



Mission of Poland  
to the Organization for Security  
and Co-operation in Europe  
Vienna

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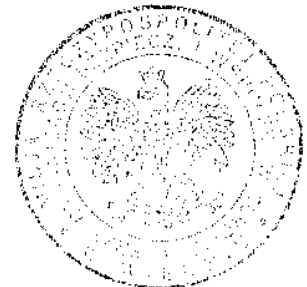
The Mission of the Republic of Poland to the OSCE presents its compliments to the Missions and Delegations of all the OSCE Participating States and to the OSCE Conflict Prevention Centre and, in accordance with the Decision 4/03 of the Forum for Security Co-operation, has the honour to transmit herewith the Poland's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Mission of the Republic of Poland to the OSCE avails itself of this opportunity to renew to the Missions and Delegations of all the OSCE Participating States and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

*ME.*

Encl.: 1

Vienna, 15 April 2008



**To:**

**All Delegations and Missions to the OSCE**

**The OSCE Conflict Prevention Center**

**Vienna**

**Information by Poland  
on the Code of Conduct on Political-Military Aspects of Security  
in 2007**

**1. Measures to prevent and combat terrorism, with particular reference to participation in the relevant international agreements**

**a) List of international agreements, including UN conventions and protocols on terrorism, to which the Republic of Poland is a party.**

Poland participates in the implementation of 13 UN conventions and protocols designed to combat international terrorism. They include:

- The International Convention for the Suppression of the Financing of Terrorism, adopted by the UN General Assembly on December 9 1999 - Poland signed the Convention on October 4 2001.
- The International Convention for the Suppression of Terrorist Bombings, adopted by the UN General Assembly on December 15 1997 – Poland signed the Convention on June 14 1999.
- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome on March 10 1988 – Poland has been a party to the Convention from March 1 1988..
- The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done in Rome on March 10 1988) – Poland has been a party to the Protocol from March 1 1992.
- The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, adopted in Montreal on September 23 1971 – Poland has been a party to the Convention from February 27 1975.
- The International Convention against the taking of Hostages, adopted by the UN General Assembly on December 18 1979 – Poland has been a party to the Convention from June 24 2000.
- The Convention on the Physical Protection of Nuclear Materials, with Annexes I and II, signed in Vienna on March 3 1980 – Poland has been a party to the Convention from February 8 1987 r.
- The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the UN General Assembly on December 14 1973 – Poland has been a party to the Convention from January 13 1983.
- The Convention for the Suppression of Unlawful Seizure of Aircraft of December, signed in The Hague on December 16 1970 – Poland has been a party to the Convention from April 20 1972.
- The Convention on Offences and Certain Others Acts Committed on Board Aircraft, signed in Tokyo on September 14 1963 – Poland has been a party to the Convention from June 16 1971.

- The European Convention on the Suppression of Terrorism, adopted in Strasbourg on January 27 1977 - Poland has been a party to the Convention from May 1 1996.
- The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism - Poland signed the Convention on May 16 2005 and Poland has been a party to the Convention from January 4 2007.
- The Convention on the Marking of Plastic Explosives for the Purpose of Identification, signed in Montreal on March 1 1991 - Poland has been a party to the Convention from November 25 2006.
- The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed in Montreal on February 24 1988 – Poland has signed but not ratified the Protocol.

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities**

Under obligations assumed by the Republic of Poland (e.g. the Prague Capabilities Commitment made by the heads of state and government during the NATO Prague Summit in November 2002) – Poland has implemented international disarmament agreements and prevented uncontrolled transfer of weapons of mass destruction (mainly biological and chemical weapons), their components, technologies of manufacture and delivery systems.

The main relevant international agreements and control regimes to which Poland is a party include:

- Nuclear Non-Proliferation Treaty (NPT),
- Chemical Weapons Convention (CWC),
- Biological and Toxic Weapons Convention (BTWC), EU Council Joint Action in support of the BTWC and EU Action Plan on Biological and Toxin Weapons,
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW),
- Australia Group,
- Missile Technology Control Regime (MTCR),
- Wassenaar Agreement,
- Nuclear Suppliers Group (NSG),
- Resolution 1540 of the UN Security Council,
- European Union Strategy against the proliferation of WMD,
- Protocol on Firearms to the UN Convention for the Suppression of Organized Crime,
- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

Moreover, Poland as EU member participates in numerous Union undertakings, including :

- The European Security Strategy, adopted by the EU Council on December 12 2003 (Solana Strategy)
- The EU Strategy for Combating Radicalization and Recruitment to Terrorism;
- The EU Counter-Terrorism Strategy of 2005;

- The EU Plan of Action to Combat Terrorism of 2005;
- The EU Council Framework Decision of June 13 2002 on Combating Terrorism;
- The EU Council Framework Decision of June 13 2002 on the European Arrest Warrant and Surrender Procedures between Member States;
- The EU Council Framework Decision of June 13 2002 on Joint Investigation Teams;
- The EU Council Framework Decision of September 20 2005 on the Exchange of Information and Cooperation Concerning Terrorist Offences;
- The EU Council Framework Decision of June 26 2001 on Money Laundering, the Identification, Tracing, Freezing, Seizing and Confiscation of Instrumentalities and the Proceeds of Crime;
- The Declaration on Combating Terrorism of March 25 2004

**Bilateral cooperation:**

- Joint Polish-American working group on combating terrorism (in operation since March 31 2005; it includes representatives of the Armed Forces of the RP).

**(c) National measures, including the pertinent legislation, taken to implement the above-mentioned agreements, conventions and protocols.**

Pursuant to article 89.1 of the Constitution of the Republic of Poland, an international agreement concerning peace, alliances, and political or military treaties requires ratification upon prior consent in the form of a law.

International agreements that do not require ratification are subject to endorsement by the Council of Ministers - in line with article 12.3 of the Law of April 14 2000 on international agreements. In the light of article 91.2 of the Constitution of the RP, an international agreement ratified upon prior agreement in the form of a law, takes precedence over a national law, if this law cannot be reconciled with the provisions of the agreement.

**(d) Information on national actions (efforts) to prevent and combat terrorism, including information on legislation exceeding UN conventions and protocols**

In consequence of the terrorist attacks against the United States on September 11 2001 and the attack of March 11 2004 in Madrid, as well as Poland's subsequent accession to the anti-terrorist coalition, the Polish authorities have undertaken a set of measures designed to:

- upgrade the functioning of the national air defence system through e.g. the establishment of the Air Operations Centre,
  - change the structure, concept and planning of the use of special forces,
  - change the programmes of military training,
  - amend the Aviation Law of July 3 2002 in the part devoted to prevention of airborne terrorism.
- Pursuant to article 122a of the Law, an airship used for an airborne terrorist attack may be destroyed, pursuant to the law of October 12 1990 on the protection of the state frontier,
- elaborate Council of Ministers regulations, constituting annexes to the Aviation Law, concerning procedures of conduct in the event of the threat an airborne terrorist attack,
  - amend the Criminal Code of June 6 1997 through the introduction into its detailed part of the concept of a terrorist crime, which in the light of article 115 § 20 of the CC is an unlawful act

punishable by imprisonment of up to five years, committed for the purpose of gravely intimidating a large number of persons, coercing an organ of public authority of the Republic of Poland or another state, or an organ of an international organization, to undertake or abandon a specific action, cause serious political or economic disturbances in the Republic of Poland, another state or an international organization – or the threat of such an act. References to crimes of this kind are also made in articles 65 § 1, 110§ 1 and 258 § 2 and 4 of the CC.

- Poland's participation in the NATO Crisis Response System – NCRS. In connection with the above, "The register of undertakings and procedures for the activation of the National System of Crisis Alert" was introduced in June 2005. Work is in progress on upgrading the document as an instrument of allied cooperation with the NCRS. It is also designed to boost the capacities of the relevant national entities and to assign tasks in accordance with the competencies of the ministries and other state institutions.

Furthermore, the Strategy of National Security of the Republic of Poland (SNS RP) was adopted on November 13 2007. It describes organized international terrorism as a threat to Europe and Poland, stipulates ways of averting it and assigns tasks connected with combating terrorism to the respective executive sub-systems of national security.

According to the SNS RP, terrorist threats against Poland are primarily connected with our participation in the anti-terrorist campaign and stabilization and peace missions conducted by NATO and the EU. Poland's involvement in international operations carries the risk of retaliation attacks, with Polish targets in the area of responsibility of Polish Military Contingents under particular threat. At the same time, Poland's accession to the Schengen Treaty may hinder effective prevention of terrorist threats.

The SNS RP advocates the upgrading of NATO's counter-terrorism capacity and development of cooperation within the European Union in areas of key importance to internal security, including prevention of terrorism. The Strategy also pledges Poland's support for the development of international law and legal norms designed to effectively combat terrorism.

The document underlines the need for constant preparedness for possible terrorist threats, highlighting the importance of due mobility, efficient organization and prudent conduct of citizens in the event of a terrorist threat actually occurring. It also emphasizes the necessity of proper collaboration of the services and organs tasked with the prevention of terrorist threats and of professionalism in the execution of statutory duties.

The SNS RP assigns particular counter-terrorism tasks to institutions and organs responsible for national defense, special services, public administration and home affairs, the judiciary, budget and public finances, transportation and health care.

The special services bear primary responsibility for preventing and countering terrorism. Their fundamental role consists in obtaining, analyzing, processing and supplying security-sensitive information to the competent organs. The Police and Border Guard are also tasked with constant monitoring of terrorist threats and related cooperation with other services. The Government Protection Bureau is responsible for ensuring the security of Polish diplomatic missions. The judiciary has the task of developing cooperation with its European counterparts in the sphere of terrorism prevention. In order to prevent the financing of terrorism, measures will be taken to improve the monitoring of financial transactions and to upgrade operational cooperation with the Internal Security Agency, Central Anti-Corruption Bureau, Police, Border Guard and – internationally – with financial intelligence units of other states. The Customs Service is also cooperating with other services in combating terrorism. The SNS RP further

underlines the importance of effective controls and monitoring of the shipment, storage and distribution of dangerous and dual-use goods, due to the possibility of their utilization for terrorist purposes. The document also notes the necessity of having suitably prepared medical staff and resources at the central, voivodship and local levels, in view of the threats posed by radiation, chemical and bio-terrorism to the health and lives of large groups of the population.

**(e) The role and tasks of the Armed Forces and security forces in preventing and combating terrorism**

Article 26 of the Constitution of the Republic of Poland of April 2 1997 determines the role and tasks of Polish Armed Forces, which include safeguarding the independence and territorial integrity of the state, and ensuring the security and inviolability of its borders.

Article 2.1 of the law on the principles of the use or deployment of the Armed Forces of the Republic of Poland outside the state borders, of December 17 1998, envisages the possibility of using Polish military units abroad to prevent acts of terrorism or their consequences.

At the same time, the participation of Polish Armed Forces in the peace operations of international organizations and multinational forces is specified in the Strategy of National Security and the Military Strategy of the Republic of Poland. It is seen as affirming Poland's allied credibility and an expression of Poland's international commitment to regional stability, preservation of peace and combating of terrorism..

In accordance with the Strategy of National Security of the Republic of Poland , the main missions of the Polish Armed Forces include support for state organs in ensuring Poland's internal security and the granting of essential military assistance to the relevant government institutions and services, self government bodies, civilian organizations and the population at large in responding to threats. In this context, the need is highlighted for the Armed Forces to maintain sufficient capacity to extend help to the relevant organs of public administration and the population in the event of terrorist threats.

One of the three main missions of the Polish Armed Forces specified in the Strategy of National Security is maintenance of the state's defensive capacity and its ability to counter aggression as part of allied commitments. In this context the SNS RP underlines the need to maintain readiness for participation in multinational counter-terrorism operations, conducted in accordance with international law and organized by NATO, the EU or impromptu coalitions of states. With reference to combating terrorism, the SNS highlights the role of Special Forces as best-trained to address asymmetrical threats and collaborate with other specialized institutions and organs operating within the system of state security.

With regard to international operations, the SNS RP emphasizes that the Polish Armed Forces should possess sufficient operational capacity to make a substantial contribution to crisis response operations conducted by NATO and the EU, and to support operations organized by the UN. The document also underlines the necessity of constant transformation of the Armed Forces, in line with the evaluations and recommendations of defense reviews, conducted within the framework of the Strategic Review of National Security. The transformation will involve modernization of arms and equipment, and reorganization of structures, designed to boost combat readiness and mobility. It will also raise flexibility and integration of command systems to ensure effective operations in peacetime, crises and war. Progressing professionalization of the forces is an inseparable component of the transformation.

Taking into account the anticipated threats, it is envisaged that future operations will be of a complex and multinational character. They will require the use of expeditionary forces that will be interoperational, highly mobile, self-sufficient and above all capable of fulfilling different types of missions. Their successful implementation will require the Alliance's collaboration with other organizations, particularly the UN and the EU. For Poland that will imply the need of further transformation of the Armed Forces, including the development of airlift capacity, enhancement of the ability to conduct protracted operations in remote theaters, and coordination of efforts in the framework of NATO and EU, e.g. allocation of forces and means for the NATO Response Force and EU Battle Groups. The level of engagement of the Polish Armed Forces in foreign operations will be determined by changes in the security environment, national interests, and the possession of capacities to become involved in a whole range of operations in diverse geographical conditions.

NATO standardization works, to be continued in 2008, include the elaboration of a set of doctrine documents concerning the sphere of crisis response outside the realm of Article 5 of the Washington Treaty; they are to include the "Doctrine of counter-terrorist operations."

The effectiveness of operations will be directly impacted by capabilities, with special significance assigned to:

- Full Operational Capability NATO Response Forces;
- Strategic / Operational Reserve Forces;
- Special Forces;
- Allied Ground Surveillance;
- Strategic Airlift Capability;
- Network Enabled Capability;
- The level of national ambitions concerning the engagement of Polish Armed Forces in foreign operations.

Participation in crisis response and defensive operations abroad conducted by international organizations is determined by the national level of ambitions, which has been formulated as follows:

- engagement in one operation under Article 5 of the Washington Treaty, with forces equivalent to one division, including the appropriate naval and air components, without the possibility of rotation, or;
- participation in two crisis response operations of high intensity, primarily in the European theater of operations or in its vicinity, with the forces of a reinforced brigade forming up to two land-based task groups, with the appropriate naval and air components, with the possibility of rotation of forces every six months, over the period of up to two years, or;
- participation in several low-intensity crisis response operations, conducted simultaneously by land force, each involving up to one battalion task group with the appropriate air and naval components – with the possibility of rotation.

The need to conduct operations in defense of national territory would exclude the possibility of simultaneous use of the Polish Armed Forces in crisis response operations abroad. The allocation of forces and means to Allied crisis response operations has to be subordinated to the strategic defense of the country.

The Polish Armed Forces maintain a sufficient potential of special forces to support (conduct) counter-terrorist operations as well as humanitarian and rescue tasks. The scale of Poland's engagement in operations of this kind will be coordinated in each case with NATO, coalition members, the interested governments and international organizations<sup>1</sup>.

## **2. Description of national planning and decision-making, including the role of Parliament and the ministries in the process of elaborating and confirming**

### **(a) The military potential**

The process of defence planning and programming is based on political and strategic decisions of the supreme organs of the legislative and executive branches.

Parliament, i.e. the Sejm and Senate, as the supreme legislative body, deals with defence-related issues primarily in the course of its law-making work, and when defining basic state policy. Those issues are also addressed during the elaboration of fiscal plans and normative acts relating to the state budget. Furthermore, Parliament:

- adopts laws regulating all basic defence matters, thus directly influencing the work of the Minister of National Defence and the Ministry;
- influences the appointment of a civilian member of the democratically-elected government as Minister of National Defence and monitors his discharge of state defence policy.

Defence issues are handled at the Sejm by the Committee of National Defence.

The Council of Ministers exercises general leadership with regard to national defence and annually determines the number of citizens drafted for active duty in the Armed Forces.

The basic documents defining Poland's defence policy are the Regulation of the Council of Ministers of September 21 2004 on the defensive preparedness of the state and the Politico-Strategic Defence Directive of March 12 2004. The two documents specify:

- the foundations of Poland's defence policy;
- the spheres of activity and instruments of its implementation;
- the foundation of defence strategy.

The documents elaborate the general assumptions of national defence and conceptual basis for doctrine implementation documents, strategic and operational plans and defence programs. The strategy is based on the fundamental principles of national responsibility and universality of defence, allied solidarity and integration, cooperation and partnership, consolidation of confidence and regional military stability, civilian-military cooperation and balancing of the needs and possibilities.

The Politico-Strategic Defence Directive will be gradually updated, in step with any changes in the country's security situation and the capacity of the defence system.

The national security command system is elaborated in the Regulation of the Council of Ministers of April 27 2004. Its main objective is to ensure continuity of decision-making and action for the preservation of national security, including the monitoring of the sources, types, directions and scale of threats to national security on the territory of the Republic of

Poland and beyond its borders, prevention of the effects of threats to national security and their eradication, as well as management of the country's defence.

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<sup>1</sup> *Strategia Wojskowa RP, Warszawa 2004.*



## **b) Military expenditures (in 2007)**

The Law on the restructuring, technical modernization and financing of the Armed Forces of the Republic of Poland is the basic legal act regulating the goals and priorities of the development of the Armed Forces of the Republic of Poland, the key principles of long-term development planning, the sources of defence preparation financing and the volume of national defence expenditures.

Pursuant to the law, the Council of Ministers - in line with the main directions of development of the Armed Forces of the RP determined by the President of the RP and with due reference to Poland's NATO commitments - bi-annually defines guidelines for the restructuring and modernization of the Armed Forces for a subsequent six-year planning period. The guidelines of the Council of Ministers - elaborated by the Minister of National Defence - constitute the basis of works on drafting six-year plans of development of the Armed Forces of the RP and plans of non-military defence preparations. The Council of Ministers monitors the implementation of the programme of armed forces development, biannually reporting to the Sejm on the fulfilment of the programme, and on the directions of restructuring and modernization of the Armed Forces envisaged during the subsequent planning period.

Pursuant to the aforementioned law, the Republic of Poland earmarks at least 1.95 per cent of the previous year's GDP for defence in a given year.

Moreover, defence expenditures are also financed with:

- up till 2010 - not more than 0.05 % of the GNP for the preparation of airfield infrastructure, training of personnel on multi-task aircraft and credit servicing, and additional funds to cover the VAT on the aircraft, and in the years 2011-2015 - funds for the repayment and servicing of the credit, in line with the provisions of the law of June 22 2001 on the multi-year program of "Equipping the Armed Forces of the Republic of Poland with multitask aircraft and ensuring the conditions of its implementation";
- part of the revenues of the Military Property Agency from the sale and utilization of surplus military equipment and real estate;
- part of the revenues obtained through the privatisation of the arms industry - in line with the law of 7th October 1999 on enhancement of the restructuring of the defensive industrial potential and technical modernization of the Armed Forces of the Republic of Poland.

The law on restructuring, technical modernization and financing of the AF of the RP guides the Council of Ministers when - during the yearly budget planning - it determines the volume of allocations for defence, including the budget of the Ministry of National Defence.

Poland's defence expenditures in 2007 had the following structure:

- operational expenditures - 9 906.5 million PLN
- technical equipment and construction - 7 093,9 million PLN
- scientific research - 204,1 million PLN
- other expenditures - 4 674,3 million PLN.

### **3. Information on:**

**(a) Constitutionally established authorities and procedures ensuring effective democratic control of the armed forces, paramilitary forces, internal security forces, intelligence services and police**

The Armed Forces of the Republic of Poland maintain political neutrality and are subject to civilian and democratic control – pursuant to article 26.2 of the Constitution of the Republic of Poland. Democratic control of the Armed Forces of the Republic of Poland is ensured by the constitutional organs of legislative and executive authority, i.e. Parliament, the President of the Republic of Poland, the Council of Ministers and the Minister of National Defence.

The principle of civilian control of the Armed Forces of the RP was promulgated in the Law of December 14 1995 on the office of Minister of National Defence. The provisions of the Law and of a packet of legal and organizational acts issued by the Council of Ministers and the Minister of National Defence describe the Ministry as the central organ for directing the Armed Forces, and introduce the principles of civilian and democratic control of the military. The aforementioned acts unambiguously define the tasks of the minister as the leading organ of state administration in the sphere of national defence, and the scope of his competences with regard to directing the overall activity of the Armed Forces.

#### **(b) Constitutionally established authorities responsible for the democratic control of the Armed Forces**

Parliament, as the supreme legislative body – in addition to its law-making, budgetary and appointment functions – also performs controlling duties with regard to national defence issues. In Parliament, those functions are fulfilled by national defence committees of the Sejm and Senate, and also individual deputies and senators through parliamentary queries and interventions. Particularly active are the Sejm National Defence Committee and Special Services Committee, and the Senate National Defence Committee. The competences of the Sejm National Defence Committee include matters pertaining to the activity of the Armed Forces, the system and functioning of territorial and civil defence, the enhancement of national defence by state organs, cooperative and civic organizations and citizens, and the arms industry.

The President is the Supreme Commander of the Armed Forces of the Republic of Poland. In peacetime, he exercises that competency through the Minister of National Defence. The President appoints the Chief of the General Staff and the commanders of the respective armed forces. The President also has the wartime prerogative of appointing and dismissing the Commander-in-Chief of the Armed Forces (article 134 of the Constitution of the Republic of Poland). He is advised on defence matters by the National Security Council. It is composed of the Prime Minister, Speakers of the Sejm and Senate, Ministers of National Defence, Interior and Administration, Finance, Foreign Affairs, President of the National Bank of Poland, and the head of the National Security Bureau.

The Council of Ministers exercises general leadership in the sphere of national defence and annually determines the number of citizens called up for active military service – as provided in article 146.11 of the Constitution of the Republic of Poland.

The Minister of National Defence is the official responsible for monitoring and assessing the state of national defence. The minister is also the initiator of decisions being taken by the appropriate state organs (Parliament, President, Chairman of the Council of Ministers and Council of Ministers).

#### **(c) The role and tasks of the military, paramilitary and security forces, and supervision of their constitutionally determined activity**

Pursuant to art.26 of the Constitution, the Armed Forces of the Republic of Poland safeguard national independence and territorial integrity. The President is the Supreme Commander of the Armed Forces of the RP. In peacetime – in accordance with art. 134 paragraphs 1 and 2 - he

exercises that authority through the Minister of National Defence, who is the chief organ of state administration with regard to national defence.

Pursuant to art. 19 paragraphs 1 and 2 of the *Law on the sections of government administration* of 4th September 1997, the section of “national defence” encompasses in peacetime matters pertaining to national defence and the Armed Forces, and also to the participation of the Republic of Poland in the military undertakings of international organizations connected with the fulfilment of military obligations stemming from international agreements.

In accordance with art. 5 paragraphs 1 and 7 of the *Law on the Council of Ministers*, the Prime Minister may authorize a cabinet minister to act within a specified scope of issues, and he may also rule on the scope of competences of ministers – in the event of a competence dispute between them.

The terms of reference of the Minister of National Defence are detailed in :

regulation of the Council of Ministers of July 9 1996 concerning the precise scope of competencies of the Minister of National Defense,

regulation of the Prime Minister of July 18 2006 concerning the precise scope of competencies of the Minister of National Defense.

#### **(d) Public access to information related to the Armed Forces**

Under article 61 of the Polish Constitution “A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions”.

The above provisions of the Constitution are specified in laws. Under the law of September 6 2001 on access to public information (Journal of Laws No.112, item 1198) every person has the right to information on the activities, competences, legal status, principles of operation, property, expenditure of public funds and decisions taken by organs of public authority. These organs are obligated to disclose unclassified information about their activity in the Bulletin of Public Information and to provide such information within 14 days upon an individual application.

In order to implement the provisions of the law, the public relations organ of the Ministry of National Defense ( Press and Information Department) coordinates activity in the sphere of public information, acting as administrator of the Bulletin of Public Information of the Ministry of National Defense. Issues relating to the provision of public information at the Ministry are regulated by Decision No.449/MON of October 4 2007 concerning the principles of providing public information in the Bulletin of Public Information.

Moreover, the Press Law of January 26 1984 (Journal of Laws of 1984, No.5, item 24) stipulates in articles 2 and 4 that “organs of state, in accordance with the Constitution of the Republic of Poland, shall create conditions essential for the press to fulfil its functions and tasks, including conditions to permit the activity of daily papers and magazines that present diverse programs, subject matter and views.”

In order to ensure efficient provision of information to journalists without undue delay, the Press and Information Department has prepared Decision No.271/MON of June 13 2007 on guidelines concerning electronic circulation of correspondence in the Ministry of National Defense for the

purpose of providing information to journalists (annex no1). The decision obligates organizational units of the Ministry to answer a journalist's question within 24 hours. The Press and Information Department forwards journalists' questions by e-mail to the relevant organizational units.

Furthermore, the principles of providing public information and cooperating with the media are elaborated in NATO standardization documents. The document NATO Military Public Affairs Policy (MC 0457/1), adopted by the NATO Military Committee in September 2007, redefines NATO's information policy. It stipulates that military public affairs bodies have the role of promoting NATO's military aims and objectives to audiences in order to enhance awareness and understanding of military aspects of the Alliance. This involves three basic functions: media relations, internal communications and community relations.

Pursuant to the NATO decision, the Press and Information Department is elaborating the draft of a new decision on the principles of information policy of the Ministry of National Defense. A system of internal communications and community relations has also been launched. Internal communications cover the leadership of the Ministry and General Staff, Ministry departments, bureaus, and plenipotentiaries, press spokesmen and press officers, Military Voivodship Staffs, Voivodship Recruitment Offices, military courts and prosecutors, the Deans' Convention of the Armed Forces, the Women's Council of the Armed Forces, chaplaincies, Polish Military Contingents, military attaches and military missions abroad, military academies and institutes, the Military Medical Academy, the Military Assets Agency and trade union of employees of the armed forces. Community relations address the media (including academic broadcasting and publications), defense affairs departments in ministries, the Military Family Association, NGOs, veterans' organizations, military attaches accredited in Poland, members of parliament, local authorities (government and self-government), unions of former professional soldiers, candidate professional soldiers, civilian academic schools, students, secondary school graduates, middle school students, arms industry plants. A project to inform secondary school students about military issues by defensive training teachers has been launched as part of community relations.

The activities conducted in this sphere by the Ministry of National Defense have the goal of boosting public understanding for military and defensive issues and enhancing approval for the mission, mode of operation and objectives of the armed forces. On the other hand, these efforts are designed to counter and minimize any media attempts to discredit NATO and the Polish Armed Forces. The commanders and heads of Ministry institutions are bound by the position of the Alliance, pursuant to which journalists have the right of access to information about the tasks being implemented by the armed forces, also in the course of joint operations. Journalists may be refused access to information if that could endanger troops on the ground or if the information is classified in accordance with the relevant laws, including Article 61.3 of the Constitution, detailed in the law of January 22 1999 on the protection of classified information.

Furthermore, the press service of the Ministry of National Defense is obligated to respect international laws ratified by the Republic of Poland, including:

- Universal Declaration of Human Rights 1948;
- Convention for the Protection of Human Rights and Fundamental Freedoms 1950;
- International Covenant on Civil and Political Rights 1966,
- Declaration on the freedom of expression and information, also known as the European Media Charter of 1982.

#### **4. Stationing of the Armed Forces on the territory of another participating State on the basis of mutual international agreements, in accordance with international law:**

The stationing of the Polish Armed Forces on the territory of other states is regulated by:

- the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, done in London on June 19 1951 and ratified by Poland on May 27 1999;
- the provisions of the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the status of their forces, and its additional protocol, done in Brussels on June 19 1995 and ratified by Poland on February 18 1997;
- the provisions of the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany concerning the temporary stay of members of the Armed Forces of the Republic of Poland and members of the Armed Forces of the Federal Republic of Germany on the territory of the other state, done on July 5 2001;
- the provisions of the law of December 17 1998 on the principles of the use or stay of the Armed Forces of the RP outside the state frontiers, and the executive acts to this law,
- the provisions of the Agreement between the Government of the Republic of Poland and Allied Command Europe and Allied Command Atlantic concerning the support of the host country for NATO operations on the territory of the Republic of Poland ,
- the provisions of the Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania concerning defense cooperation.

The legal basis of the engagement of the Polish Armed Forces in Iraq includes:

- UN Security Council Resolution No. 1723 of November 28 2006.,
- Decisions of the President of the RP of December 21 2007 on the prolongation of the use of the Polish Military Contingent in the Republic of Iraq.

The legal status of the Headquarters of the Multinational Corps Northeast in Szczecin is determined by the provisions of the Convention between the Government of the Republic of Poland, the Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany concerning the Multinational Corps Northeast, done at Szczecin on September 5 1998 and ratified by Poland on September 23 1999.

#### **Military activity in the framework of international operations (UN, NATO, EU, others)**

Currently, some 3500 troops and employees of the armed forces are posted abroad with Polish contingents. In addition to this, in 2008 members of the Polish Armed Forces will take part in the EU mission in Chad and the Central African Republic.

#### **Missions in the framework of NATO and counter-terrorist coalitions:**

**ISAF.** Poland is among the largest contributor states to the ISAF operation and is one of the few countries that have not imposed caveats on the use of their troops. The Polish Military Contingent

numbers 1200 men and is realizing tasks in the structures of a Battle Group, Special Forces Task Group, Operational Mentor and Liaison Team at battalion level and smaller units.

The Polish Armed Forces have also become involved in the process of training personnel of the Afghan National Army. Plans for the second rotation of the Polish contingent, which began in January 2008, envisage that an 18-man Operational Mentor and Liaison Team will be assigned to the Gardez Garrison Command, while a team of 9 advisers will join the American Mentor and Liaison Team with the 203<sup>rd</sup> ANA Corps.

Plans also provide for the training of pilots and technicians for the Afghan air corps.

In view of the need to provide tactical airlift capacity for the Polish Military Contingent, the possibility is being weighed of assigning an air component to the PMC during the first half of 2008, numbering eight transport and combat helicopters and about 180 troops.

Since the character of our engagement in Afghanistan is likely to change in the future, there are plans for Poland to take over the Provincial Reconstruction Team at Sharan (currently maintained by American forces), or to assign a group of specialists to it. An inter-ministry team has been established under the auspices of the International Security Policy Department to draft a national position concerning the maintenance of the PRT.

The potential future PRT would number up to 100 men, with its security provided by the Polish Battle Group stationed at the Sharana base.

Furthermore, preparations are under way for Poland to assume the role of the lead country responsible for the operation of the Kabul International Airport in April-September 2009.

In connection with the above, if additional elements are incorporated in the structure of the PMC, it will become necessary to expand it by at least 300 military and civilian staff, to a total of some 1600 men.

**NTM-I (Iraq).** The mission is tasked with training and providing advice for mid- and high-level personnel of the Iraqi Ministry of Defense and the Iraqi Security Forces and the coordination of deliveries of arms and equipment for the new force. Two Polish officers are performing the above duties within the 9<sup>th</sup> rotation of the Polish Contingent: an operational officer in the framework of the NATO Training Mission in Iraq Forward Advisory Teams (NTM-I Fwd AT, Officer Operations J3) at Al Rustamiyah and an officer acting as the head of the training division in the framework of the NATO Training Mission in Iraq (NTM-I, Chief National C2 Training Division) in Baghdad. During the second half of 2008 Poland will take over from Hungary the training of the Iraqi battalion providing protection for the Training Center.

**IRAQI FREEDOM.** In Iraq, Poland is fulfilling tasks within the framework of the International Coalition Forces. The Polish-led Multinational Division Center-South currently numbers 1200 troops from nine countries.

Currently, Poland has some 900 men in Iraq, as part of the ninth rotation of the Polish Military Contingent. Additionally, 212 troops are on thirty-day standby in Poland.

The Multinational Division is responsible for Al Qadisiyah Province. Its main force is stationed at Ad Diwaniyah Base, with a helicopter support group at Al Kut Base.

The decision has been taken at the political level in Poland to conclude the mission of the PMC in Iraq by October 31<sup>st</sup> 2008. Planning work is in progress on the preparation of the concept and the relevant executive documents.

The conclusion of the mission will be implemented by the tenth rotation of the PMC. The new tasks will require corresponding changes in the organizational structure.

**KFOR.** The mission has the goal of ensuring security in Kosovo pursuant to UN Resolution No.1244 of June 10 1999. A Polish-Ukrainian Battalion (POLUKRBAT) has been involved in the mission since July 15 2000. The Polish Military Contingent within the framework of the

KFOR Multinational Task Force East numbers 296 troops and civilian personnel. The basic tasks of the PMC include:

- monitoring, checking and enforcing the implementation of the UN Security Council resolution in order to normalize the situation in Kosovo;
- granting humanitarian assistance and facilitating the return of refugees to Kosovo,
- ensuring law and order and creating conditions for the work of international organizations (OSCE, UN),
- support for organizations providing humanitarian aid and promoting the democratization of life in Kosovo,
- patrol duty, mine clearance, detentions and demonstration of force in order to ensure security in the zone of responsibility.

The mission constitutes fulfillment of NATO obligations and is Poland's contribution to the stabilization of the Balkans.

**INTERIM AIR POLICING – PMC ORLIK II.** The participation of the PMC Orlik in the Interim Air Policing Mission in the air space of the Baltic States in January-March 2006 marked a qualitatively new area of engagement of the Polish Armed Forces in Alliance operations. Sixty-eight troops and four MiG-29 aircraft were deployed in Lithuania as part of the mission. The PMC was tasked with protecting the airspace of Lithuania, Latvia and Estonia. Our forces are assigned to the mission every two years. The next rotation of the PMS Orlik II is planned for the period March 13 – June 30 2008.

**ACTIVE ENDEAVOR (OAE).** The Operation Active Endeavor (OAE) was launched on October 18 2001 and covers the international waters of the Mediterranean Sea, with particular note to probable targets of terrorist attacks. The international naval forces have the primary goal of ensuring safe navigation for civilian vessels, protecting maritime shipments, monitoring and controlling vessels. Two Polish naval vessels have so far taken part in the operation: the RPS Bielik – between January and April 2005 and between October 2006 and February 2007, and the RPS Pulaski in February-March 2006. In 2008, a Kobben class submarine will be assigned to the mission between November 2008 and February 2009. The RPS Pulaski will rejoin the mission between July 29 and August 14 2008.

#### **Missions in the framework of the EU and UN:**

**PMC EUFOR.** The Polish Military Contingent in Bosnia-Herzegovina joined the Operation ALTHEA on December 2 2004 in the structure of the Multinational Task Force North - MNTF (N). Currently, Poland is represented in the European Union's Operation ALTHEA by 208 troops; the largest component of the force is a maneuver company within the framework of a multinational battalion consisting of Poland, Turkey, Spain and Hungary. No changes in engagement profile are planned in 2008.

**PMC UNDOF.** The Contingent implements tasks in the Golan Heights within the framework of an operational battalion numbering 357 troops and civilians. It has the primary task of supervising the separation of Israeli and Syrian forces in the assigned sector of responsibility. Its mandate has been extended till the end of 2008.

**PMC UNIFIL.** It has operated in Lebanon since 1992. The contingent has the mandated task of giving logistical support for UNIFIL forces and providing medical care and humanitarian aid to

the local population. The contingent consists of a 320-man logistical battalion stationed in the bases of Nakura and Tybnin . After the fighting between the Hezbollah and Israel , the UNIFIL forces in Lebanon were increased and the size of the Polish contingent was also raised to 500 men, through the addition of a maneuver company earlier this year. It is posted at Marjayon base, as part of a Spanish battalion. Its duties include patrolling of the operational zone, maintenance of a permanent outpost, protection of UNIFIL personnel, convoy duty and observation assignments. The situation in the region of operations is unstable. The upsurge in Hezbollah activity and political discord in Beirut (postponements of general election) prevent reduction of the UN forces and, in consequence, the withdrawal of the Polish maneuver company. No changes in the profile of engagement are planned in 2008<sup>2</sup>.

**PMC EUFOR CHAD.** It is currently planned that Polish Military Forces will participate in the EU operation in Chad and the Republic of Central Africa. The EU intends to support the UN mission designed to provide stabilization in the region of Darfur and to prepare the ground for unhindered operation by UN and African Union forces. In particular, the EU force will have the task of ensuring the security of refugees in eastern Chad and the north-eastern part of the Central African Republic. This will open the way for infrastructure rebuilding programs and will allow the return of refugees to Sudan. It is envisaged that the EUFOR forces will be led from a Command Post at Abeche, and will implement their tasks from forward bases at Bahaj, Iriba, Gurreda, Farchana, Gozbeyda and Birao. December 31 2007 was set as the date for activating the Force Command at Abeche. EUFOR will have operational freedom in its region of activity , including the area bordering on Sudan. However, it will not fulfill any tasks in refugee camps or their immediate vicinity, and will not have duties that are within the competency of the border and customs services of Chad and the Central African Republic. Poland has pledged the participation of the following forces in the operation: battalion command, two maneuver companies, engineers sub-unit, National Supply Element, seven command-level officers – for a total of 350 military and civilian personnel.

Furthermore, the 2007 plans envisaged that the Polish battalion would be posted in a single base – at Farchana, and would assume responsibility for its assigned area. The main tasks of the PMC will include patrol duty, protection of humanitarian aid convoys, protection of UN and NGO staff. It is planned that an operational preparatory group of 180 soldiers (engineers subunit, logistics subunit, guards subunit, medical section) will be deployed first in the region of operations to finish base construction and create conditions for the reception of the main force. In the following months the main force of the PMC will be moved to the theater of operations, with simultaneous withdrawal of the engineers subunit with redundant equipment. The arrival of the main force will be followed by acclimatization, formation of teams and sections, training and exercises. According to plan, the contingent was to reach full readiness in the latter half of 2008. Planning and organizational work is taking place within the Polish Armed Forces to prepare the PMC for participation in the operation. In particular, the essential normative and planning documents are being elaborated (Decision of the Ministry of National Defense, Order of the Chief of General Staff, Concept of participation of the PMC in the operation). Polish officers have been taking part in the work of EU commands and planning conferences to negotiate optimum conditions for our participation in the mission.

SHIRBRIG. Selected elements of the Multinational Standby High Readiness Brigade for United Nations Operations took part in five missions in Africa: UNMEE (Ethiopia/Eritrea, 2000),

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<sup>2</sup> *Decision of the President of the RP to extend the use of the PMC UNIFIL until August 31 2008.r.*



UNMIL (Liberia, 2003), ECOWAS/UNOCI (Sudan, 2003), UNAMIS and UNIMIS (Sudan, 2004 and 2005). Most of the ongoing UN African missions have been initiated by SHIRBRIG. Poland has pledged a battalion for service with SHIRBRIG. The choice went to a unit of the 12th Mechanised Brigade, which since 2003 (for the duration of Iraqi Freedom) has been excluded from UN service. Currently, fifteen officers of the Brigade are serving with UN missions in Africa.

## **5. Procedures for the recruitment or call-up of personnel for service (a) In the Armed Forces**

Under art. 85 of the Constitution, every citizen is duty-bound to defend the Homeland. The scope of military service is specified by the Law on the universal duty to defend the Republic of Poland of November 21 1967. The Law stipulates that the duty of performing military service applies to all Polish citizens, whose health and age permits performance of military service. Persons with double citizenship are exempted from mandatory service if permanently residing outside the Republic of Poland.

Military service may be performed either as

- basic military service,
- military training for graduates of higher schools, participation in military training classes, civil defense training for conscripts,
- military training or periodic military service by reserve soldiers,
- active military service in the event of mobilization, and in wartime – by conscripts and reserve soldiers.

Furthermore, soldiers performing basic military service may, after completing it, voluntarily serve for an additional period of one to seven years.

Conscripts qualified for basic military service (military training) whose service has not been postponed may, as conscientious objectors, apply for alternative service.

### **Basic military service**

Basic military service is mandatory for conscripts aged between 19 and 50. Conscripts who have turned 18 and have volunteered for service may also be inducted. In principle, induction into basic military service takes place within 18 months of a person reporting for the draft.

Statutory regulations in force determine that basic military service lasts 9 months. The basic military service is performed without interruption. The call up of a conscript is performed by the territorially relevant draft office commander. The conscription card – which has the status of an administrative decision - stipulates the date of reporting for service and identifies the military unit where it will be performed. In accordance with the Code of Administrative Procedure the call-up decision is delivered to a conscript not earlier than 90 days and not later than 14 days prior to the specified date of reporting at a military unit. Before a conscript is assigned to serve in a specified group of posts, he undergoes additional, specialist medical tests.

### **Military training for students and graduates of higher schools.**

The principles of conducting military training are elaborated in the law of November 21 1967 on the universal duty to defend the RP , the regulation of the Minister of National Defense of May 26 2003 on the military training of students and graduates of higher schools and the regulation of

the Minister of National Education and Sports and the Minister of Health of October 2 2003 on the military training of students.

The system of military training for students is composed of two parts. The first theoretical part takes place in the school attended by the student and the second, lasting 6 weeks, is conducted during the summer break at designated military schools or training centers.

The military training of graduates takes place at military units and lasts up to three months. The duty to undergo military training applies to graduates of higher schools within twelve months following the completion of their studies.

### **Professional military service**

The regulations governing induction into professional military service are contained in the law of September 11 2003 on the military service of professional soldiers (Journal of Laws of 2003 No.179, item 1750, as amended) and the regulation of the Minister of National Defence of March 1 2004 .

A professional soldier has to be a person who holds only Polish citizenship, has an unimpeachable reputation, whose loyalty to the Republic of Poland is beyond doubt, who has the appropriate qualifications, as well as physical and mental capacity to perform professional military service. The physical and mental capacity to perform professional military service is ascertained by a military medical commission. Professional soldiers are divided into officers', non-commissioned officers' and privates' corps. Professional military service status is obtained by way of appointment, on the basis of volunteering for service, upon the issuance of a personal order by the Chief of the General Staff and conclusion of a contract for permanent or limited duration of service (up to 6 years).

A soldier may be appointed to service in the professional officers' corps after graduating from a higher military academy or completing military training, on condition that he/she holds a professional master's degree (or equivalent). A reserve officer holding a professional master's degree (or equivalent) , and – in the period up till December 31 2010 - a reserve soldier holding a professional master's degree (or equivalent), who has completed military training and passed the officers' exam, may also be appointed to the corps of professional officers.

A soldier holding a secondary school certificate may be appointed corporal (or leading seaman) in the non-commissioned officers' corps – after completing a school for non-commissioned officers. A non-commissioned reserve officer holding a secondary school certificate may also be appointed to the corps. A non-commissioned officer in extended basic military service holding a secondary school certificate – on condition that he has qualifications useful in the non-commissioned officers' corps – may also be appointed to the corps, up till December 31 2010.

A reserve soldier, soldier in extended basic military service or basic military service may be appointed to the professional soldiers' corps – on condition that he has completed at least middle school, has vocational training, and has served out the full term of his basic military service. A person who has not completed full basic military service – but possesses special qualifications or abilities needed in the Armed Forces – may also be appointed to the corps.

Military service of candidates for professional soldiers Candidates for professional soldiers perform their active military service as candidate service. Candidate service status is obtained by way of appointment, after voluntary application. Persons appointed for candidate service must

have no criminal record, hold only Polish citizenship, and have physical and mental capacity to perform professional military service, be at least 18, have appropriate education and submit a written undertaking to perform professional military service after completing military school. A person applying for appointment into candidate service is directed to a military medical commission for ascertainment of physical and mental capacity for professional military service. Candidates for professional soldiers are trained in military schools. Professional officers are trained in military academies and higher officers' schools, while non-commissioned officers – in non-commissioned officers' schools.

#### **(b) Exemptions from or alternatives to mandatory military service**

Under the legal regulations in force, the following categories of persons are exempted from mandatory military service:

- persons who are determined by the appropriate medical commissions to be incapable of performing active military service in peacetime, or as permanently and completely incapable of performing active military service during peacetime and in the event of mobilization and during wartime;
- persons who become members of the clergy or join religious orders and are transferred to the reserve without performing military service;
- persons permanently residing abroad;
- persons who graduate from officers' and non-commissioned officers' schools of the Police, Border Guard and the State Fire Service, and directly after graduation take up employment as officers of the Police, Border Guard or the State Fire Service;
- persons who are transferred to the reserve by way of the regulation of the Minister of National Defence on the transfer to the reserve of certain categories of conscripts;
- persons who are designated to perform alternative service;
- persons who have performed military service in another country, the citizenship of which they also hold;
- persons who are accepted for service with the Internal Security Agency or the Foreign Intelligence Agency, at the request of the head of the relevant organizational unit of the Internal Security Agency or the Foreign Intelligence Agency.

#### **Alternatives to mandatory military service**

1. Service in armed formations that are not part of the Armed Forces Service in armed formations that are not part of the Armed Forces (preventive units of the Police and Border Guard) constitutes – under article 56 of the law of November 21 1967 on the universal duty to defend the Republic of Poland (Journal of Laws of 2004 No.241, item 2416, as amended) - an alternative form of fulfilment by citizens of that duty. Thus, service in those formations is equivalent to the performance of basic military service.

Under article 57 of the Law, the Council of Ministers each year issues a regulation determining the quota of conscripts who may be inducted into the armed formations that are not part of the Armed Forces. Conscripts found to be fit for military service, who have not obtained postponement of that service, may be assigned to service in the armed formations. The appropriate draft office commander assigns conscripts to service in the armed formations at the request of voivodship Police or Border Guard commanders, after the conscript in question submits written consent to perform that form of service. Conscripts assigned to armed formations perform candidate service with the Police or the Border Guard for the period of 12 months.

## 2. Alternative service

Conscripts subject to mandatory military service may apply for alternative service as conscientious objectors. That service consists in the performance by men subject to mandatory military service, during peacetime, of works connected with environment protection, fire protection, health care, social assistance, care for disabled or homeless persons, and works for the public administration and jurisprudence. The service is performed in state and self-government organizational units and public benefit organizations, including church organizational units with legal personality. The assignment of a conscript to alternative service is a competence of voivodship alternative service commissions, which - under article 10.2 of the law of November 28 2003 on alternative service (Journal of Laws of 2003 No. 223, item 2217) – are established by voivodship council speakers. The service is performed under the supervision of the minister responsible for labour affairs. The duration of alternative service is 18 months, and 6 months for graduates of higher schools.

### **(c) Legal and administrative procedures for the protection of the rights of armed forces personnel**

Polish Armed Forces personnel enjoy the same constitutional rights as all Polish citizens, with the exception of the right to stand for election, join political parties and go on strike.

In the event of a violation of rights connected with the performance of military service, a member of the forces personnel has the right of appeal envisaged in the relevant Armed Forces regulations.

The law of September 11 2003 on the military service of professional soldiers is applied in such situations. The relevant regulations were amended by the law of June 3 2005 on amendment of the law on the military service of professional soldiers and remuneration of nonprofessional soldiers.

These issues are also regulated by a number of other legal acts concerning, among others, the material liability of soldiers, accident and health benefits connected with their service, accommodation of forces personnel etc.

## **6. Information on instruction in international humanitarian law and other international rules, conventions and commitments governing armed conflict, included in military training programmes and regulations**

### **International law of armed conflict:**

Instruction in issues relating to the international law of armed conflict was provided within the Polish Armed Forces in 2007 in the framework of civic education, pursuant to the Guidelines of the Minister of National Defense on civic education, introduced by Decision No.289/MON/PSSS of September 28 2004.

Instruction in issues relating to the international law of armed conflict was provided in all corps of the Armed Forces and covered the following topics:

- Duties of commanders concerning the dissemination and implementation of the principles of international humanitarian law of armed conflict. Liability of commanders for the violation of the norms of the law of war: officers, non-commissioned officers

- Terrorism as the main threat to global security. Sources and types of terrorism and international efforts to prevent acts of terror: officers, professional non-commissioned officers, professional privates, soldiers of the basic military service.
  - Ethical aspects of commanding: officers, professional non-commissioned officers.
  - Basic rules of conduct for soldiers in combat in the light of the international law of armed conflict: professional privates, soldiers of the basic military service.
  - Ethics of conduct by soldiers on the battlefield: professional privates, soldiers of the basic military service.
  - Sources and evolution of the international law of armed conflict. Basic concepts of the law of war: soldiers of the basic military service.
  - Liability of soldiers for offences and misdemeanors connected with military service: soldiers of the basic military service.
  - Participation of Polish soldiers in peace, stabilization and humanitarian missions: soldiers of the basic military service.
  - The essence of military discipline. Penal and disciplinary liability of soldiers for violations of law and discipline: soldiers of the basic military service.
- Participation of soldiers of the Polish Armed Forces in peace, stabilization and humanitarian missions – basic military service (BMS) soldiers;
  - Sources and evolution of the international humanitarian law of armed conflicts. Fundamental concepts of war law – BMS soldiers;
  - Basic rules of military conduct during military operations in the light of the international humanitarian law of armed conflicts – BMS soldiers;
  - Responsibility of soldiers for crimes and misdemeanours connected with military service – BMS soldiers;
  - Responsibility for crimes against the rules of conduct in relations with other soldiers – BMS soldiers;
  - Terrorism as the main threat to the system of global security. Sources and types of terrorism and prevention of terrorism – BMS soldiers;
  - Military ethics on the battle field – BMS soldiers;
  - Ethical justification of necessary defence in military action and war – BMS soldiers;
  - History of Poland's participation in international peace missions - soldiers preparing for mission service;
  - International humanitarian law of armed conflicts – soldiers preparing for mission service;
  - Penal and disciplinary responsibility of soldiers serving abroad – soldiers preparing for mission service;
  - International rules of armed combat – soldiers preparing for mission service;
  - Social and cultural characteristics of the mission region – soldiers preparing for mission service;
  - Rules and conditions of service with the Polish military contingent – soldiers preparing for mission service;

- Characteristics of the national contingents taking part in the mission – soldiers preparing for mission service.

### **Protection of cultural goods**

Pursuant to decision No.250/MON of the Minister of National Defense of August 4 2005, the implementation is taking place of “ Instructions concerning the principles of protection of cultural goods in the activity of the Armed Forces of the Republic of Poland”. It details the tasks and competencies of the top officials of the Ministry of National Defense and the commanders of the Armed Forces.

Instruction in issues relating to the international law of armed conflict is provided to candidate professional soldiers within the curricula of military academies and covers the following topics:

- Place of international humanitarian law in the system of human rights protection
- Protection of injured and sick combatants and prisoners of war
- Status of civilian population during armed conflicts and in occupied territories
- Protection of cultural goods during armed conflicts
- The Protecting Powers, including the ICRC, as guardians of the observance of human rights by combatants,
- Principles of international penal liability for the violation of human rights during armed conflicts,
- Principles of operation of international armed forces under UN auspices
- Guidelines for the training of soldiers in international humanitarian law

Instruction in the above topics is given in all military schools, in the form of lectures and exercises, lasting between 20 and 40 school hours.

### **Training projects**

The following training projects were implemented in 2007 in order to familiarize Polish soldiers with the international law of armed conflict and to instill awareness of individual responsibility for conduct compatible with domestic and international regulations:

- Specialist course in international law of armed conflict for wing commanders of the Air Force, organized in Krakow on March 19-23 2007 (attended by 19 officers).
- Specialist course in international law of armed conflict for battalion commanders of the Land Forces, organized in Wroclaw , on May 21-25 2007 (attended by 22 officers)
- Specialist courses in international law of armed conflict and protection of cultural goods for commanding officers of military units designated for use in the framework of NATO Response Forces 9 and 10:

- 13<sup>th</sup> air transport squadron – Krakow, April 12 2007
- 3<sup>rd</sup> command wing – Warsaw, April 17, 2007
- RPS Czajka – Gdynia, April 25, 2007
- 1<sup>st</sup> Engineers Brigade – Brzeg, May 8-9, 2007
- RPS Sokół – Gdynia, May 17 , 2007

- A representative of the Ministry’s Department of Education and Promotion of Defense took part in cyclic meetings of the inter-ministry program council for the protection of cultural goods in the event of special threats.

- A representative of the Ministry’s Department of Education and Promotion of Defense took part in a specialist course in international law of armed conflict organized by the ICRC and the Swiss Armed Forces in Geneva on August 5-18 2007.

- Lecturers of military academies took part in international courses organized by the Institute of International Humanitarian Law in San Remo and in a course for legal advisers on international humanitarian law, organized by the ICRC in Vienna.
- Military academies cooperated with the Helsinki Foundation for Human Rights and the Polish Red Cross Center for the Dissemination of International Humanitarian Law
- The Department of Education and Promotion of Defense is responsible for the coordination and updating of military academy curricula with regard to international humanitarian law. Furthermore, the Department has issued the following training materials for Polish Military Contingents:
  - Soldier's guide. Republic of Chad – first edition.
  - Manual in International Law of Armed Conflict – first edition.
  - DVD training film: “To remain a human being. The humanitarian law of armed conflict in the training of individual soldiers” – first edition.
  - Soldier's guide. Islamic Republic of Afghanistan.
  - Soldier's guide. Iraq.
  - Soldier's guide. Syria.
  - Soldier's guide. Kosovo.
  - Soldier's guide. Lebanon.
  - Useful phrases in Arabic.
  - Useful phrases in Dari and Pashto.
  - Manual on mines, booby traps and dangerous devices.
  - Manual on the rights and duties of soldiers in combat.