, visits in units, *embedding* system in front units and local press centers/teams of Media Ops. What is crucial with regard to the forms of cooperation suggested there was also an option of reporters collecting information on their own, moving freely on the theatre of conflict operations and not connected with any unit (*Individual Assignment*), but using also other forms of collecting information prepared by Media Ops. Here, the British document significantly differs from the American system, which deprives the independent reporters (*unilateral*) of the institutional assistance of Pentagon and armed forces. Generally, the embedded reporters will not be able to change the assigned unit during the operation. However, if there is such a need, an appropriate application from the home editorial office will be processed by the ministry.

As the Green Book indicates the journalists working in the conflict zone (both the regular ones as freelancers and *individually assigned – unilaterals*) should be appropriately trained, which is the responsibility of their employers or contractors. The army reserved the right to refuse access to a unit for an individual journalist (or also refuse access to the operations in the area of armed actions) if a reporter does not meet health and physical fitness criteria or he is thought likely to jeopardize operations (point 22). The enclosures to the document include detailed health requirements for reporters. Besides these issues, the army shall not interfere in personal details and the way of working of particular editorial offices. This is the first case when armed forces become interested in the issue of preparing reporters to work in a conflict zone by their home editorial offices, with regard not only to equipment, but also to training. The Green Book definitely comes forward and meets the louder and louder demands of journalist associations regarding the increase in the level of training reporters who work in a conflict zone³¹.

³¹ The non-governmental journalism organizations, such as *Reuters Foundation*, *Rory Peck Trust*, *International News Safety Institute* or *Reporters sans Frontiers* organize or promote a special training on security and survival for journalists working in an armed conflict zone. Most British companies offer trainings on a commercial basis, but there are also some American and Australian ones. Certainly, this is not a closed list. Practically each security company from the PMC (*Private Military Company*) segment offers a training for journalists. The oldest company that specialises in training for journalists is the British *Centurion Risk Assessment Services Ltd*, founded in 1995 by former soldiers of *Royal Marines*. Also regular armed forces carry out a similar training – also Armed Forces of Polish Republic do it cyclically.

Analogically to PAG, in point 85 of the Green Book journalists were advised to have their own protective equipment (helmets, bulletproof vests). It was emphasized that embedded reporters may be equipped with the equipment and clothing as worn by operational troops, but with special media titles/armbands. Moreover, a special enclosure to the Green Book describes the rules of journalists' safety in an armed conflict zone.

The PA personnel will be allowed to check each recorded material which is ready to be issued or sent whether it includes information which might be of benefit to the enemy (point 44). Point 38 reserved the right to inspect, for safety reasons, the material collected by war correspondents and, as a result, they may be asked by *Media Ops* for non-revealing of some the information collected during the stay in the unit. Each time, when provision of information is not possible or delayed, journalists will receive appropriate explanations. It is worth literally quoting point 49, which is very interesting in this context: *the Ministry of Defense recognizes that views on what is and what is not of security value are subjective and that individual checking officers may apply different judgments. However, it will strive to achieve a system which is fair and even-handed. In the field Media Ops will represent the views of correspondents in cases of disagreement and will liaise with senior officers in theatre, and with the Ministry of Defense, to ensure that decisions are made for appropriate operational reasons*". All inspections mentioned will be executed directly in the theatre of combat actions by the personnel of *Media Ops* and *Press Information Centre* (an equivalent of American PAOC). No other control actions will be carried out in the Ministry. Here, in fact, the British system is more restrictive than the American one where actually no inspection of prepared materials was included and they have a default status of being publishable. Moreover, the reporters will not be allowed to communicate information, which is usually treated by all armed forces as secret or confidential, i.e. regarding such issues as the forces strength and name of a unit, operational orders, an exact route or the adopted tactics and also losses suffered by units (point 43).

What is interesting is that war correspondents accredited at the British Ministry of Defense and staying in a conflict zone, will not be able to cover events from the opponent's perspective without prior consent of the Ministry, i.e. cross the front line, for instance, and record a material about a bombed village or life of civilian residents. This assumption is very characteristic for the whole system. After all, the foundation of the system is keeping the reporters in their own units and covering the events from the perspective and under certain control of armed forces. Therefore, it comes as no surprise that the accreditation includes this condition.

It is worth turning attention to some common aspects of both documents, i.e. PAG and the Green Book. The regulations included therein were not forced on media. They were created together by the armed forces and the management of the most important media organizations in a given country. They constitute an outcome of army interests and the right of media to obtain and communicate information, compiled in accordance with the principles of *public relations*. The British document, in particular, emphasizes mutual trust and understanding for interest of institutions involved in its establishment. The principal rule of both documents is the understanding of the necessity of fast communication of information by media. When there are doubts, justification is needed not for 'the need of publishing' the materials, but for the ban on publishing (broadcasting) them. Additionally,

all decisions should be taken as quickly as possible, counting time in minutes, not in hours and at the lowest possible level. Of course, it is compatible with PR rules. After all, armed forces do not care about introducing censorship, but about 'flooding media' with information that comes from their side of the front, so that the opponent has very little time. Introducing censorship will not cause the disappearance of the media from the armed conflict zone. They simply start dealing with other speculations, rumors and materials which are not controlled by the army, but supplied by the opponent.

Naturally, the information communicated to the editorial office will not be able to cover such issues as the strength and name of a unit, operational orders, the exact route and adopted tactics and also incurred losses, in accordance with the above mentioned OPSEC rules. Nonetheless, a press officer in charge of media representatives is to be not as much a kind of a personal censor as a facilitator, who helps with obtaining and sending information and supports reporters' point of view if disputes arise. At the same time, the PA operations are not to be the only domain of PA personnel. It is emphasized that in modern politics of media management in an armed conflict zone each soldier who is interviewed is at that moment *de facto* a spokesperson of armed forces. Also ordinary soldiers will not be cut off from contacts with media, but certainly they have to bear in mind the detailed guidelines which include the rules of *public relations*. Despite the hierarchical structure, participation in the communication process in armed forces has a more and more horizontal character, proceeding in the direction of lower levels.

Both PAG and the Green Book regulate in great detail the rules of journalists' stay and work with armed forces of a given country in the zone of an armed conflict. They include detailed guidelines on the means of transport, clothing and physical fitness of journalists. Both documents herald further professionalization of cooperation between armed forces and media. Here, a journalist should be familiar with the character of military information circulation and should have experience of working with press officers.

Embedding in practice

The *embedding* system was designed in such a way that the theoretically free choice of topics for media is limited to a controlled pool which is compatible with the goals of the organization (army). Already, due to the selection of appropriate units and assigning reporters to them, the military achieved a relative control on the directions of reporters' actions and future topics³². It would be impossible for correspondents to act totally independently, but at

³² James Hill, a photo reporter working for „New York Times” mentioned that an obstacle in a free movement on the conflict territory was not as much the army restrictions as the logistics issues. „*You are going where they [American soldiers] are going*” – said Hill – „*I was travelling in my own car, but if you are in a convoy, you will not say: „Hey, this would be a nice shot – let’s stop for a while!*”

L. Robertson, *Images of War: This Year the American News Media Have Displayed Pictures of Burned Bodies in Fallujah, Flag-Draped Coffins Coming Home from Iraq and the Abuse of Iraqi Prisoners at Abu Ghraib, but Were They Too Squeamish When It Came to Showing the Carnage of War during the Invasion Last Year?*, „American Journalism Review”, Vol:26/2004.

the same time a degree of freedom and openness was achieved, especially when compared with the so-far system of *'media pools'*.

Media simply relished the possibilities of broadcasting reports from the middle of a desert and among military vehicles, even if, honestly speaking, these reports were about 'nothing'. This way, the allied side had a powerful advantage in the war against Iraq in that they occupied the broadcasting time of the biggest TV stations with materials presenting their point of view and telling the story of their soldiers. The debate on the rightness of the intervention in Iraq, information about the world reaction to the events in the Persian Gulf, the analysis of the attitude of civilian population towards the interventionists, civilian losses or the assessment of the strength of the Iraqi opposition were pushed into the background³³. Of course, this system was a success mainly because the advantages were bilateral. Media organizations received a 24-hour access to selected line units, exclusive materials from combat actions and reports on soldiers' everyday life and their personal troubles and joys. As a selector of information, speaking colloquially, they had 'their hands full' due to the number of coming materials, both from their own reporters and from the coalition information centers.

According to the research done by Howard Tumber and Jerry Palmer³⁴ regarding information sources of the conflict, which were presented in main British media (BBC, ITN, Sun, Daily Telegraph, Daily Mirror, Guardian) in the period from 20 March to 7 April 2003, the allied sources dominated. It turned out that from 54% (the Guardian) to 66% (ITN) information came from the coalition sources. In order to compare – 10-16% were independent (e.g. non-governmental) American and European sources. The Iraqi government sources stood behind 9-12% of given information and Iraqi civilians from 5% (the Guardian) to 17% (BBC). The position of Arabic societies was presented in 1 (BBC) to 7% (the Guardian) cases. The quoted research results showed that, amongst others, thanks to openness and *embedding* system the coalition managed to dominate media with information presented from their own perspective. On the other hand, the restrictive Iraqi information policy was the reason for marginalizing the perspective of this conflict side.

On the one hand, the focus of *embedded reporters* on small fragments of the front reflected well the character of the very war, conducted in points by small units, but on the other it obscured its real general picture. The *PEW Research Centre for the People and Press*

³³ Marcin Poletyło's opinion is that, as a matter of fact, in this type of a system we deal with propaganda adjusted to modern realia: „Where there is a control of information flow we talk about propaganda. In democratic systems this control consists to a small extent in the very availability/non-availability of certain information, but in the (possibility of) their distribution by mass media and formal organization of the communication: both at the level of stereotypisation of notions and meanings as well as of the technical rules of producing information by media. Sooner or later, the facts will come out anyway – only very little information remains confidential for a long time or seems to be so. If there is a control of information flow, the information which is not suitable for the distributors does not reach mass media or it occupies such a place in the communication structure that it makes it almost invisible. The result is that the alternative (often called controversial) opinions, even of prominent characters, do not get through to the public opinion, even though they had reached the media, because they 'sink' in the sea of correct opinions”.

M.Poletyło, *Propaganda wojenna w liberalnej demokracji. Argument bałkański – analiza przypadku (War propaganda in liberal democracy. Balkan argument – case analysis)* Published Adam Marszałek, Toruń 2008, p. 24-25.

³⁴ Jerry Palmer, Howard Tumber, *Media At War. The Iraq Crisis*, SAGE Publications, London 2004, p. 103-111.

carried out an interesting research into media the coverage during the Iraqi conflict publishing the results in their report of April 2003³⁵. According to PEW, 94% of embedded journalists' reports concentrated on facts and events and usually lacked a commentary or a wider perspective. The correspondence of the embedded reporters was devoted mainly to armed operations of those units and their results (41% of all reports). 30% of all the reports were announcements of the coming armed combats and offensive preparations, and the remaining time was devoted chiefly to the issues connected with the morale of combatants or equipment presentation³⁶.

A frequent accusation of front reporters made by critics of this way of reporting war events was the appearance of emotional bonds between soldiers and the embedded reporters, connected by common fate, a kind of brotherhood of arms. In fact, the very reporters often faced a dilemma whether to reveal things that expose the people, on whom their safety depends, in bad light³⁷. After finishing a report a reporter remained among the people whom he had described. How they evaluated the journalist's work influenced not only the gained trust, access to interesting information, but also their safety. Thus, it was not in their interest to risk the loss of trust of those people. It is obvious that in such conditions a kind of self-censorship was born among the very journalists. As recalled by a CNN reporter Martin Savidge:

During this was there was going on a continuous battle between Martin Savidge – a Marines companion and Martin Savidge – a journalist. It was a conflict of souls. It is caused by the fact that if you are under fire as a civilian your life and fate are in the hands of soldiers and a bond is created between you and them. This happened to me. No one, who has not been in the gunfire will understand it and the truth is that your life depends on the man next to you. A difficulty for a journalist is that you have to rise above it somehow and try to look at it objectively and as a whole. This gives an impression of a soul flying over a body³⁸.

³⁵ This report analyzed the activity of embedded reporters on the basis of materials and reports prepared by them during three selected initial campaign days (21, 22 and 24 March), which were presented in the most important TV channels (ABC, NBC, CBS, CNN, Fox News) *Embedded Reporters: What Are Americans Getting?*, report PEW Research Centre for the People and Press of 3 April 2003, <http://www.journalism.org/node/211>.

³⁶ The PEW Report thoroughly analyses also the contents of the materials handed over from the first line of operations. Not a single report of embedded reporters was about the injured or casualties on the Iraqi or coalition side. Only few reporters included in their reports single pictures which made the audience think about death (e.g. a lonely boot in the sand, a burnt Iraqi helmet near the place of a landing bullet, a body of an Iraqi in a distance and wide angle). They were never broadcast directly after photographs that illustrated coalition shots. However, it must be taken into account that the photographs of the effects of the attacks on Iraqi positions were simply difficult to obtain due to significant distances of gunfire and the lack of a possibility of a free withdrawal from one's own army column.

³⁷ Numerous reports of the accompanying reporters can be found, among others, in Bill Katovsky, Timothy Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003.

³⁸ Martin Savidge, *Going Live* [in:] Bill Katovsky, Timothy Carlson, *Embedded. The Media at War in Iraq*. The Lyons Press; Guilford 2003, p. 277.

Terrorist organisations in Southeast Asia. Jemaah Islamiyah – action strategy and tactic

The aim of this article is to provide detailed information on structure and terrorist activity of Jemaah Islamiyah. The author discusses its historical background, development, structure and operational capacities as well as financing mechanisms of the organisation. She also reveals its links with other terrorist groups in Southeast Asia and discusses the major terrorist attacks carried out by the organisation. Indonesia is one of the countries in Southeast Asia, which has been facing various kinds of internal crises for many years. The most important ones include separatist tendencies (provinces of Western Iran and Aceh), some religious unrest (Moluki and Sulawesi provinces), local ethnic conflicts (Kalimantan province) and also a significant growth of fundamental feelings. Indonesia is the place of activity of one of the biggest terrorist organisations in the Southeast Asia – known as Jemaah Islamiyah (JI). It is considered ‘the right’ hand of Al-Qaida in that region and is also responsible for terrorist attacks on the island of Bali.

Development and structure of Jemaah Islamiyah

The organisation was founded in the first half of the 1990’s by a radical muslim clergyman Abu Bakar Bashir¹ and Abdullah Sungkar. Jemaah Islamiyah demand to establish a Muslim state that would consist of Indonesia, Malaysia, Singapore, southern Thailand and also the south of Phillipines. The genesis of the organisation comes down to Mujahideens, who came back to the country after the Afghan-Soviet war and started fighting for establishing a religious country based on the Koran rules. Among them there were Riduan Isamuddin (Hambali)² and Mohammed Iqbal Rahman (Abu Jibril) – high-rank members of JI. In the 1980’s they were trained by Al-Qaida. It should be emphasised here that the Osama bin Laden’s organisation did not set up Jemaah Islamiyah, but they supported it financially and trained their members.

¹ Abu Bakar Bashir – an Indonesian with a Yemen background regarded as the spiritual leader of Jemaah Islamiyah. In the 1970’s he joined the Darul Islam movement and then he was sentenced to jail in Indonesia for his activity. In 1985 he managed to travel to Malaysia where he started recruiting Mujahideens, who wanted to participate in the Afghan and Soviet war. At the same time he was raising money for his activity in Malaysia, through, amongst others, the contacts with Saudis. Based on <http://www.globalsecurity.org/military/world/para/ji.htm> (26.04.2008).

² Riduan Isamuddin (Hambali) – the operational boss of Jemaah Islamiyah. He was arrested on 11 August 2003 in Ajuttaja, about 65 km from Bangkok. In the 1980’s he participated in the war in Afghanistan as a Mujahiddeen attending various courses there. Based on *Thailand faces up to southern extremist threat*, Anthony Davis, “Jane’s Intelligence Review”, October 2003, p. 14.

Abu Bakar Bashir and Abdullah Sungkar remained spiritual leaders of the organisation, while Hambali became chairman of the five-person Central Executive Council³. It consisted of a secretariat and sections of operations, communication, finances, mission and security.

The first of them was responsible for training the members and for the organisation of training camps in cooperation with other terrorist groups, chiefly in the south of the Phillipines and also for planning and executing operations. The task of the communication section was to set up electronic communication. The security section was responsible for internal security, maintenance of discipline and intelligence services. A very important role was played by the finance section. It was responsible for opening and supervising bank accounts and raising funds for the activity of the organisation through contacts with other groups, money laundering or carrying out business activity, to name a few. The mission section was responsible for the recruitment and collecting donations at mosques in order to finance terrorist operations of Jemaah Islamiyah in Indonesia.

In order to increase their operational capacity and acquisition of information, which meant a wider range of possibilities of development, the organisation set up four regional commands in various regions of Asia.

Command 1 covers the area of the western Malaysia, Singapore and the south of Thailand. Its leader was Abu Hanafiah and then Faiz bin Abu Bakar Bafana. It is estimated that in the 1990's there were about 200 members⁴. It dealt with education and recruiting mainly students of technical science from the Malaysian Technical University. The aim of the command was also to establish and maintain contacts with Kumpulan Mujahideen Malaysia (KMM). This cell also provided logistic support for JI members, who attended a training course in Afghanistan in Al-Qaida camps. Command 1 was also responsible for conducting business activity that enabled money laundering and legal employment of JI members, who could travel freely as businessmen and establish contacts in other countries.

The activity of Command 2 covers two Indonesian islands: Sumatra and Java. This cell became a very important recruitment centre, especially at the end of the 1990's. An essential element was the formation of two paramilitary units acting under this command: Laskar Mujahideen and Laskar Jundullah as well as the establishment and running training camps. It is estimated that as many as seven of them were in Sulawesi and one in the Kalimantan province on the island of Borneo.

The Phillipines, the eastern part of Malaysia, Brunei and two Indonesian provinces of Sulawesi and Kalimantan were under the rule of Command 3. The main target of this cell was the logistic support for the group. It was responsible for obtaining explosives, weapons, specialist equipment and everything that could be of use for carrying out a terrorist attack. This cell closely cooperated with the Moro Islamic Liberation Front (MILF) acting in the Phillipines.

Command 4 was responsible for maintaing its cells in Australia and also in the furthest southern province of Indonesia and Irian Jaya. This cell is one of the smallest in the whole organisation structure of Jemaah Islamiyah. Its goal was to recruit new members and collect money for Indonesians who lived in exile.

³ The other members of the Central Executive Council were Abu Jibril, Agus Dwikarna, Abu Hanafiah and Faiz bin Abu Bakar Bafana, who was also the treasurer of JI.

⁴ <http://www.globalsecurity.org/military/world/par/ji.htm> (30.04.2008).

JI also had a cell in Pakistan, which was called Al-Ghuraba⁵. It consisted of young Indonesians, Malaysians and Singaporeans who studied in Karachi. Initially, its leader was the son of Abu Bakar Baszir – Abdul Rahim, but later the position was taken over by Rusman Gunawan (known as Gungun), the younger brother of Hambali.

Up to 2003 the leader of Jemaah Islamiyah was Hambali, but after his arrest, the position was taken over by dr Azahari bin Husin. The exact strength of the group is not known, but the American sources talk about approximate number of 750 members in the South-east Asia, out of which about 400 act on the Indonesian territory⁶. Thanks to contacts with MILF and Abu Sajef (Abu Sayyef Group – ASG) the JI members were trained in camps located in the south of the Philippines, amongst others in the south of the province of Lanao del Sur or in the archipelago of Sulu and Tawi – Tawi islands.

Financing the activity of the organisation

Since the beginning Jemaah Islamiyah has been developing their own methods of raising money needed for the terrorist activity. They were doing it mainly by means of running various types of companies, through subsidies, charity activity, smuggling goods and also through the system known as hawala. This group does not have only one financing system, therefore it maintains its solvency. It is estimated that they use the following eight mechanisms:

- cash personally brought into the country,
- funds from various islamic organisations,
- funds legally obtained from acting companies and other businesses in order to finance the development of operational capacity or for carrying out a concrete terrorist attack,
- money received through hawala. The system is based on a network of courriers, who transfer the money from hand to hand. The whole process relies on honour and takes place without formalities. Its main advantages include the lack of necessity of using traditional bank services and also a hindered process of detecting the concluded transactions. Besides cash, also gold and diamonds can be transferred that way,
- smuggling gold and precious stones
- donations from Jemaah Islamiyah members and people that support the activities of the group,
- financial support form Al -Qaida,
- money coming from criminal activity, such as kidnapping for ransom or extortions⁷.

⁵ The word 'Al –Ghuraba' means 'foreigners'. A training camp in Afghanistan has the same name.

⁶ Anthony Davis, Southeast Asia fears new terrorist attacks, "Jane's Intelligence Review", November 2003, p. 16.

⁷ Zachary Abuza, *Funding terrorism in Southeast Asia: the financial network of Al Qaeda and Jemaah Islamiyah*, NBR Analysis, Vol. 14, Number 15, December 2003, p. 9.

The financing systems mentioned above enabled the terrorist activity. Suicidal attacks with the use of explosives were relatively cheap to do. From 30 000 to 40 000 USD⁸ were allotted for the operation on Bali in 2002, during which 202 people died. It should be borne in mind that due to the events in Bali the tourist sector suffered from stagnation, which incurred losses for the Indonesian economics in the amount of over a billion dollars⁹, while the attack on the Australian embassy in Jakarta, which took place in 2004, cost about 7800 USD¹⁰.

During his interrogation Hambali confessed that the most important source of financing the operations was Al -Qaida. The donations coming from the remaining financing mechanisms are not so high. During his stay in Thailand, i.e. from August 2001 to August 2003, Hambali supplied the cells of Jemaah Islamiyah that acted on the territory of Malaysia and Indonesia with approximately 130 000 USD¹¹.

Operational capacity

As already mentioned, Jemaah Islamiyah was founded in the first half of the 1990's, but it was only in year 2000 that the terrorist attacks were carried out. It should be emphasised that all the time the group has been oriented to recruiting and training new members and also to the acquisition of explosives, weaponry and the development of the contact network, which has increased the operational capacity.

In August 2000 the organisation made an attempt on the life of the ambassador of the Phillipines in Indonesia. The action was to be a gratitude token for the cooperation and training received from MILF.

The first cells of the organisation were beaten up in December 2001 by Singaporean and Malaysian authorities. In December 2001 15 people were arrested, out of whom 13 belonged to JI, while in August 2002 in Singapore 21 people were seized¹². The group wanted to carry out six big terrorist attacks:

- Suicidal terrorist attacks using lorries filled with explosives, which were to be carried out between December 2001 and April-May 2002. The target were American institutions.
- Planned terrorist attack on American citizens at the bus station of Yishun MRT. In 1999 the preparations to this operation were started, amongst others the reconnaissance of the area and making a film about the infrastructure of the station. Then, the tape was brought to Afghanistan, where Mohammad Atef got acquainted with the filmed material and he gave advice and instructions how to carry out the attack.
- The plan of the attack on American units operating between Changi and Palau Tekong

⁸ *Southeast Asia fears new terrorist attacks*, ibidem, p. 17.

⁹ Zachary Abuza, *Funding terrorism in Southeast Asia...*, ibidem, p. 10.

¹⁰ *Indonesia: Jemaah Islamiyah's current status*, ICG, Asia Report number 63, May 2007, p. 4.

¹¹ *Southeast Asia fears new terrorist attacks*, ibidem, p. 17

¹² *Singapore reports on Jemaah Islamiyah*, Richard Evans, 'Jane's Intelligence Review', February 2003, p. 24.

- with the use of motor boats filled with explosives. The scenario was similar to the attack on USS Cole.
- The attack on Paya Lebar Air Base – in order to do so one of the employees of the base took about 50 photos of the object, but they did not include any details which were necessary for drawing up the attack plan. It was due to the fact that no employee had an appropriate level of access to the object. Therefore, the members of JI looked for another employee of the base with a higher access level, who could make the photo documentation.
- After 11 September 2001 a JI cell got a task to carry out reconnaissance of an American school located in Singapore, by means of collecting necessary information about the object and also on the basis of photographic documentation.
- Planned attack on strategic installations located in Singapore. It was to cause a conflict between Singapore and Malaysia. The targets were, amongst others, the Changi airport, the building of the Education Ministry, pipelines and also the radar station of Biggin Hill.

Finally, the group was not able to carry out all planned actions because its members had been arrested. In January 2002 Hambali organised a meeting, where he ordered the cells to concentrate on attacks on smaller targets, covering, amongst others, holiday resorts, knowing the negative impact they would have on the economy of the country. In May 2002 he decided to stop planning the suicidal attack on American units operating in the South-east of Asia to the benefit of a terrorist attack on a selected tourist centre.

Terrorist activity

Jemaah Islamiyah is responsible for carrying out terrorism attacks with the highest number of fatalities in Indonesia and also in the region of Southeast Asia.

The first big attack took place on Bali island on 12 October 2002¹³. On the first day three explosives were detonated in two places. The first explosion, which was the smallest one, happened at the American consulate in the city of Denpasar on the island of Bali. However, the detonation did not cause serious damages and there was no fatalities either. This attack can be considered a symbolic gesture against America. Another bomb went off in the city of Kuta, which had been brought by a suicide bomber into the popular nightclub „Paddy’s Bar” in the evening. The bomb was to scare people off and make them run out to the street. After a while, another explosion was reported. What was detonated this time was a bomb located in a car parked at the „Sari Club” nightclub. The aim was to kill as many foreign tourists as possible. As a result of terrorist attacks on 12 October 2002 people died, chiefly Australians and Indonesians and over 200 were injured¹⁴.

¹³ Greg Fealy, *Hating Americans: Jemaah Islamiyah and the Bali bombings*, “IIAS Newsletter”, July 2003, p. 3.

¹⁴ Nick Hordern, *Australia’s reaction to Bali*, ‘Jane’s Intelligence Review’, December 2002, p. 16.

Table 1. Terrorist attacks on Bali in year 2002

Explosion			
Target	'Paddy's Bar'	'Sari Club'	US Consulate
Time	about 23.09	about 23.12	about 23.00
Venue	Kuta, Bali (inside the club)	Kuta, Bali (at the club)	Denpasar, Bali (near the Consulate building)
Bomb	500 g – 1 kg TNT	50 – 150 kg TNT	500 g – 1 kg TNT
How the bomb was transported	brought into the club	in a van	in a car, detonated through a mobile telephone
Fatalities and the injured	202 fatalities and over 200 injured		none

Source: Brian Jackson, John Baker, Kim Cragin, *Aptitude for destruction*. Vol. 2 Case studies of organizational learning in five terrorist groups, RAND, 2005, p. 70.

After these tragic events on Bali 34 suspects were detained¹⁵. In August and September 2003 three of them: Amrozi, Imam Samudra and Ali Ghufron (Mukhlas) were sentenced to death. The other two: Ali Imron¹⁶ and Mubarak received a life sentence. On 3 September 2003 Abu Bakar Bashir was sentenced to four years in jail¹⁷. The real blow for the operational capacity of the group was the arrest of Hambali. Not only was he the operational boss of Jemaah Islamiyah, but also a link in the Southeast Asia between the organisation and Al-Qaida.

The next attack carried out by the members of Jemaah Islamiyah took place on 5 August 2003 in Jakarta¹⁸. This time the exclusive hotel of J.W. Marriott was chosen as a target. A driver called Asmar Latin Sani, in a car filled with explosives, came close to the entrance of the hotel and then the bomb exploded. As a result thereof 12 people died and over 150 were injured¹⁹.

The next target of the organisation was the Australian embassy in Jakarta. The attack happened on 9 September 2004, when a bomb placed in a minivan in front of the embassy exploded. Nine people died and over 150 were injured²⁰. The originators of this attack are considered Azahari bin Husin and Noordina Mohammad Top.

After the event, on one of the websites Jemaah Islamiyah posted a statement saying: 'We decided to settle accounts with Australia, one of the worst enemies of God and Islam....and a Mujahideen brother succeeded in carrying out a martyr operation with a car bomb against the Australian embassy'²¹. Further on they warn the Australians: 'it is the first of a series of

¹⁵ *Southeast Asia fears new terrorist attacks*, ibidem, p. 16.

¹⁶ During the trial Ali Imron as the first one of the accused members of Jemaah Islamiyah showed remorse for what had happened on Bali.

¹⁷ *Southeast Asia fears new terrorist attacks*, ibidem, p. 15.

¹⁸ JW Marriott Hotel bombing, <http://www.globalsecurity.org/security/ops/marriot.htm> (30.05.2008).

¹⁹ *Southeast Asia awaits JI's next move*, Antony Davis, "Jane's Intelligence Review", September 2004, p. 27.

²⁰ *Ji suicide bombing targets Australian embassy*, ibidem, p. 24.

²¹ The statement was on the website of www.islamic-minbar.com

attacks. We advise Australians in Indonesia to leave this country or else we will transform it into a cemetery for them²². In that statement the organisation criticises also the Australian foreign policy towards Iraq.

In order to capture the JI members connected with the attack on the embassy the Indonesian government issued an award of one billion rupees (over 100 thousand USD) in September 2003 for the information about the place of stay of Azahari bin Husin and Noordin Mohammad Top²³.

On 1 October 2005 there was another terrorist attack, for which the responsibility is claimed by Jemaah Islamiyah. Again, the terrorists put three bombs on the island of Bali. As three years ago, the explosives were in two cities, this time in Kuta and Jimbaran in the south of the island. These bombs were detonated in the evening in a few-minutes' intervals, killing 22 people and hurting over 100²⁴.

What is a great problem in this region of the world is the foreign policy of Western countries towards Muslims, particularly that of the United States. The war in Iraq is an example thereof. It stirred up tremendous anger and protest of the Muslim community. Undoubtedly, this policy provided Islamist radicals with many arguments and pushed moderate Muslims into the direction of organisations with more radical views, and radicals into the direction of terrorism. In such a situation it is not difficult to recruit future terrorists into an organisation like Jemaah Islamiyah.

It must be also taken into account that Indonesia is a huge country with a diverse society and internal problems. It is inhabited by hundreds of ethnic groups that speak numerous languages, believing in various religions and interpretations of Islam. The aim of Jemaah Islamiyah is to create a caliphate in the Southeast Asia, which will ensure peace and security to the world. This Bashir's vision is shared by many Islamist radicals, such as Imam Samura, who was responsible for the terrorist attack on Bali in 2002. He testified that this was a war of religions, similar to a crusade, and that Islam will flourish on the Earth. He emphasised many times that this war could not be stopped, even if it were to last until the end of the world.

²² JI claims Jakarta car bombing, <http://edition.cnn.com/2004/WORLD/asiapc/09/09/indonesia.blast/index.html> (05.06.2008).

²³ *Ji suicide bombing targets Australian embassy*, *ibidem*, p. 24.

²⁴ Christian Le Miere, *Bali bombs confirm Indonesia's extremist problem*, "Jane's Intelligence Review", November 2005, p. 5.

Reviews and discussions

Aleksandra Moroska, *Right-wing populism vs. Euroscepticism (based on the example of the Pim Fortuyn List in Holland and the League of Polish Families in Poland)*, Wrocław 2010

Krzysztof Zuba

Patrycja Sokołowska, *Foreign and security policy of Federal Republic of Germany towards the states of former Yugoslavia in 1990–2005*, Toruń 2010

Artur Drzewicki

Aleksandra Moroska, Right-wing populism vs. euroscepticism (based on the example of the Pim Fortuyn List in Holland and the League of Polish Families in Poland), Wrocław 2010

The book by Aleksandra Moroska is undoubtedly an important scientific voice in the discussion about two interpenetrating phenomena: populism and euroscepticism. It should be emphasized that both phenomena, although widely discussed and analyzed in scientific literature, remain theoretically problematic and one must admit that their sources, determinants and the essence have not been fully explained. The writer proved to be very brave to take up such an ambitious research challenge. As a result a very successful comparative study of two cases of eurosceptic populist parties was produced, i.e. the Dutch Pim Fortuyn List (LPF) and the Polish League of Polish Families (LPR).

Maturity and value of a scientific project are measured not only by the number of answers it provides, but also by the number of questions it provokes, which is equally important. Only these two elements decide whether the study becomes a voice in the scientific discourse and its author – a rightful participant. As a matter of fact, the work by Ms Aleksandra Moroska, MA, both delivers answers to the posed research questions and also induces other questions or doubts of scientific character.

The author decided to analyze two parties, about which even she writes that ‘they differ from themselves essentially’. It is true that the social and political reality of Holland, where the LPF had its roots, significantly differs from the social and economic reality of Poland. The writer, being aware of these differences, properly assumes that their populist and eurosceptic character provides ground for comparison. From this perspective, the selection of such different parties is a special asset, since the differences between them, resulting from several variables, allow us to look at euroscepticism and populism from various angles. This, in turn, enriches the very analysis as well as the final conclusions. I think that choosing to analyze two completely different cases is valuable for it is possible, more rightfully than it would have been in the case of analyzing two similar cases (e.g. from two countries of the Central and Eastern Europe), to refer to research hypotheses formulated in a general way with reference not to specific cases, but to relations between populism and euroscepticism as such.

What sounds particularly convincing are also the writer’s arguments for restricting the researched populist parties to two cases. The decision on concentrating on the detailed study of the two cases made it possible to present and apply a wider range of research tools as well as to indicate more refined analytical constructions.

It should be emphasized that the writer uses the comparative analysis very efficiently. The two analyzed cases of LPF and LPR were covered in the book in separate chapters, which constitute a mirror reflection of each other. Thus, they turned out to be „compatible

samples”, which can be responsibly and legibly compared and the conclusions drawn are easily verifiable. Owing to the wide political and social background against which the cases studied were shown it is possible to draw deepened conclusions and simultaneously formulate a more accurate statement regarding the essence of the present similarities and differences.

The reviewed book provides evidence of the writer’s extensive knowledge of the problem analyzed. It is worth emphasizing, the more so as she attempted to tackle a topic that refers to two phenomena, which are still inherently problematic, that is populism and euroscepticism. The analysis regarding not only their common perspective, but showing their mutual connections and relations significantly increases the level of difficulties of such defined area of research.

The very analysis as well the verification of the research hypotheses faced several restrictions, which required that the writer be very adept and inventive. The writer conducted a mature and a very thorough comparative analysis of the cases selected, with regard to both their populist character as well as of euroscepticism, avoiding too easy and superficial conclusions. What became very helpful in formulating final conclusions based on the comparisons were the theoretical decisions on the essence of populism made in the first chapter as well as mutual relations between this phenomenon and euroscepticism. This book offers an interesting proposal of combining these two phenomena, adopting „horizontal and vertical exclusion” as a common and joining factor. It is the writer’s original and own proposal, which allowed her to create a necessary common indicator for such different cases and to attempt to draw up generalizing conclusions. All these questions were presented and discussed in the first – methodological part of the book.

In the following, „twin” chapters included in the second part (regarding LPF – chapter 7) and in the third part (regarding LPR – chapter 7) the PhD student conducted an analysis of motivational potential of euroscepticism as an election issue. These are key chapters to verify the second of the hypotheses made in the study – that euroscepticism of both parties influenced their election successes; therefore the European issue had a significant motivational election potential. To this end the PhD student used the economic notions of demand and supply to analyze the behavior of the researched subjects on the political market. The analysis of the demand provided information about the importance of the European issue within the election offer of both parties and, what is important, also taking into account the offer of competitive parties. The analysis of supply, in turn, provided information about the potential market for such an offer and, strictly speaking, about how important the role of the European issue was for the electorate of LPF and LPR.

The last – fourth part of the work constitutes a comparative analysis of the two parties analyzed with respect to both their populist character and of their euroscepticism. Maintenance of the structure applied in the second and third part of the work positively influences the legibility and empiricism of the analysis. The PhD student carried out a mature and even a thorough analysis avoiding conclusions that are too easy and superficial. What appeared very helpful in formulating the final conclusions based on the comparisons were the theoretical considerations regarding the essence of populism made in the first chapter and mutual relations between this phenomenon and euroscepticism. These were used to create the common denominator for the two different cases and to make an attempt to draw up

generalizing conclusions. Out of various determinants there appeared a structure of factors, which finally, as the writer concludes, led to the formation of similar features that were responsible for such a populist as well as eurosceptic character of both parties.

„Eurosceptic attitudes of LPR and LPF clearly indicate a populist and right-wing exclusion at the vertical and horizontal level. For the necessary argumentation element of both parties was the reluctance towards political elites in Holland and Poland due to the allegedly wrong politics towards the European Union and acting to the detriment of the state and its citizens.”

The reviewed study attracts attention to the abundance and variety of the materials used. The writer collected an extensive set of unpublished documents and occasional prints in Polish and Dutch, which constitute a first-class source of research into the position and attitudes of the political parties analyzed. She confronted the material acquired with the already existing analyses included in numerous studies and with opinions expressed in the press. As regards the reference books not only did the writer demonstrate amazing scrupulousness, but also the ability to select materials? As a matter of fact, it is difficult to show in her bibliography – on the one hand – unnecessary items or – on the other hand – omitted important ones. What is worth even more appreciation is the fact that she referred to the literature in Polish, English, German and Dutch language. The material consists of information from the press, audiovisual sources, websites and also interviews conducted with politicians, political scientists and journalists. The variety of the collected material guarantees a comprehensive perspective of the analyzed phenomena. It also confirms the conclusions that can be drawn from reading the book about the diligence and enormousness of work, which had been necessary to carry out such an ambitious research project. At the same time it provided foundations for the free and mature scientific narration, the application of polemical elements and the responsible formulation of own proposals.

What is characteristic of the study is its logical structure and a perfect transparency. The discourse language combines analytical and scientific assets with communicative features. Summing up, Aleksandra Moroska's book, which is going to be published soon, is the evidence of writer's excellent skills of building analytical constructions and carrying out scientific narrations. The legibility and transparency of the book significantly gained in meaning thanks to skillfully used tables, diagrams, charts and also appendices.

The work is characterized by the high level subject-matter of, logical construction that corresponds with the aims set and a clear language of the disquisition. It is an important and mature scientific voice in the general debate on the phenomenon of both populism and euroscepticism.

Krzysztof ZUBA

Patrycja Sokołowska, *Foreign and Security policy of the Federal Republic of Germany towards the States of the Former Republic of Yugoslavia in 1990-2005*, Toruń 2010

It could be said that the public and scientific debate on the assumptions of the foreign and security policy of the Federal Republic of Germany reflecting the quest for its final shape and, at the same time, defining the role of the German state on the international arena cannot currently arouse emotions any more. The attempt to answer a question of what Germany we will be dealing with in Europe, will it be defined by the concept of „Weltmacht” and „Grossmacht”, or maybe „Zivillmacht”, seems now to interest solely a circle of specialists and the emotions which accompanied these issues in the 1990’s will never come back again. However, the book that has this year appeared on the Polish market called ‘Polityka zagraniczna i bezpieczeństwa RFN wobec państw obszaru byłej Jugosławii w latach 1990 – 2005’ (Foreign and security policy of the Federal Republic of Germany towards the states of former Republic of Yugoslavia in 1990-2005) by Patrycja Sokołowska fully contradicts this kind of belief. A sufficient recommendation to reach out for the book is the fact that it is based on the results of research carried out by the writer during her PhD work, for which she was awarded a Prize of the Prime Minister of the Republic of Poland and the Chief Management of the Society of Political Sciences. Yet, regardless of this, it turns out that the publication includes new knowledge, which makes it possible to look again at the particular problem with greater interest, just like in the case of the monograph by Bogdan Koszel (*Mitteleuropa rediviva? Europa Środkowo- i Południowo-Wschodnia w polityce zjednoczonych Niemiec, Mitteleuropa rediviva? Central and South Eastern Europe in the politics of unified Germany*) and Marek Waldenberg (*Rozbicie Jugosławii. Jugosłowiańskie lustro polityki międzynarodowej, The collapse of Yugoslavia. Yugoslavian mirror of international politics*) or a publication by Wojciech Pięciak (*Niemcy. Droga do normalności. Polityka zagraniczna RFN od wojny o Kuwejt do wojny o Kosowo (Germany. The road to normality. The foreign policy of the Federal Republic of Germany from the war about Kuwait to the war about Kosovo)*). The writer skillfully combines two subject-matter planes, formally inseparable from each other, which naturally creates a coherent and integral whole. The first of them refers mainly to the issue of the formation of the German foreign and security policy and the mutual interaction between the scope and form of involvement of the Federal Republic of Germany on the international arena and in the Balkan events, which made the state one of the main subjects exerting the direct impact on their course. The second plane is chiefly related to several issues concerned with the emergence of new states in the wake of the collapse of the former Yugoslavia, which as a post-crisis area, undergo various processes and fall under international influences, aimed, on the one hand, at their full stabilization and, on the other hand, leading to gradual integration with European and Euro-Atlantic structures.

The publication consists of five chapters, which complement one another and create a logical whole. They are devoted respectively to main directions of German foreign and security policy, the position of Slovenia, Croatia, Bosnia and Herzegovina in the policy of the German Federal Republic, the approach of Germany towards the conflict in Kosovo and Macedonia and to its commitment in the political and economic stabilization of the region, intended to bring these particular countries closer to the European Union and NATO.

As already mentioned, despite the fact that this study has explicitly defined subject-matter frames, special attention should be paid to the fact that it refers to diverse political, social, safety and economic problems. In addition to a thorough analysis of the German politics on the Balkan territory, presented by the writer not only within the frame of national politics, but chiefly in the light of international conditions and relations, we can find a great amount of information on the past and present political situation in the states of former Yugoslavia. What attracts a special attention is quite an extensive material devoted to the problem of Kosovo, and Bosnia and Herzegovina as peculiar 'international protectorates'. The data on these two countries, enriched by the information, taken by the writer, from interviews of various representatives of international authorities acting in the two countries, add special scientific lightness to the work. Thanks to it, it is balanced and accessible to an average reader and simultaneously allows for a more comprehensive understanding of the whole problem. At the same time, some facts revealed, such as those included in the so-called guidelines for the Bundeswehr contingent, i.e. in the coursebook written for German soldiers serving in Kosovo, which suggests they should adopt (in secret) favorable attitudes towards descendants of the Albanian soldiers of the SS „Skandenberg” division, seem quite sensational. Actually, it is analogical to the fact that the area of stationing of the German contingent on the territory of the province was chosen because it had been occupied by the Third Reich in the 1943 – 1994, as a part of the 'Great Albania'. The detailed bibliography of such plots is, undoubtedly, another advantage of this book.

Undertaking the investigation of the assumptions of the German security policy in the Balkans the writer definitely exceeds fairly strictly defined frames of research to be conducted into the policy of the unified Germany towards the states established in the wake of the collapse of the former Yugoslavia. So far, they have mainly embraced the so-called 'media' topics, such as too early recognition of Slovenia and Croatia, the responsibility of Bonn for the collapse of the Socialist Federal Republic of Yugoslavia, the war outbreak in Bosnia or on the participation of Bundeswehr in the Kosovo operation. Naturally, it does not mean that the writer avoids dealing with such an important issue as the impact of the German strategic culture on certain political decisions and its attendant change resulting from the fact that the assumptions of German security and foreign policy exceeded the so-called frames (for instance – a departure from the so-called Kohl's Doctrine). It is seen the most vividly in the context of the evolution of the attitude of German political elites towards the issue of Bundeswehr's participation in the 'out of area' operations, which is discussed in detail by the author.

Without assessments intended for the indiscriminating public and very often enriched by subjective comments, so characteristic of the discussions concerning German politics in the Balkans, the book presents the real picture of causes and consequences related the commitment (political, diplomatic and military ones) of German authorities in solving

the conflicts in the region. Additionally, the work contains a very rich bibliography, which is especially important in the context of the second aspect discussed in the publication, i.e. the evaluation of the international situation around the states of the former Yugoslavia and their functioning in the international surrounding as theoretically independent and sovereign beings. What has so far been quite rarely touched upon, are various aspects of German commitment in the Balkan stabilization, from the strategic dimension reflected by enforcing some provisions of the Dayton Agreement and establishing the Stability Pact for the South Eastern Europe to the tactical dimension including the preventive deployment of border guards and police forces in Kosovo, and Bosnia and Herzegovina as the way of containing threats to the German security with regard to illegal migration. This assessment also applies, to a great extent, to the attitude represented by Polish experts at the Balkan problems, who seem to be too strongly concentrated on reflecting the existing status quo in an institutional sense (political and party systems, constitutional order), without searching for causes of the given status quo deeper, and devoting too much attention to the practical dimension of the existing status quo. In this context one can say that not everything can be explained by Serbian and Bosnian animosities or Serbian and Albanian ones, which result from cultural, ethnic and religious differences or different historical traditions. The writer clearly emphasizes this in her book and which can be recommended as this special compendium to experts at Germany as well as to people interested in the Balkan problem.

Artur DRZEWICKI

Scientific chronicle

Krzysztof Kubiak

35th Congress of International Commission of Military History

Piotr Mickiewicz

Energy security of Central Europe. Political and economic aspects

Aleksandra Moroska

Extremism in modern Europe. Manifestations, challenges, threats

The 36th Congress of the International Commission of Military History

The 36th Congress of the International Commission of Military History was held in Amsterdam from 29 August to 3 September. The topic of the meetings was 'Insurgency and counter-insurgency from 1800 to the present'. Such wide chronological frames with the narrowed factual area allowed for a relatively thorough review of those phenomena.

The Congress took place under the auspices of the ministry of defense of the Kingdom of the Netherlands. E. van Middelkoop officially opened the event and was accompanied by chairman of the International Commission of Military History professor L. de Vos, head of the Dutch Commission of the Military History professor J. Hoffennar and director of the Netherlands Institute of Military History P. H. Kamphius.

The Congress, as each year, was accompanied by sessions of 'the core' commissions: the bibliographical one that deals with the problems of military archives and the latest 'educational' one, which discusses issues connected with teaching the history of military science.

One of the participants of the plenary session of the Congress was, amongst others, major general S. Mollo, who presented a lecture on 'Rebels as freedom combatants: an experience of South Africa'. Undoubtedly, he was one of very few congress participants whose personal experience directly connected with the central theme of the congress was so extensive. This active member of the armed wing of the African National Congress, called 'spear of the nation', transformed from a partisan into a soldier of a regular army after the disassembly of apartheid and finished his career as Head of the Personnel of Armed Forces of South Africa. He presented very expressively and emotionally the role of the black majority in the struggle for the sovereignty of his own country.

Among the other lectures – there were 120 of them presented in 34 sessions – the ones who attracted special attention according to the author of this report were those who dealt with events that had not been reflected in the Polish literature. They include '¡Viva el Sultán, viva Marruecos, viva España! Moorish troops under the Sultan, Morocco and Spain, 1909-1927' presented by Dr. Eduardo de Mesa Gallego, or *Operation Independence: War against the Rural Guerrilla in Argentina (1975-1976)* presented by Dr. Alejandro Amendolara.

Another group of interesting presentations included the ones focusing on a new research approach, arriving at conclusions which sometimes depart from the ones commonly met in earlier literature. This group consisted of, amongst others, the following lectures: *An American Way of Irregular Warfare?* (professor Brian Linn), *Countering Insurgencies: The British Experience at the End of Empire* (doctor Benjamin Grob-Fitzgibbon) and *Building Indigenous Security Forces for Counterinsurgency in Divided Societies* (Florian Wätzel).

The Polish contribution to the 36th Congress of the International Commission of Military History were the lectures titled *L'insurrection de Varsovie 1944* (by Prof. Tadeusz Pancecki, PhD) and *„Polish Military Operations against Ukrainian Guerrillas 1945-1950* (by Krzysztof Kubiak, PhD, professor of the University of Lower Silesia).

The sessions of the Congress were accompanied by moderated discussions. The first of them was devoted to the issues of *‘Insurgency and Counterinsurgency: New and Significant Books’*. It was a practical and critical review of the world literature on that topic.

Another discussion concerned the history of research methodology used in the field of military history. Its leading motive was *‘The Military Revolution at Sea. Trends and Developments in Early Modern Naval Historiography’*. In addition to the sessions, a workshop for PhD students was held (already for the second time), in which nine young researchers participated.

Moreover, the Congress participants visited an impressive Netherlands fortress in Naarden and participated in the military and historical trip to Arnhem. The latter was perfectly organized thanks to special efforts made by the employees of the Netherlands Institute of Military History. The participants of the Congress had been divided into teams of several people and equipped with a set of 12 tactic maps and then, accompanied by professional guides visited a bridge on Rhine in Arnhem (and the Information Centre situated nearby), Oosterbeek area, where Polish airborne regiment fought shoulder to shoulder with the British, the Airborne Museum of the Market-Garden operation in Oosterbeek and the nearby area of parachutist deployment (landing of gliders). The exploration of the battlefields finished with laying a wreath in the Arnhem Oosterbeek War Cemetery, where the soldiers of the Polish 1st Independent Parachute Brigade commanded by general Stanisław Sosabowski had been buried. Military honors were rendered by the Dutch 11 Luchtmobiele Brigade (Air assault), whose commander, general Wiggen, took part in the ceremony.



Photo 1. Lieutenant-Colonel Hagemeijer from the Netherlands Institute of Military History is explaining the nuances of the Battle of Arnhem to the congress participants.



Photo 2. A fragment of a diorama in the Airborne Museum of the Battle of Arnhem in Oosterbeek.

The International Commission of Military History is an institution with broad experience and significant successes. It is a UNESCO Affiliated International Organization, which was the only possible space for exchanging opinions by military historians (mainly active and reserve officers) of the East and West during the times of the cold war. Currently, it still provides 'a neutral ground' to, for instance, Israelis and Moroccans, but this function is not as important as a dozen or so years ago. At present the mission of the Commission can be described as building a network of international cooperation and intensification of its efforts. It brings about notable results and attracts a great number of young researchers, which allows the Commission to look into the future with optimism.

Krzysztof KUBIAK

International Conference

Energy security of Central Europe.

Political and economic aspects

From 4 June 2009 to 5 June 2009 the Institute of Security and International Affairs of Dolnośląska Szkoła Wyższa (University of Lower Silesia) held an international conference on energy security of Central Europe, with particular consideration of Poland and Ukraine. The conference took place under the auspices of the deputy prime minister and minister of economics – Mr. Waldemar Pawlak.

The conference aimed at evaluating the level of energy security of Central Europe in the light of contemporary political, economic, social and ecological determinants. It should be emphasized that although the range of topics covered at the conference greatly exceeded the frames of the title of the conference, i.e. the security of deliveries of energy resources, it was the dominant issue addressed by the participants of both plenary and panel sessions.

The predominant topic of the plenary sessions was the evaluation of political and economic consequences of deliveries of energy resources alternative to those offered by Russia. The Ukrainian perspective on the problem of gas deliveries which are alternative to Russian streams was presented by Sergiy Gerasymchuk, PhD, who represented *Expert Council of the Committee for the European Integration of the Ukrainian Supreme Council*. Then professor K. Rokiciński from Akademia Marynarki Wojennej (Naval Academy) in Gdynia made an assessment of the significance of the Nord Stream gas pipeline for the region of Northern Europe indicating several positive results of its construction in the regional perspective.

The second area of the debate concerned geopolitical consequences of the competition for the Central Asian energy resources. Professor Piotr Mickiewicz from the Institute of Security and International Affairs of Dolnośląska Szkoła Wyższa (University of Lower Silesia) pointed to little importance of these sources in the entire picture of the EU energy policy and their enormous role in the politics of Russia, China and, to a smaller extent, the USA. His presentation was followed by Yarosław Matijczyk, PhD, representing *National Institute of International Security Problems* in Kiev, who showed the scale of transformations of the geopolitical situation in the Caucasus area, as a consequence of constructing systems of natural gas deliveries, which are alternative to the Russian ones.

A special, extremely interesting extension of that topic was the third part of the plenary debates, which was focused on the issues concerned with Poland. It was initiated by the paper delivered by professor Jarosław Gryz from Akademia Obrony Narodowej (National Defence Academy), who presented the Polish context of the Russian policy of trading energy resources. His speech included answers to the following questions: *To which extent can Polish energy policy cater for Polish interests? To which extent can Poland independently provide for its energy security and to which extent does it involve other states? Do we have knowledge, skills and capacities which will guarantee us the possibilities of pragmatic*

formation of individual and collective energy policy under the European Union? What will the contribution be therein of a coalition of various partners? What corresponded with these theses was a subsequent presentation given by professor Krzysztof Kubiak from the Institute of Security and International Affairs of Dolnośląska Szkoła Wyższa (University of Lower Silesia), who made an evaluation of challenges, chances and threats of building a system of LNG deliveries in Poland. He emphasized the necessity of conducting a correlated investment policy in with regard to energy management, constructing storehouses and a system of land transport, building an LNG terminal and developing a system for protecting transport lines. On the second day of the conference the focus was on two principal problems – the Russian policy of trading resources in the context of Central Europe and the evaluation of the level of Polish energy security as a consequence of global competition for control over the market of energy resources. In the first area of the debate there were presented the assumptions of the energy policy as an element of internal and external influence of the Russian Federation (Jerzy Pyka, MA) and the character and consequences of Russian actions with regard to Central and Eastern Europe in the field of delivering energy resources (Andrzej Demkowicz, PhD, Katarzyna Wardin, PhD and Anna Druszcz, MA). A kind of conclusion to that topic was the presentation by Filip Tereskiewicz, MA, who introduced *legal instruments and practical possibilities* of effective actions to be taken by the European Union in case of threats to the energy security of Central Europe.

To evaluate the Polish energy security level the problems involved were analyzed in detail. The alternative energy resources and the evaluation of the level of energy security were given prominence here. In connection with the alternative sources of energy the presentations focused on the importance of the hard coal in the Polish energy balance (Marcin Sienkiewicz, PhD), possibilities of using alternative sources of energy in Poland (Adam Olechowski, PhD) and the consequences for the Polish energy policy brought about by the climate and energy package (Helena Wyligąła, PhD). The way of understanding the level of energy security by the Polish society was presented by Julita Różak, MA from the University of Wrocław, director of Dolnośląski Urząd Regulacji Energetyki (the Lower Silesian Energy Regulatory Authority), Monika Gawlik, MA and Wojciech Kazanecki, PhD (Dolnośląski Ośrodek Studiów Strategicznych – Lower Silesian Centre of Strategic Studies). J. Różak presented legal and political determinants of the national energy policy. M. Gawlik emphasized the scale and character of social consequences of transforming the state energy policy, while W. Kazanecki presented a picture of public debate regarding the shape of the state energy policy. The presentations were complemented with a special speech by G. Tokarz, PhD, who assessed the involvement of Polish intelligence services in the formation and practical execution of the state energy policy.

A wide and interdisciplinary character of the papers let the participants realize that energy security cannot be perceived solely from the angle of diversifying delivery directions, but it should also include various types of energy (gas, oil, coal, nuclear power, renewable energy), development of transport and processing infrastructure as well as adaptation of these elements to the clearly detailed determinants of the state policy. This message should be also reflected in the state energy policy.

Extremism in modern Europe – manifestations, challenges, threats

On 6–7 October 2010 the Institute of Safety and International Affairs of the University of Lower Silesia was the host to the international scientific conference devoted to modern extremism. The conference attracted as many as 40 scientists and specialists from universities and research institutes from Poland, the Federal Republic of Germany, Slovakia, the Russian Federation and the United States. The attendees included also representatives of the Department for the Constitution Protection of Brandenburg state and of Polish and German non-governmental organizations. The concentration of various circles enabled to carry out a thorough analysis of problems connected with extremism. The conference program was divided into two parts. On the first day theoretical issues of the extremism essence, concept and sources were discussed. Multiplicity and variety of its forms and action methods were presented. The second day focused mainly on the problem of extremism in Poland and Germany, including, amongst others, the causes the phenomenon and prevention ways. The analysis of specific issues regarded both individual case studies and it also included the comparative perspective. Due to its international character, the conference sessions were carried out in English, while the thematic panels were held in the Polish language. The conference was organized in the cooperation with the Lower Silesian Information Point Europe Direct at the University of Lower Silesia, Foundation for European Studies (FEPS), the Honorary Consul of the Slovakian Republic in Wrocław and Wrocław branch of the Polish Society of Political Sciences. The project was supported by the Polish-German Science Foundation.

The first part of the plenary sessions was devoted to concepts and controversies connected with defining political extremism. Professor Uwe Backes (the Hannah Arendt Institute of Research on Totalitarianism at the Technical University in Dresden) and professor Roman Bäcker (the Nicolaus Copernicus University) delivered speeches on this topic. In his lecture prof. Backes focused on the essence of the so-called *negative definition of extremism*, saying that it defines extremism indirectly through contradicting the minimum, on which the constitutional democratic states are based contemporarily, i.e. – power control, pluralism and human rights. Thus, in his opinion, extremism can be defined as striving for autocracy, anti-pluralism and anti-democracy. At the same time he indicated a broad spectrum of extremism attitudes, distinguishing between ‘a soft’ and ‘hard’ form of extremism. Meanwhile, prof. Roman Bäcker concentrated on the problem of the contextual and universal definition of extremism. In his opinion, the contextual perspective of extremism makes it impossible to create a more universal definition of political extremism. In order to do it, the ideology and a radical way of extremists’ behavior should be precisely defined with reference to the more general categories. It is necessary in this case to specify whether extremism is processed in the democratic or non-democratic environment. Recognizing populism in its pure form, defined by prof. Bäcker, as a form of political extremism became

then a basis for the discussion about mutual relations and borders between the notions of extremism, radicalism and populism.

The topic of the second plenary session covered the forms and manifestations of contemporary extremism. The contents of the speeches presented allowed reviewing its various forms in particular parts of Europe and World. The first speaker was professor Andrzej Jabłoński (Wrocław University), who, in his introductory speech of the *Genesis and development of liberal and conservative radicalism* referred to the discussion about defining the notions of extremism and radicalism. He emphasized other, quite frequent, meanings of extremism and radicalism in different historical periods. The professor proved also that radical ideas can turn up not only on the outskirts of the political spectrum, but also in political and economic ideologies of the main trend, whose example is 'the New Right'. The speech by professor Bohdan Szklarski (the Institute of Political Studies of the Polish Academy of Sciences PAN) entitled *Radical normality – that is extremism in American way* was complementary to the one mentioned above. The professor proved that the American scope of 'normality' is significantly different from the European one, because there are parties which, according to Europe, claim quite radical views, such as free access to weapons, advantage of violence over law (if it is constituted by a federal government), pluralism negation and all this taking place under 'the holy' banner of constitution. Szklarski also emphasised, that with reference to the different social and political conditions compared to many European countries American extremists act rather in the form of local political movements than nationwide political parties.

The Slovakian case served as an example of European extremism, which was presented by dr Grigorij Meseznikov (the Institute of Public Affairs, Bratislava). He tried to answer a question of how it was possible for the right-wing, neo-fascist extremist party *People's Party – Our Slovakia* to achieve the best election result in the post-war Slovakian history during the parliamentary election in 2010. The speaker indicated factors, which brought about the observed trends. On the one hand, he emphasised the importance of specific ethno-demographic, historical, social, cultural and political conditions of Slovakia. On the other hand, however, he emphasised the change in tactics used by the very extremists. Meseznikov concluded that the social and political discourse of a strong nationalistic tinge conducted during the term of the populist government in 2006-2010 enabled the extremists to present themselves not only as 'real patriots', but it also contributed to the erosion of the consensus aimed against the participation of extremists in the official politics of the state. The subsequent two appearances – of dr Yakov Kostjukowskij (Russian Academy of Sciences, Sankt Petersburg) and professor Krzysztof Kubiak (University of Lower Silesia) revealed various manifestations of the activity of terrorist groups in Europe. Dr Kostjukowskij discussed the problem of the links between organized crime and terrorist groups in Russia. He also tried to answer the question of whether the organized crime is an extremism factor or a factor of a social control. Mr Kostjukowskij explained the way how common goals of the organized crime and extremist groups (especially the terrorist ones) at the beginning of the 1990's worked pointing at, amongst others, the trade of certain goods. Meanwhile, the appearance of professor Kubiak was devoted to the genesis, establishment and evolution of the extremist National Organisation of Cypriot Fighters (EOKA), both in their primary form (EOKA A), as well as in the further one (EOKA B).

The afternoon part of the conference consisted of five thematic panels, which took place in two parallel sessions. This way the participants of the conference had an opportunity to present the results of their research and discuss the issues that intrigued them. The first panel concerned the theory of extremism and focused on the problem of its sources, mechanism and strategy. The topic of the second panel were the links between extremism and religion. The third and fourth panels regarded the party, organizations and extremist movements and the fifth panel was devoted to the issues of terrorism and separatism.

The second day of the conference concentrated mainly on the problem of extremism in Poland and Germany. The first plenary session was devoted chiefly to the sources of election success and the specifics of the electorate of extremist and populist political parties in Poland and Germany. The speakers were professor Frank Decker (the University of Bonn), professor Markowski (Centre of Democracy Studies at the Warsaw School of Social Sciences and Humanities, the Institute of Political Studies of the Polish Academy of Sciences PAN) and professor Jackson Janes (American Institute for Contemporary German Studies, Johns Hopkins University, Washington).

Professor Decker touched the problem of the so-called 'third wave' of the right-wing extremism in the Federal Republic of Germany and he focused on the analysis of the determinants of the success of the right-wing extremist parties and right-wing populist ones and on the reasons for the growth of crime motivated by xenophobia. In his summary he arrived to the conclusion that a protest prompts an effect of activating and politicising hidden and often suppressed opinions which are extremely right-wing. This way, the level of the social dissatisfaction becomes, in his opinion, a decisive factor that explains an unstable support for German parties of the far right wing. Meanwhile, professor Markowski pointed at Euro skepticism as a source of the Christian, nationalistic and extremist League of Polish Families and the radical, populist and left-wing Self-Defense of the Polish Republic. On the basis of empirical research the speaker proved that in accordance with the Downs' model, the existence of the so-far not represented electorate became the source of success of the party in the parliamentary election in 2001. The role of the commentator in that plenary session was played by professor Jackson Janes (American Institute for Contemporary German Studies, Johns Hopkins University, Washington). Comparing the political processes taking place in the USA and in the European countries professor Janes stated that the main problem nowadays is the disappearance of trust to governments and institutions and general suspicion towards the politics and politicians, which leads to populist and extremist parties. As an example he indicated the Tea Party in the USA and Wilders' party (PVV) in Holland. According to the Professor, the Germans still wrestle with the so-called 'Hitler's shadow', which makes the researched parties still remain in isolation.

The aim of the last session was to show the experiences of Poland and Germany in the fight with extremism. The subject of the analysis were, amongst others, legal instruments and repressive and preventive actions. The session gathered together representatives of state administration, scientists and representatives of non-government organisations from Poland and Germany. The first to speak was Gordian Meyer-Plath (the Ministry of Internal Affairs, Department for Constitution Protection, Brandenburg state). He presented aims and ways of the actions of the Office of the Constitution Protection. He emphasized the principal role of the office in the acquisition of information about the actions targeted at the

constitutional order and national safety and in making it accessible to the state authorities, police and public opinion. Afterwards professor Zbigniew Wiktor (Wrocław University) discussed the legal regulations aimed against the extremist actions, organizations and parties, paying special attention to the problem of the functioning of a communist party. The last three lecturers presented various forms of preventive actions against extremism. On the basis of the Saxonian example Stefan Schönfelder („Weiterdenken”, Heinrich Boell Foundation in Saxony) discussed non-governmental strategies of fighting against crime motivated by hatred and against extremely right-wing ideology within the last 10-15 years. Wiktor Marszałek (‘Nigdy Więcej’ Warszawa) pointed out at the activity of Polish NGOs in the field of preventing racism, xenophobia and intolerance using the example of initiatives undertaken by the Society ‘Nigdy Więcej’ (‘Never again’), including, amongst others, ‘music against racism’ and „racism delete”. Then Markus Priesterath discussed the activity of the Alliance for Democracy and Tolerance – an organization established on the initiative of the Ministry of Justice and Internal Affairs of the Federal Republic of Germany in year 2000. He turned listeners’ attention to the special role of the Alliance as a contact point and a supplier of services for initiatives and groups engaged in practical promotion of democracy and tolerance, including, amongst others, the activity for fighting all manifestations of extremism. The discussion summing up the plenary session concentrated on the issue of banning parties and political organizations. The participants discuss the question whether democracy should use repressive methods towards political organizations and parties and also whether specific clauses putting a ban on a party should be included in the highest legal act, namely – in the constitution. Also a question of the ban effectiveness and problems connected with execution of the existing legal regulations was discussed.

Summing up it should be stated that the broad range of the topics discussed during the conference and the participation of representatives of various scientific circles, students and practitioners allowed showing contemporary extremism from various perspectives, which, in turn, contributed to bringing closer the essence of this phenomenon and to defining the challenges which are faced by contemporary states and the international community. The popularity of the conference reflects well on the topicality and importance of the undertaken issues.

Aleksandra MOROSKA

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