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## The National Security Council (Rada Bezpieczeństwa Narodowego) – an advisory organ to the President of Poland?

STUDIA I ANALIZY

**Keywords:** Rada Bezpieczeństwa Narodowego, National Security Council, President of the Republic of Poland, national security, state security, advisory body

**Abstract:** Poland's National Security Council (Rada Bezpieczeństwa Narodowego, RBN) is defined in the country's Constitution as organ doradczy Prezydenta Rzeczypospolitej Polskiej w zakresie wewnętrznego i zewnętrznego bezpieczeństwa państwa (officially translating into: "the advisory organ to the President of the Republic regarding internal and external security of the State"). Against that background, this article uses analysis of policy practice as it seeks to explain whether the NSC truly plays that role of advisory organ, or is more in the nature of a coordinating-and-consulting body. To address this research topic, three areas have been identified for broader and deeper consideration, i.e. the means of selecting Council Members, the frequency with which Sitzings have been convened, and the subject matter addressed at those Sitzings.

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## Introduction

Challenges of various different types are faced by the state as what Georg Jellinek perceived as: “an association of sedentary people vested with original authority”<sup>1</sup>. From among these, concern for the security of the state obviously has its own special place. And while this was once identified mainly with the military sphere, today this is thought of as a multi-aspect phenomenon. Indeed, in a globalised world there is seen to be dynamic change in the threats the state and its institutions need to deal with<sup>2</sup>. In that connection, a security guarantee demands multidimensional action linked with the proper identification of threats, the taking of relevant decisions to safeguard against these arising, and ultimately – where the situation demands it – optimal reaction.

Through the process by which the state has developed over the long term, a number of institutions have been founded with activity concentrating around different security aspects. These include both highly-specialised services and agencies and organs of public authority. Entities within the first group have as their guiding principles political neutrality, professionalism, and a desire to achieve the substantive resolution of problems on the basis of the knowledge of those engaged in their activity, in so doing using the latest technologies and all possible tools to favour the discharge of the tasks put before them. In contrast, the second group based around political decisions indicate directions of action, set out priorities and create conditions in which specialised entities are able to operate.

However, operating in the surroundings of both types of institution mentioned are advisory bodies of different types. The specialised agencies above all draw on substantive policy advice, whose foundation is academic knowledge often arising out of many years of study of some defined aspect of our reality. Public-authority bodies also make use of substantive advice, but in their case they also need to engage in political consulting, given the need for certain policy (but also political) objec-

<sup>1</sup> Cited after G. Jellinek, *Ogólna nauka o państwie. Book II. Nauka o państwie z punktu widzenia społecznego. Book III. Nauka o państwie z punktu widzenia prawnego*, translated by M. Balsigierowa and M. Przedborski, Warsaw 1924, p. 50.

<sup>2</sup> R. Radek, *Biuro Bezpieczeństwa Narodowego i Rada Bezpieczeństwa Narodowego jako instytucje wspomagające reagowanie na zagrożenia – aspekty normatywne i praktyka polityczna*, [in:] K. Czornik, M. Lakomy (eds.), *Dylematy polityki bezpieczeństwa Polski na początku drugiej dekady XXI wieku*, Katowice 2014, p. 356.

tives to be achieved<sup>3</sup>. There are concrete situations in which tensions may emerge between the two forms and mechanisms by which advice is sought, with the main outcome of that being to reveal just how complicated a decision-making sphere and associated political activity may actually be.

## **The topic and objective of the article**

An awareness of the significance of parliaments and their crucial importance to contemporary democratic regimes raises a need to highlight how functions in the organisation and arrangement of state policy are ascribed to the Executive. The latter becomes the key element in the decision-making process as state policy is pursued<sup>4</sup>. And, in all of that, priority rank is obviously assigned to the given state's internal and external security, bearing in mind the fundamental significance of these aspects for its very existence.

In the Polish legal order as it concerns the governance system, the Council of Ministers is the body whose task is to “ensure the internal security of the state” (under Art. 146, para. 4, point 7 of the Constitution of the Republic of Poland) and its “external security” (under point 8 of the same paragraph), while also “exercising general control in the field of national defence (under point 11 of the same paragraph). Nevertheless, there is also a second organ forming part of the Executive – i.e. the President of the republic of Poland – who is ascribed tasks by the Constitution in regard to the safeguarding of key values crucial to the state's existence, i.e. sovereignty, security and territorial inviolability and integrity (all under Art. 126, para. 2). While it is true that these values are in fact to be defended by every organ and body of public authority in Poland, there is an explicit assigning of such a role to the President, with this justified in line with the status of this post-holder as the supreme representative of the Polish state<sup>5</sup>. Beyond that, the oath of office sworn by the President before the National Assembly (as provided for in Art. 130 of the Constitution) includes the section: “... *będę strzegł*

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<sup>3</sup> A. Kopka, M. Minkenberg, D. Piontek, *Doradztwo polityczne i lobbying w międzynarodowej perspektywie porównawczej*, [in:] A. Kopka, D. Piontek, M. Minkenberg (eds.), *Doradztwo polityczne i lobbying w parlamentarnym procesie decyzyjnym. Polska i Niemcy w perspektywie porównawczej*, Kraków–Nowy Targ 2018, p. 14.

<sup>4</sup> J. Blondel, *Comparative Government. An Introduction*, London 1995, pp. 268–269.

<sup>5</sup> L. Garlicki, *Polskie prawo konstytucyjne, zarys wykładu*, Warsaw 2006, p. 260.

*niezłomnie godności Narodu, niepodległości i bezpieczeństwa Państwa*” (translated into English as: “I shall steadfastly safeguard the dignity of the Nation, the independence and security of the State...”). There is thus no ambiguity here when it comes to the idea that care for the security of the state needs to be a priority aspect of the President of Poland’s activity.

As regards the constitutional and statutory powers of the President of Poland *vis-à-vis* state-security issues, there is a notable requirement relating to joint action with a second body of the Executive. This manifests itself in – among other things – situations relating to external threats, the need to bring in martial law or states of emergency, the adopted model by which leadership over the Armed Forces is to be exercised, entitlements as regards nominations and so on. The President of Poland remains a key organ of public authority co-participating in the process by which state security is guaranteed. Also attesting to this is the fact that constitutional rank has been gained by the advisory body to the President in matters of internal and external security that the National Security Council represents. Given that the Head of State is in a position to call various auxiliary bodies into being within the President’s Chancellery (*Kancelaria Prezydenta*) framework, the circumstance of the NSC (as an “advisory organ”) finding its place in the Constitution is of a specific nature. It may be explained by the relevant nature of the material that its activity is to involve, as well as the role and significance of the President where state security is concerned.

A basic aim of this article is thus to account for the significance of the National Security Council against the background of policy or political practice. Specifically, the research topic was formulated around the matter of how the Council may be conceptualised as an organ offering advice to the President. Indeed, it was in connection with a topic defined in this way that the hypothesis adopted held that – depending on the way in which the Constitutional wording “advisory organ” is understood, the NSC may take on the character of an advisory organ or body in the strict sense of the term; or else be more of a coordination-and-consultation body; or even be nothing more than a forum at which different entities active in the sphere of state security are able to cooperate.

The effort to verify this hypothesis saw work carried out in relation to three aspects of the Council’s operations and functioning. In the first place, the composition of the NSC was analysed. It has been worth checking what directed successive Presidents (from Aleksander Kwaśniewski through to Andrzej Duda) as they appointed different people to the

Council. By identifying some kinds of rules by which people were chosen for invitations to serve on this body, we might obtain a key premise by which to understand the way in which successive Presidents conceived of that body, in terms of its nature.

In the second place, the subject of analysis was the frequency with which the NSC was found to be performing its tasks. That approach of course denoted an assumption that the convening of Council Sittings did mean significance being assigned to this organ by a given President in office.

And finally – in the third place – there seemed to be full justification for analysing what issues had been the subject matter of work carried out by the Council, given the way that that might link up with an attempt to determine whether or not the organ had helped the President(s) in their pursuit of certain solutions (and thus been proactive in character), or whether the role had led to the NSC dealing with defined matters that were a consequence of events either ongoing within Poland and its political system or in its surroundings (suggesting a reactive as opposed to proactive aspect to the NSC). It was also felt to be worth checking – *via* the activity of the Council – which Presidents regarded internal or else external security as the matter of overriding importance; as well as worth detecting whether subject matter taken up extended beyond the military sphere into other aspects of security. An attempt was also made to determine the extent to which the work of the NSC translated into actual decisions taken by the President of Poland.

This article takes account of the 57 Sittings of the National Security Council taking place in the years 1998–2020, and thus over almost the entire period in which the 1997 Constitution of the Republic of Poland has so far been in force. The first such meeting was on February 20<sup>th</sup> 1998 and involved the Council convened by Aleksander Kwaśniewski, while the 57<sup>th</sup> was held on March 23<sup>rd</sup> 2020, and had the status of last Sitting during the first term in office of President Andrzej Duda (see Annex).

In order for the research objective set to be pursued, it was necessary for several methods to be applied. While identifying the Council's place within the system of state organs and bodies required institutional and legal analysis, the effort to characterise the practical side of the NSC needed at least partial resort to the historical method, especially via a material dimension manifesting itself in an attempt to link up different facts into a real whole. Resort to the decision-making method was also justified.

## The genesis of the National Security Council

Poland's regaining of independence in 1918 combined with difficult experiences from the past to ensure that the state re-established as the so-called Second Republic gave much consideration to matters of state security. The subject was first and foremost broached in relation to possible threats from external entities in the international environment, and hence on proper preparation of the country for defending itself in the circumstances of foreign aggression. Unsurprisingly, this version of security was taken to boil down mainly to the military aspect. And in line with the fact that this particular subject matter was connected with the key interests of the state, the entity engaged in such matters was the Head of State, i.e. the President of the Republic. And in the space of just under two decades (of the inter-War period), different Presidents called into being (and presided over) several different bodies whose activity was mainly to perform tasks relating to opinion-giving, advice and consultation, as well as coordination, in respect of state security.

As early as in 1921, a Decree from Poland's Supreme Commander Józef Piłsudski brought into existence a two-level War Council (*Pełna and Ścisła*) that was an advisory and opinion-giving body when it came to Acts relating to the Armed Forces, matters relating to the arming and supplying of those Forces, and the organisation of the Army in general<sup>6</sup>. Five years later – by virtue of a Regulation of the President of Poland dated October 25<sup>th</sup> 1926<sup>7</sup> – a Committee for the Defence of the State (*Komitet Obrony Państwa*) was established, with its remit including the issuing of opinions and guidelines in matters of defence. In turn, 1936 brought the establishment of *Komitet Obrony Rzeczypospolitej*<sup>8</sup> (the Committee for the Defence of the Republic). Its work was to consider matters of defence, and to set guidelines for the government, including as regards the coordination of any work by which Poland was made ready to defend itself.

In turn, the era of the Polish People's Republic (*PRL*) saw a quite-similarly-titled *Komitet Obrony Kraju* brought into existence, the change in

<sup>6</sup> R. Czarnecka, *Organizacja Ministerstwa Spraw Wojskowych (MSWojsk.) w latach 1918–1921*, „Biuletyn Wojskowej Służby Archiwalnej” 2005, no. 27, p. 109, [http://web.archive.org/web/20160305062703/http://archiwumcaw.wp.mil.pl/biuletyn/b27/b27\\_5.pdf](http://web.archive.org/web/20160305062703/http://archiwumcaw.wp.mil.pl/biuletyn/b27/b27_5.pdf) (28.12.2020).

<sup>7</sup> The *Dziennik Ustaw* Official Journal of Laws of the Republic of Poland of 1926, no. 108, item 633.

<sup>8</sup> *Dekret Prezydenta Rzeczypospolitej z dnia 9 maja 1936 r. o sprawowaniu zwierzchnictwa nad Siłami Zbrojnymi i organizacji naczelnych władz wojskowych w czasie pokoju*, The *Dziennik Ustaw* Official Journal of Laws of the Republic of Poland of 1936, no. 38, item 286.

name being from “State” to “Country”. At the outset, this was “the Committee of the Council of Ministers in matters of defence”<sup>9</sup>. However, from 1983 on, the competences extended beyond defence into state security<sup>10</sup>. The constitutionalisation of this body in 1989 involved its coming to be presided over by the President of what was still at that point People’s Poland<sup>11</sup>. However, the location of this KOK within the country’s system of governance had failed to be defined precisely, given linkage with both the Head of State of Poland and the country’s Government.

It was then in 1991, by virtue of an Ordinance of the President of the Republic of Poland (no longer People’s) that a Bureau of National Security (*Biuro Bezpieczeństwa Narodowego* or *BBN*) was called into being. This was subordinated to the Secretary of the Committee on National Defence (*Komitet Obrony Kraju* or *KOK*) and was affiliated with the Chancellery of the President. Then, in line with further amendment of the Act on the universal obligation to defend Poland, the BBN gained a definition as an organ assisting the Committee (*KOK*). At the same time, the Bureau was that of the President of Poland, who defined both the body itself and its scope of action, as well as supporting it financially from budget means allocated to the Chancellery of the President<sup>12</sup>. Notwithstanding the way in which the *BBN* was not a decision-making body from any formal point of view (being there merely to assist the *KOK*), in practice at least its position was becoming stronger and stronger – as it was for example within the *BBN* that many analyses were made ready, with work on the draft Polish Doctrine on Defence also being done here<sup>13</sup>.

From the beginning of his time in office, President Lech Wałęsa sought to do away with *Komitet Obrony Kraju*, given the way its People’s Republic origins looked burdensome to a state now following a democratic path of development. In that connection, a draft was even pre-

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<sup>9</sup> *Ustawa z dnia 21 listopada 1967 r. o powszechnym obowiązku obrony Polskiej Rzeczypospolitej Ludowej*, Art. 5, para. 1, *The Dziennik Ustaw Official Journal of Laws of the Republic of Poland of 1967*, no. 44, item 220.

<sup>10</sup> *Ustawa z dnia 21 listopada 1983 r. o zmianie ustawy o powszechnym obowiązku obrony Polskiej Rzeczypospolitej Ludowej*, Art. 1, point 1, *the Dziennik Ustaw Official Journal of Laws of the Republic of Poland of 1983*, no. 61, item 278.

<sup>11</sup> *Ustawa z dnia 7 kwietnia 1989 r. o zmianie Konstytucji Polskiej Rzeczypospolitej Ludowej*, *The Dziennik Ustaw Official Journal of Laws of the Republic of Poland of 1989*, no. 19, item 101.

<sup>12</sup> *Ustawa z dnia 25 października 1991 r. o zmianie ustawy o powszechnym obowiązku obrony Polskiej Rzeczypospolitej Ludowej oraz niektórych innych ustaw*, art. 1 pkt 7, *The Dziennik Ustaw Official Journal of Laws of the Republic of Poland of 1991*, no. 113, item 491.

<sup>13</sup> J. Ciapała, *Prezydent w systemie ustrojowym Polski (1989–1997)*, Warsaw 1999, p. 187.



pared by which *KOK* would convert into a National Security Council with the Polish name *Rada Bezpieczeństwa Narodowego*<sup>14</sup>. However, the reality emerged as much more complicated. While it is true that *Rada Bezpieczeństwa Narodowego* was referred to in the Small Constitution (*Mała Konstytucja*) of 1992 – as an advisory body to the President of the Republic of Poland, in matters of the overall governance of the state as regards its external and internal security<sup>15</sup>, this did not seem to be tantamount to any closing down of *Komitet Obrony Kraju*, even as a deconstitutionalisation of the latter did take place. However, in spite of the unambiguous nature of this signal of intent that *KOK* should cease to exist<sup>16</sup>, the body was only actually wound up at the beginning of the 21<sup>st</sup> century. As if that were not enough, it proved (politically) impossible for any National Security Council to be called into being during the time the Small Constitution was in effect<sup>17</sup>. In practice, the body that forms the main subject of the present analysis commenced its story with the entry into force of the Constitution of the Republic of Poland of April 2<sup>nd</sup> 1997<sup>18</sup>. This in turn justifies this article's time frame for analysis, which begins in 1998.

## The composition of the National Security Council

Under the Constitution of the Republic of Poland, the National Security Council gains description as an advisory organ to the President. However, the country's basic law offers no other provisions defining more precisely what that notion of advisory organ actually means. In principle, it would be possible to accept that anybody can have an advisory role; even as it is clear that not everybody is able to advise in a manner that emerges as suitable for or useful to the entity who is to be assisted. Thus, a fundamental question needing to be posed in this

<sup>14</sup> W. Fehler, *Rada Bezpieczeństwa Narodowego jako konstytucyjny organ państwowy*, [in:] T. Słomka, A. Materska-Sosnowska (eds.), *Konstytucja Rzeczypospolitej Polskiej z 1997 r., ciągłość i zmiana*, Warsaw 2012, p. 234.

<sup>15</sup> *Ustawa konstytucyjna z dnia 17 października 1992 r. o wzajemnych stosunkach między władzą ustawodawczą i wykonawczą Rzeczypospolitej Polskiej oraz o samorządzie terytorialnym*, Art. 34, *The Dziennik Ustaw Official Journal of Laws of the Republic of Poland of 1992*, no. 84, item 426.

<sup>16</sup> J. Ciapała, *Prezydent w systemie ustrojowym Polski...*, p. 191.

<sup>17</sup> W. Fehler, *Rada Bezpieczeństwa Narodowego...*, pp. 235–238.

<sup>18</sup> *The Dziennik Ustaw Official Journal of Laws of Official Journal of Laws of the Republic of Poland of 1997*, no. 78, item 483.

connection concerns the premises that ought to be in place as a person is – or is not – invited to work in a collegiate organ whose aim is to supply advice. That question assumes particular importance where the advisory “service” is to be made use of by a public organ – and one of a political nature in the case of the institution of President of Poland. Who would have a predestination to work in such a body? Should the key premise deciding whether or not a person is co-opted on to such a body be expert (and/or scientific) knowledge? It might be that matters of still greater importance are skill and competence arising out of experience acquired in different posts (including public posts) held in domains linked with the activity of the given advisory body.

Equally, or similarly, it is possible to envisage how membership of such an assembled body would (should) be reserved for those who at the given time hold defined (a restricted number of) posts in the system of organs of public authority. Or perhaps the makeup of an assembly of this kind should be entirely political in nature, with seats in this way taken by representatives of the political circles close to the President (from which that President originates)? Or perhaps a more justifiable approach is one in which composition specifically brings in representatives of a broad spectrum of political circles and forces?

The five above ways in which to potentially select members of an advisory organ could by no means be thought to exhaust the list of possibilities – also to the extent that we may not preclude a President being motivated or guided by still-other premises, or by more than one from the above list. And in all of this there can be no doubt that, in the face of the lack of an unequivocal definition of the notion that is advisory organ or body, the premises underpinning choice of participants may offer an important indication as to what the President expects from such a gathering of people. And that may in turn assist with an understanding of the role an advisory organ is in reality to play.

If membership of the NSC was determined by the possession of professional knowledge, then this would be an expert body. That would not preclude the status of advisory organ, but the advice given would have a foundation in science. Where the features determining someone’s appointment to the Council were skill and competence, the organ would have a chance to serve an advisory one, even as in this case the advice would concentrate more on the “prompting” of practical solutions. Where membership were to be linked with the simultaneous holding of posts as organs of public authority, then the assumption would have to be that the advisory nature of the institution was limited to

a marked degree, in favour of the fulfilment of a role in coordination and consultation.

In turn, were nominations to the NSC to be received by those linked to political circles close to the President, that would denote the conferment upon it of an advisory capacity, even if that would probably be one giving strategic advice, with substantive advice only playing a far more minor role. At the same time, with the choice of membership being of this kind, the gathering for the purpose of advice-giving would have to be seen as lacking any plurality of views. And the likelihood of already-held convictions being reinforced, while there is no truck with views not accepted or unacceptable, might work to limit the effectiveness with which any advisory role is performed.

However, a deficit in regard to pluralistic views could be made good were invitations to participate to be sent out to representatives of different political circles. That would provide for acquaintanceship with a wide spectrum of opinion and standpoints in matters important to the security of the state<sup>19</sup>. However, we do not know if such an organ would in fact be competent to give advice. Perhaps it would simply be a forum at which to exchange views, with the best case being one involving cooperation in matters of state security – assuming the Council of this profile possessed or developed the skill to reach compromises and do policy by way of consensus?

It is therefore worth looking at successive compositions of the National Security Council; and the first of these was the one called into being by President Aleksander Kwaśniewski shortly after the 1997 Constitution of the Republic of Poland entered into force. This took place on January 20<sup>th</sup> 1998, with 9 people included. The President's "key" in accordance with which participants were selected assumed that seats on the NSC should be taken by those holding important posts in the system of state bodies and organs. In that connection, the Marshals (Speakers) of *Sejm* and *Senat* were included, the Prime Minister, two Deputy Prime Ministers (who were at the same time Ministers of Finance and of Internal Affairs and Administration), the Ministers of National Defence and Foreign Affairs, the President of the National Bank of Poland and the Head of the Bureau of National Security (as NSC Secretary).

It is here worth stressing immediately that nominations to this first manifestation of the Council took place at a time of co-habitation, mean-

<sup>19</sup> J. Juchniewicz, *Rada Bezpieczeństwa Narodowego*, «Przegląd Prawa Konstytucyjnego» 2015, no. 2 (24), p. 122.

ing that the adopted way of selecting Members denoted political domination by political circles in competition with the one from which the President himself originated. In those circumstances, could the NSC really serve in the role of advisory organ, given a majority makeup of politicians in some sense “against” the incumbent Head of State? It seems rather improbable. Thus the Council was instead supposed to have been in the nature of a coordination-and-consultation body, above all in an institutional dimension. Yet it was to be an organ operating under the auspices of the President in a position to guarantee harmonious cooperation between organs of the legislature and the executive, along with the country’s central bank.

This kind of vision for the NSC emerged as too idealised, and was thus condemned to failure. Indeed, day-to-day, long-term political rivalries took the upper hand over the idea of a new institutionalised form of cooperation being put in place to allow the key people in the state to cooperate over a matter of fundamental importance to that state’s functioning. The consequence was thus for Aleksander Kwaśniewski to suspend the operations of the Council, which therefore met only<sup>20</sup>.

Ultimately ending in failure, the attempt to flesh out the operation of the NSC as a coordination-and-consultation body would ensure that President Aleksander Kwaśniewski, once sworn in for his second term, elected to apply a different “key” as he appointed Council members. The mixed nature of its composition is to be discerned readily enough, with Members including both people with expert knowledge and others with skills and competences in “security” as conceived of broadly, this being an aftermath of these people once having held key posts in the public authorities and services active in the security field, as well as the Armed Forces. Some Council Members also took up key posts as organs of state authority (Prime Minister or Minister) even after they had been appointed.

Meanwhile, this time round, President Kwaśniewski’s appointments to the Council were of people representing or sympathising with the camp he himself had originated in. Through the NSC coming to acquire this kind of cooperation, the opportunity was put in place for it to play

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<sup>20</sup> For a broader treatment, see: K. Gąsiorek, T. Kośmider, J. Pawłowski, *Instytucje doradcze i sztabowe głowy państwa polskiego zajmujące się problematyką bezpieczeństwa*, [in:] T. Kośmider (ed.), *Organy doradcze głowy państwa właściwe w sprawach bezpieczeństwa narodowego*, Warsaw 2015, p. 154.

a role as an advisory organ<sup>21</sup> of expert type features, albeit under a limited pluralism of political outlook.

It emerged that the concept of the second National Security Council to be called into being by Aleksander Kwaśniewski was actually a very effective one. Nevertheless, his successor as President, Lech Kaczyński, just a couple of days into the Presidency resorted to the kind of selection key for members that actually resembled the one Kwaśniewski had relied on almost 8 years earlier. Those called upon to sit on the body were holders of key state posts as Marshals (Speakers) of *Sejm* and *Senat*, the Prime Minister in the role of Chair of the Council of Ministers, and the Deputy PM who was at one and the same time Minister of the Interior and Administration, as well as the Minister of National Defence. The Council was also joined by somebody who was little more than a rank-and-file MP at that time – Jarosław Kaczyński (i.e. the President's twin brother).

In 2006, the composition of the NSC was augmented to include the Minister of Foreign Affairs. However, the “key” for selecting Council Members that President Lech Kaczyński applied could come as no real surprise to astute observers of Poland's political scene – for it was even signalled prior to the Presidential Campaign in 2005. Campaign materials at that point read that: *W sprawach szeroko rozumianego bezpieczeństwa państwa i obrony narodowej korzystać będę ze współpracy Rady Bezpieczeństwa Narodowego, do której powołam osoby pełniące najwyższe funkcje w kraju, a także nie pełniące takiej funkcji, ale mające zasadniczy wpływ na bieg życia publicznego*<sup>22</sup> (“in matters of state security and national defence as broadly conceived, I shall be drawing on cooperation with a National Security Council to which I will appoint persons holding the top posts in the country, or else not in such posts but having a key influence on the course of public life”).

The first part of Lech Kaczyński's Presidential term coincided with a period of PiS in government. In this connection, the adopted mecha-

<sup>21</sup> Anna Chorażewska writes: ... *prezydent zrezygnował z koncepcji Rady jako ciała politycznego na rzecz koncepcji Rady jako zaplecza merytorycznego prezydenta w zakresie bezpieczeństwa państwa* (“the President left behind the concept of the Council as a political body, in favour of a concept for the Council of its being substantive backup for the President where state security was concerned”). Cited after: A. Chorażewska, *Model prezydentury w praktyce politycznej po wejściu w życie Konstytucji RP z 1997 r.*, Warsaw 2008, p. 178. Even as one may share the view of the author of this quote regarding the vision for the Council that Aleksander Kwaśniewski adopted at the start of his second Presidential term (as substantive backup and support), there is at the same time no way of avoiding the idea that this is a body political in its nature.

<sup>22</sup> *Deklaracja wyborcza Lecha Kaczyńskiego Silny prezydent – uczciwa Polska*, [in:] I. Słodkowska, M. Dołbakowska (eds.), E. Nalewajko (*Introduction*), *Wybory prezydenckie 2005. Programy kandydatów* [i.e. Manifestoes of the Candidates at the 2005 Presidential Election], Warsaw 2007, p. 110.

nism for selecting members of the NSC had a different impact, despite being ostensibly similar to the one from 1998. For Council Members were representatives of that (“Law and Justice”) formation from which the President hailed, or else were people from beyond that grouping, but holding given posts in the state with his support (examples were Bogdan Borusewicz and Radosław Sikorski). The NSC was then to represent “the face of the consolidation of the ruling camp around the President of the Republic of Poland”<sup>23</sup>.

It is interesting that, while PiS were in government, through the 2005–2007 period, there was quite considerable turnover in ministerial and other posts (not least *Marszałek* of the *Sejm*). Newly-appointed people became NSC Members almost automatically, though their predecessors stayed on on the Council for several months (or even up to a year) before being recalled from this post. It can thus be recognised that the means of selecting NSC Members adopted in 2005 was not applied very consistently at all by Lech Kaczyński as President. This may in turn attest to the limited significance he ascribed to the body. In contrast, there was an abrupt change in the President’s way of perceiving the Council’s role from the moment his brother Jarosław became Prime Minister. While the time in operation of the government under PM Kazimierz Marcinkiewicz had been associated with an NSC that “was to play an important political and symbolic role [*signalling* – R.G.] that there were fields of key importance for the security of the state in which the President exerted an initiating and mobilising impact on the government”<sup>24</sup>, the appearance of the government led by successor Jarosław Kaczyński limited the significance of that function, and thus marginalised the National Security Council.

Between March 2007 and February 2008, Lech Kaczyński dismissed seven of the ten members of the NSC, with the reason being loss of support on the part of *Prawa i Sprawiedliwość* (Law and Justice), departure from a state post that had been held, or loss of the Head of State’s confidence. It was in this way that the Council, as Włodzimierz Fehler put it: *przerodziła się w wąski klub »politycznych przyjaciół« prezydenta*<sup>25</sup> (“transformed into a narrow club of ‘political friends’ of the President”). Remaining members at that time were: Jarosław Kaczyński, Anna Fotyga

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<sup>23</sup> Cited after: L. Dorn, *Nowa Rada Bezpieczeństwa Narodowego potrzebna od zaraz*, <https://www.rp.pl/artykul/179823-Nowa-Rada-Bezpieczenstwa-Narodowego-potrzeba-od-zaraz-.html> (27.12.2020).

<sup>24</sup> *Ibidem*.

<sup>25</sup> W. Fehler, *Rada Bezpieczeństwa Narodowego...*, p. 241.

and Aleksander Szczygło. Following the 2007 handover of power as a coalition between *Platforma Obywatelska* (Civic Platform) and *Polskie Stronnictwo Ludowe* (the Polish Peasants' Party) came into office, the President did not then call into being a Council whose makeup reflected the holding of key posts in the state by politicians. Thus the original "key" to the process by which members were selected emerged as attractive solely in conditions where political uniformity was in place in Presidential, governmental and parliamentary circles at one and the same time. Where it was co-habitation that applied, this proved impossible to maintain or sustain. So political considerations once again prevailed over the idea to create a strong body serving joint action between people holding the most visible state posts in security as broadly conceived. At the same time, the political reality offered strong verification of what the Presidential candidate had said prior to the election.

It would also be hard to recognise that the NSC of the Lech Kaczyński Presidency became any kind of real advisory organ. Directly following the nomination of its first Members, the Council certainly had potential in the advisory sphere, if far more strategically than substantively. However, as time passed the fact that there was window-dressing at work here became more and more clear.

Bronisław Komorowski then appointed a National Security Council of new makeup while he was Marshal of the Sejm but standing in to perform the duties of the late (tragically killed) President Lech Kaczyński. He proceeded on an assumption known from the past, that those sitting on the NSC should hold key state posts, or else be leaders of the parliamentary parties<sup>26</sup>. While the leaders of the parties that happened to form the coalition government did have key posts of their own, the fact that the invitation to join the Council extended to leaders of Opposition parties might really be regarded as a kind of novelty. The Sitting of the NSC convened on May 20<sup>th</sup> 2010 comprised the Marshal of the *Senat*, the PM, the Deputy PM who was also Minister of the Econ-

<sup>26</sup> This was in line with what can be found in a document dated May 10<sup>th</sup> 2010 made ready by Head of the Bureau of National Security, Stanisław Koziej, and entitled *Propozycje dla Prezydenta RP w sprawie reformy kierowania bezpieczeństwem narodowym i obronnością (tezy)* (a thesis making a proposal to the President in the matter of the reform of governance in National security and defence). This included an idea for convening an NSC made up of all the key post-holders where the security of the state was concerned ("...powołać Radę Bezpieczeństwa Narodowego w składzie uwzględniającym udział wszystkich najważniejszych z punktu widzenia bezpieczeństwa państwa osób funkcyjnych"). Cited after: S. Koziej, *Rozważania o bezpieczeństwie. O bezpieczeństwie narodowym Polski w latach 2010–2015 w wystąpieniach i referatach szefa Biura Bezpieczeństwa Narodowego*, Warsaw 2016, p. 16.

omy, the Ministers of Internal Affairs and Administration and National Defence, the Minister of Foreign Affairs and the Head of the Bureau of National Security. Equally, appointed leaders of parties that were not at the same time holding key posts in the state were Jarosław Kaczyński (*Prawo i Sprawiedliwość* – Law and Justice) and Grzegorz Napieralski (*Sojusz Lewicy Demokratycznej* – the Democratic Left Alliance). In this way, the organ appeared first and foremost in a coordination-and-consultation mould, with a clear pluralism where the political views of its Members were concerned. This of course seemed entirely justified in the immediate aftermath of the Smolensk air disaster (involving the Presidential plane) which had killed the President and many other senior administration figures on April 10<sup>th</sup> 2010.

Later as President of Poland, Bronisław Komorowski decided to pursue further the line he had taken to shape the composition of the National Security Council. The mixed makeup noted in this case (with both key post-holders in the state from the legislature and the executive and representatives of a broad spectrum of political forces in Parliament) reflected a conviction as to the need for: “consensus to be obtained among all political forces, when it came to the political will to treat matters of national security within state policy as of priority significance (...) National security has to come before and beyond all (party) political divisions; and this is a foundation for the effectiveness of all other strategic activity (operations) within the security sphere (...) A good place to forge a political understanding in security matters that goes beyond party divisions is the National Security Council, in whose work there participate those accountable under the Constitution for state security, but (...) also leaders of all political forces represented in Parliament”<sup>27</sup>.

There was thus an understanding here that the NSC was to be a forum at which to exchange views on security and to seek consensus in matters of fundamental importance to the country. Did this broad formula adopted for participation on the NSC not limit the opportunities for this body to act in an advisory capacity *vis-à-vis* the President? Doubts appearing in this connection were in fact increased by the way in which dynamically-ongoing change in political rivalries and fluctuations (better perturbations) on Poland’s party-political scene ensured a need for incessant changes of personnel on the NSC. In fact, the total number of NSC Members at different times during the (one-term) Presidency of Bronisław Komorowski was 26.

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<sup>27</sup> Cited after: *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, Warsaw 2013, pp. 156–157.



Unlike his predecessors, President Andrzej Duda was slow in setting up “his” National Security Council, taking more than half a year to achieve that objective (the relevant Ordinance in this matter was not signed until March 2<sup>nd</sup> 2016). However, like Komorowski, Duda adopted a broad formula when it came to the organ’s composition. Alongside those holding top posts (the Marshals of *Sejm* and *Senat*; Prime Minister; and the Ministers responsible for defence, home affairs and foreign affairs; the Head of the President’s Chancellery and the Head of the Bureau of National Security), further invitees were the heads or chairs of parliamentary floor groups<sup>28</sup>.

There is thus a basis here for recognising that President Duda was promoting a vision of the NSC as an organ-forum that would tend to play host to exchanges of view, with understandings in matters of national security being developed against that kind of background. This would be the way to consolidate the NSC’s position as a coordination-and-consultation body. At the same time, having in mind the relative lack of plurality of the parliamentary-party system during the second decade of the 21<sup>st</sup> century, it proved possible for the Council to feature a majority of Members associated with the camp holding power in Poland.

On the basis of what it has proved possible to establish regarding the makeup of versions of the National Security Council as set up by successive Presidents, conclusions to be drawn are as follows:

1. At no time was the NSC an apolitical advisory body *sensu stricto*, able to harness the knowledge, skill and competences of all members in order to offer a President fully professional good advice.
2. The Presidencies of both Aleksander Kwaśniewski and Lech Kaczyński can be seen to have featured clear attempts to seek out an optimal model where the role and significance of the National Security Council were concerned.
3. It was during the Presidencies of Bronisław Komorowski and Andrzej Duda that there was a crystallising-out of the concept of the NSC as a coordination-and-consultation body to the holder of the highest post in the state where matters of security in that state were concerned. However, this is not a typical advisory body (or organ), but more of a forum for the exchange of ideas and for cooperation between different political camps and circles. It may constitute a valuable source

<sup>28</sup> Cited after: *Zarządzenie Prezydenta Rzeczypospolitej Polskiej z dnia 2 marca 2016 r. w sprawie składu i trybu działania Rady Bezpieczeństwa Narodowego*, § 2 point 7, <https://www.prezydent.pl/aktualnosci/wydarzenia/art,143,posiedzenie-rady-bezpieczenstwa-narodowego---9-marca.html> (27.12.2020).

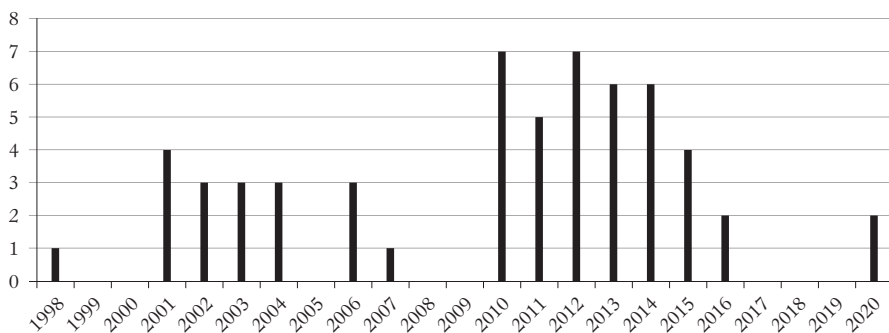
of information for the President, e.g. in regard to ways of looking at defined questions; while its Members (if not all of them) lack attributes typical for advisors, most notably an appropriate level of professional knowledge.

## The frequency with which Council Sittings have been convened

As was noted above, the period under analysis witnessed 57 Sittings of the National Security Council, though with quite varied annual totals – as the diagram makes clear. The organ met most times in 2010 and 2012 (7 each), while not meeting at all in 1999–2000, 2005, 2008–2009 and 2017–2019, and convening just once in both 1998 and 2007. No specialised knowledge is required to realise that the times of low or zero activity on the part of the NSC were by no means times in which events directly or indirectly impinging upon the security of the state did not take place, either in the nearer or more-distant surroundings of the Polish political system or even within that system itself.

The lack of activity of the NSC in the years 1998–2000 (just one Sitting over the course of three years) reflected the failure of the adopted concept for the organ to pass muster in the circumstances of co-habitation. Furthermore, there were even at that time doubts of a legal nature – as to whether the President could in fact call upon other key organs of the state (like the Marshals presiding in the “Speaker”-type role over *Sejm* and *Senat*) to take a seat on this one. It was indicated that the act nominating

**Fig. 1.** Frequency with which the National Security Council worked in the years 1998–2020 (through to the end of the first Presidential term of Andrzej Duda)



Source: Authors' own elaboration.

a person ought to relate to the particular individual, rather than the post held<sup>29</sup>. The result of this was for matters of a purely political nature (plus those legal question marks) to ensure – as Krystian Nowak put it – that the NSC was reduced to the status of a purely “decorative” body<sup>30</sup>.

It would thus be during the second term of President Aleksander Kwaśniewski that the position of the NSC within Poland’s system of governance would crystallise rather – in the direction of true advisory organ. The frequency with which Sittings took place was among the signals attesting to this fact.

The utterances of Lech Kaczyński during the 2005 election campaign raised reasonable expectations that the position of the NSC within the system would be strengthened as and when he took on the Head of State post. One campaign material in particular informed voters that, as President, Kaczyński would be conceiving of the Council in a broad way, ensuring that its sittings (to be held regularly) would be discussing each and every issue linking up with serious threats to the sovereignty of Poland, or its public or economic life, or its society (*Zadania Rady będą rozumiał szeroko, omawiając na jej posiedzeniach, którym nadam charakter regularny, wszystkie zagadnienia związane z poważnymi zagrożeniami dla naszej suwerenności, naszego życia publicznego, gospodarczego i społecznego*)<sup>31</sup>. Meanwhile, in the course of his Presidency, just four Sittings of the National Security Council actually took place – and that a time when the grouping in power in Poland was the same party as the one the President himself originated from (*Prawo i Sprawiedliwość*).

Following the 2007 coming to power of a Civic Platform/Polish Peasant Party coalition, the advisory organ to the President in matters of the country’s internal and external security did not meet even a single time. This was surprising enough, given the way that President Lech Kaczyński had been devoting rather a lot of his activity to the safeguarding of the sovereignty and security of the state, especially in the context of the policy of Russia has been pursuing in the region. But this substantive aspect was subsumed in all of the political rivalry. President Kaczyński simply saw no possibility of institutionalised cooperation being engaged in – even via the NSC – with a camp in opposition to the one from which he originated (and which was in part originated by him).

<sup>29</sup> W. Odrowąż-Sypniewski, *Opinia w sprawie udziału Marszałka Sejmu w Radzie Bezpieczeństwa Narodowego*, «Przegląd Sejmowy» 1998, no. 3 (26), p. 79.

<sup>30</sup> K. Nowak, *Kompetencje głowy państwa w zakresie zwierzchnictwa nad siłami zbrojnymi i bezpieczeństwa państwa w polskim prawie konstytucyjnym*, Rzeszów 2016, p. 254.

<sup>31</sup> *Deklaracja wyborcza Lecha Kaczyńskiego...*, p. 110.

There was therefore a fundamental questioning of the NSC's position within the system of governance of Poland, even as the first half of the 21<sup>st</sup> century's first decade had seen the institution better and better embedded, and serving as a key forum at which issues relating to security in the broadest sense could be taken up. This truth was perfectly encapsulated by Deputy Head of the Bureau of National Security (in the years 2008–2010) – Witold Waszczykowski – he stating that *Lech Kaczyński konsultuje się z Radą w sposób mniej formalny, m.in. przez wymianę poglądów, raportów, opinii. Więc formalne posiedzenia wydają się zbędne*<sup>32</sup> (“Lech Kaczyński is not consulting with the Council in any more formal way – e.g. through exchanges of views, or via reports and opinions. Thus formal Sittings of the Council would not seem to be necessary”). And here it is worth recalling how the second half of the term in office of President Kaczyński coincided with the NSC then being of markedly curtailed structure. Sitting on the Council along with the Head of the Bureau at that time were two people not holding any major state-official posts.

Andrzej Duda only made very sparing or “economical” use of the NSC during his first term as President. As in the first period during which Duda-mentor Lech Kaczyński had been in office, the Council met just four times. That said, it needs to be noted how basically the entire term of Duda coincided with *Prawo i Sprawiedliwość* being in power in general, even as the NSC was known to be a Council on which people holding key state posts sat. That meant that most of the organ's members derived from the political circles close to the Head of State. Yet despite that, there were four years (between June 2016 and March 2020) when not a single NSC Sitting was convened. For, when it came to his options for seeking advice and engaging in consultations, the President showed a clear preference for narrower channels of communication confined to his own close political circles.

Thus, while Opposition figures in Parliament many times demanded that Sittings of the NSC be convened, the President saw no need for that to happen. And in that way he closed off options for those Opposition politicians who actually had seats on the Council to play much or any part in the discussions on security provided for within the framework of an organ of the state defined and identified in the Constitution<sup>33</sup>. There is

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<sup>32</sup> A. Dąbrowska, G. Rzeczkowski, *Jak działa BBN*, „Polityka”, 12<sup>th</sup> December 2009, <https://www.polityka.pl/tygodnikpolityka/kraj/1501461,1,jak-dziala-bbn.read> (2.01.2021).

<sup>33</sup> In January 2020, A. Duda responded to a question regarding the lack of convened NSC Sittings by suggesting it was a matter of state secrets being protected. He opined that there were irresponsible people spreading information classed as confidential “(...) *szkodzący*”

thus no doubt that the position of the NSC was marginalised during the time of Andrzej Duda's Presidency. Indeed, this is confirmed in the utterances of his Spokesperson, Błażej Spsychalski, who noted in early 2020 that: "Many Opposition politicians try to show how the National Security Council is some kind of 'WOW-body' at which stances will be arrived at jointly. (...) In fact it is an advisory and consultative body to the President of Poland. Were the President to anticipate consultation and advice on some broader scale than actually takes place, he would convene the Council. But since the President does not anticipate these kinds of decisions today, he does not convene it." (*Wielu polityków opozycji próbuje przekazać, że Rada Bezpieczeństwa Narodowego jest jakimś takim »wow ciałem«, na którym się będzie stanowiska wspólnie docierało. (...) To ciało doradczo-konsultacyjne prezydenta RP. Gdyby pan prezydent oczekiwał konsultacji, doradztwa w jakimś szerszym zakresie, niż to ma miejsce, to Radę Bezpieczeństwa by zwołał, ale ponieważ pan prezydent nie oczekuje takich decyzji dzisiaj, to nie zwołuje*<sup>34</sup>).

If the frequency of sittings of the Council is seen as one of the indicators of the body's significance or relevance to the President of Poland's pursuit of one of his/her fundamental tasks, then it would definitely be Bronisław Komorowski in that post who paid it special attention. He convened it four times even as *Marszałek* of the *Sejm* acting in the absence (following the tragic death) of Lech Kaczyński. But after being elected to the post of President, Komorowski convened sessions of the Council as many as 31 times.

Noting the composition of the body over the time Komorowski was President, it is possible to regard the NSC as having become a forum for cooperation and an exchange of views between that President and people dealing with the stance of the state as expounded (as well as the leaders of Opposition parties) – in matters of the Polish state's external and internal security<sup>35</sup>. As was made clear in an interview he gave, Gen.

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*nieodpowiedzialni, którzy wnoszą informacje, które są informacjami tajnymi. Działamy tak, żeby informacje, które są informacjami niejawnymi, pozostały informacjami niejawnymi. (...) to jest moja decyzja kiedy zwołuję Radę Bezpieczeństwa Narodowego (...)*". In: *Prezydent Andrzej Duda ws. RBN: działamy tak, by informacje niejawne pozostały niejawnymi*, <https://www.wnp.pl/parlamentarny/spoleczenstwo/prezydent-andrzej-duda-ws-rbn-dzialamy-tak-by-informacje-niejawne-pozostaly-niejawnymi,49510.html> (2.01.2021).

<sup>34</sup> Cited after: *Duda nie zwoła Rady Bezpieczeństwa ws. Iranu. Rzecznik: Opozycja próbuje przekazać, że to jakieś „wow ciało”*, <https://wiadomosci.gazeta.pl/wiadomosci/7,114884,25565944,duda-nie-zwola-rady-bezpieczenstwa-ws-iranu-rzecznik-opozycja.html> (2.01.2021).

<sup>35</sup> This conclusion is not even altered by the fact that Jarosław Kaczyński as leader of the largest Opposition grouping resigned from NSC work in 2010. For a broader treatment see: E. Zemła, E. Olczyk, *Jarosław Kaczyński rezygnuje z RBN*, «Rzeczpospolita», 10<sup>th</sup> Novem-

Stanisław Koziej (Head of the Bureau of National Security at the time Komorowski was President) saw sittings of the NSC as an occasion to “correct certain ideas that different Ministers came along with”. The General likewise stressed the Council’s relevance when it came to strategic decisions and future challengers<sup>36</sup>. What is therefore being revealed here is an NSC that is primarily of a coordinating nature.

To sum up this aspect of the considerations, it needs to be noted how the frequency with which sittings of the Council are convened can represent a key element by which the President’s relationship with the organ can be described and summed up. Nevertheless, an immeasurably important factor determining whether sittings were or were not called was naturally the situational context. It was first and foremost concrete circumstances that decided on a meeting of the NSC taking place. Equally, it was basically only under Bronisław Komorowski as President that sittings of this body became a more permanent element of Poland’s political reality. It was therefore in this way that an institutionalisation of the NSC in political practice was achieved, with the Council at that time attaining the rank of pluralistic coordination-and-consultation body close to the supreme representative of the Polish state. However, bases for assuming the Council’s arrival at true “institutional” status were also to be observed during President Aleksander Kwaśniewski’s second term of office, though it is impossible not to notice how he failed to convene even a single sitting of the body during his last year as President.

It thus emerges that there is no full confirmation in practice of the hypothesis regarding frequent use being made of the “assistance” of the NSC when there was political coincidence between the President and most of the people involved on it. The experience during Andrzej Duda’s time as President makes this abundantly clear. Nevertheless, less use does seem to be made of the NSC under the circumstances of co-habitation. This is first and foremost associated with a more and more established practice of “inviting” on to the Council those who hold “exposed” posts in both the legislature and executive (see Table 1). This kind of relationship would certainly not have been present had the makeup of the NSC been determined on the basis of the “key” proposed by Aleksander Kwaśniewski at the beginning of his second term.

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ber 2010, <https://www.rp.pl/artykul/561892-Jaroslaw-Kaczynski-rezygnuje-z-RBN.html> (2.01.2021).

<sup>36</sup> *Po co prezydentowi Rada Bezpieczeństwa Narodowego. Z gen. Stanisławem Koziejem rozmawia Dariusz Jaroń*, <https://wydarzenia.interia.pl/tylko-u-nas/news-po-co-prezydentowi-rada-bezpieczenstwa-narodowego,nId,2146505> (2.01.2021).

**Table 1.** The frequency of occurrence of sittings of the National Security Council under different configurations of political forces

| Presidency   |                                    |                |               |  |                      |                         |
|--|------------------------------------|----------------|---------------|--|----------------------|-------------------------|
| Aleksander Kwaśniewski first term  | Aleksander Kwaśniewski second term | Lech Kaczyński |               | Bronisław Komorowski as acting President | Bronisław Komorowski | Andrzej Duda first term |
| Period   |                                    |                |               |  |                      |                         |
| 1998–2000  | 2000–2005                          | 2005–2007      | 2007–2010     | 2010                                     | 2010–2015            | 2016–2020               |
| Relationship between the President of Poland and the majority in Parliament (government) |                                    |                |               |  |                      |                         |
| co-habitation  | conformity                         | conformity     | co-habitation | conformity                               | conformity           | conformity              |
| Political conformity or disparity between the President and the NSC                      |                                    |                |               |  |                      |                         |
| disparity  | conformity                         | conformity     | conformity    | conformity                               | conformity           | conformity              |
| Numbers of NSC sittings  |                                    |                |               |  |                      |                         |
| 1  | 13                                 | 4              | 0             | 4  | 31                   | 4                       |

Source: Authors' own elaboration.

By taking as a point of reference the frequency with which NSC Sittings were held in the years 1998–2020, it is possible to note that the “assistance” of the organ was sought least often by Presidents of *Law and Justice* pedigree. This may reflect this political formation’s lack of trust (and the lack of confidence of certain of its representatives) in “work in” and “cooperation with...” bodies and organs of a politically pluralised nature.

## The subject matter at Sittings of the National Security Council

When the subject matter of Council Sittings is in turn analysed, it is possible to note how, during the Presidency of Aleksander Kwaśniewski, there was a prevalence of matters associated with external security, with the military dimension to the fore in particular (NATO membership, involvement in the “War on Terror”). In turn, Lech Kaczyński’s Presidency also saw matters of this kind addressed by the work of the NSC, even as matters of energy security were also raised. Bronisław Komorowski as Acting Head of State convened Sittings of the Council to discuss matters of the flooding taking place in Poland in 2010, as well

as of course the issue that had brought him to a President-type position in the first place – the plane crash at Smolensk leading to the deaths of all 96 on board (including many key figures in Polish administration travelling alongside Lech Kaczyński and the First Lady).

Post-election, Bronisław Komorowski as President had meetings of the Council devoted to a rather wide range of topics. These included participation in NATO structures and the shaping of the EU's Common Foreign and Security Policy, cybersecurity, reform of the system by which the Armed Forces (and Security Services) of Poland were being managed and commanded, the (re)organisation of the system by which VIP figures in Poland were to travel by air, the security arrangements for the large-scale jointly-hosted event that was *Euro 2012*, and – again – matters of Poland's energy security.

In general, it would be a justified claim that – under President Komorowski – the National Security Council of the Republic of Poland became a forum for cooperation between the Head of State and holders of key state posts, as well as leaders of the main political groupings; and this, not merely in regard to the country's external security (and from dimensions also above and beyond the military), but also when it came to internal security.

It at first seemed that Andrzej Duda might keep up this practice, but – following in 2016 two sittings of the Council (of which one was subject to secrecy), the President may no further use of its advisory services until 2020. Thus, at the end of his first term in office, Duda elected to convene sittings of the NSC twice. Needless to say, this was in response to the threat posed by the developing pandemic caused by the SARS-CoV2 coronavirus.

Joanna Juchniewicz noted how: *bardzo często temat posiedzenia był konsekwencją określonych wydarzeń i nie tylko wydarzeń mających miejsce w państwie polskim, ale również wydarzeń o zasięgu międzynarodowym*<sup>37</sup> (“it was very often the case that the subject of a Sitting was a consequence of defined events – and not only those taking place in Poland, but also those of international scope”). However, it can still be emphasised that the Council did not only meet in the face of sudden happenings (in the international arena, and more rarely in its domestic counterpart), given that some Sittings were planned in advance, while the possibility of further meetings being convened was often signalled in this way by the Head of State (most especially where that Head of State was Bronisław

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<sup>37</sup> J. Juchniewicz, *Rada Bezpieczeństwa Narodowego...*, p. 126.



Komorowski). Furthermore, there were certain topics that appeared again and again at NSC Meetings, while others were (seemed to be) more or less of an incidental nature. However, all of the topics can be seen to fall within 6 groups, as follows:

**Table 2.** Subject matter of the NSC Meetings held in the years 1998–2020 (through to the end of President Andrzej Duda’s first term)

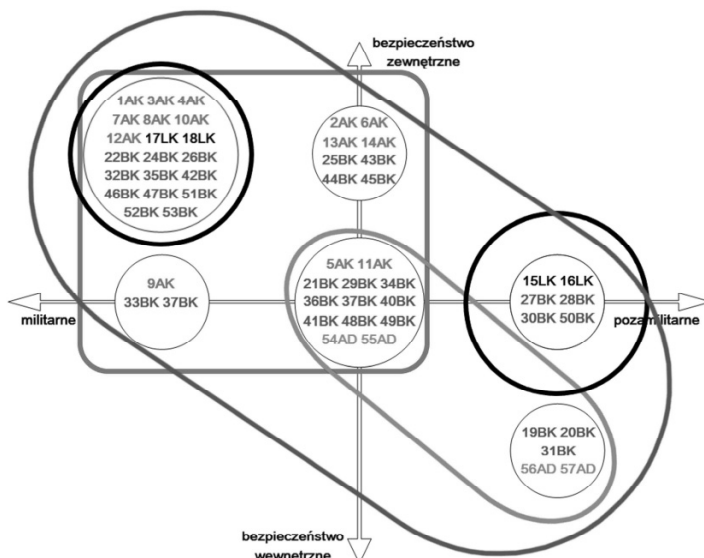
|  |   |
|--|---|
| NATO and the EU  | <ul style="list-style-type: none"> <li>➤ Poland’s NATO membership: 2, 3, 4, 22, 24, 26, 34, 45, 47, 51, 53, 55</li> <li>➤ Preparations for NATO Summits or debriefings following participation at them: 4, 22, 24, 31, 34, 47, 51, 53, 55</li> <li>➤ The EU Common Foreign and Defence Policy: 39, 42, 53</li> <li>➤ Poland’s integration with the EU: 2</li> <li>➤ The Polish Presidency over the EU Council: 29</li> </ul>  |
| Regional and global problems                               | <ul style="list-style-type: none"> <li>➤ The Coalition of the Willing and the War on Terror, the counteraction of terrorism in general: 7, 8, 9, 10, 13, 22, 32</li> <li>➤ Poland’s energy security: 15, 16, 27, 28, 30, 40</li> <li>➤ Maritime policy: 14</li> </ul>   |
| The situation in states and regions of the world           | <ul style="list-style-type: none"> <li>➤ Ukraine: 3, 13, 15, 43, 44, 45, 46, 48, 51</li> <li>➤ Russia: 6, 15, 16, 25, 46, 48, 51, 52</li> <li>➤ the USA: 5, 12, 18</li> <li>➤ Iraq: 10, 12</li> <li>➤ Afghanistan: 22, 32</li> <li>➤ The Middle East in general: 1</li> <li>➤ The Balkans: 4</li> </ul>   |
| The defence system and elements of military infrastructure | <ul style="list-style-type: none"> <li>➤ Anti-missile defence: 3, 4, 18, 35</li> <li>➤ Discussion over government strategies, reviews and plans, as well as other documents relating to state security: 11, 36, 41, 49</li> <li>➤ Cybersecurity: 28, 29, 48, 50</li> <li>➤ Reform of the system of management and command of the Armed Forces and/or special services: 33, 38, 40</li> </ul>  |
| Internal policy  | <ul style="list-style-type: none"> <li>➤ Flooding: 19, 20</li> <li>➤ The Smolensk aviation disaster: 21, 37</li> <li>➤ Establishing new rules for the carriage of key persons in the state, and relevant equipment purchases: 23, 40, 41</li> <li>➤ Ensuring security at and for <i>EURO2012</i>: 31, 34</li> <li>➤ Ensuring security at and for the <i>World Youth Day</i>: 55</li> <li>➤ Counteracting the effects of the coronavirus pandemic: 56, 57</li> </ul> |
| Other  | <ul style="list-style-type: none"> <li>➤ General meetings / secrecy of deliberations: 17, 54</li> </ul>   |

Numbers in this Table correspond with numbers of Meetings of the NSC included in the Annex.

Source: Authors’ own elaboration.

The above compilation shows how internal security dominated sittings of the National Security Council. Within that category, most time was devoted to military matters. However, it is also worth noting the kinds of problems that held sway as the NSC was doing its work during successive Presidential terms. In the schematic representation above, the visualisation was based on the dual criteria of external versus internal security, as well as military versus non-military aspects.

**Scheme 1.** Dominant subject matter at 1998–2020 sittings of the National Security Council (through to the end of President Andrzej Duda's first term)



Numbers reflecting the numbering of National Security Council Sittings used in Annex, while the letters are the initials of those holding the office of President of Poland.

Source: Authors' own elaboration.

As this scheme shows, the Sittings of the National Security Council during the terms in office of Presidents Aleksander Kwaśniewski and Lech Kaczyński were dominated by matters of external state security. While in the case of the former it was first and foremost military aspects that were involved, in regard to the latter, there was a balance between security's military and non-military aspects. During the Presidency of Bronisław Komorowski, the subject matter at NSC sittings was differentiated, and concerned with security as conceived broadly. As the schematic representation makes clear, problems addressed were located in each of the four segments. What is more, it was more typical at this time than earlier on for the NSC to be convened to discuss problems the

Head of State had himself indicated, with this meaning less of a reaction to the situation in the nearer or further surroundings of the Polish political system. This allowed the NSC to become a proactive participant in work on the security of the state as conceived of more broadly. But this valuable feature was to be lost once again during the time of Andrzej Duda's Presidency.

## Summary

It emerges that the wording of the Polish Constitution that has the National Security Council termed *organ doradczy* (translated into Polish semi-officially as "advisory organ") is not especially precise. While the task of indicating what an advisor is or should be is not an especially difficult one, it seems to be incredibly complicated to actually organise an advisory organ or body. And the challenge proves especially huge where the political sphere is involved.

Over the more than 20 years that the NSC has been in operation, no cohesive vision regarding this "organ" has emerged. Where the composition of the NSC in the second decade of the 21st century is concerned, a practice has now become well-established whereby those invited on to the Council are state office-holders and leaders of parliamentary parties. This denotes a body of a coordination-and-consultation nature, while not saying much about any advisory capacity in the strict sense.

Taking account of the frequency with which Sittings of the NSC were convened, it is possible to risk claiming something about the degree of importance to each given President in office. Looked at in this way, Bronisław Komorowski emerges as the one making most use of the possibility. Furthermore, during his time in office, the Council very much appears in the role of proactive, as well as reactive, body. This allows it to be considered that the NSC played an important role in the President's discharge of his function within the Polish system of governance as some kind of "guardian" of state security. In the years 2010–2015, the Council was not only a venue for discussion on state security to be pursued, as it also played an important role in the actual devising and development of certain decisions.

In turn, Presidents of *Law and Justice* origin only rather rarely availed themselves of the "assistance" the NSC is there to provide. Indeed, those looking into the policy practice during the Presidencies of Lech

Kaczyński and Andrzej Duda will find themselves asking a fundamental question as to the sense of advisory bodies receiving special treatment under the Constitution. For would that status not tend to denote obligatory convening of bodies of this type, at least from time to time? Equally, does an organ assumed from the outset to be of advisory status not become merely decorative where the very entity who is to extend support to such an organ is in reality sceptical towards it?

Where the subject matter taken up by the NSC is concerned, it is easy to note an initial focus on defence that gave way steadily to more and more non-military aspects of security. This is only right, given the true nature of security as a multi-stranded phenomenon. But in consequence, the justification is present for a broad institutional environment to be put in place in support of those who bear responsibility for this area of state functioning.

Keeping in mind the three areas referred to above, it needs to be argued that the real nature of the National Security Council is dependent on the vision presented for that organ by the person holding the Head of State office at the given time. Equally, it emerges that a significant relevant determinant is the context denoted by the model of political rivalry that holds sway. Thus, over the 1998–2020 period, political practice was such as to offer no basis for a cohesive model for the NSC to crystallise out.

The Council did not become an advisory organ or body *sensu stricto*, even as it is perceived by a broad group of political actors as above all a forum at which views can be presented, talks held and standpoints and stances developed. The conceptualisation here is therefore more one of a coordination-and-consultation body, even if there is no way of avoiding the conclusion that this has been a key centre acting in support of the sitting President, most of all during Bronisław Komorowski's time in office.

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## Annex

| Numer  | Data       | Subject matter at Sitzings of the National Security Council  |
|--|------------|--|
| <b>Council Sitzings convened by Aleksander Kwaśniewski</b>               |            |  |
| 1  | 20.02.1998 | The situation in the Persian Gulf, integration with NATO structures, meeting of the Weimar Triangle in Poznań.   |
| 2  | 18.01.2001 | The consequences of Poland's NATO and EU memberships. The process of globalisation and other threats to external and internal security.  |
| 3  | 22.02.2001 | A European anti-missile defence system (within the NATO framework). The situation in Ukraine.  |
| 4  | 7.06.2001  | Polish-US relations. Poland's stance at the Brussels NATO Summit. NATO membership and enlargement. The US anti-missile defence system. The situation in the Balkans.             |
| 5  | 19.09.2001 | An assessment of the international situation and the threat posed to state security in the wake of the September 11 <sup>th</sup> terrorist attack on the USA.                   |
| 6  | 11.01.2002 | Polish-Russian relations   |
| 7  | 4.04.2002  | Actions of the "Coalition of the Willing" developing after the September 11 <sup>th</sup> 2001 attacks on the USA (and Poland's role therein). The situation in the Middle East. |
| 8  | 5.09.2002  | The War on Terrorism. The threat of weapons of mass destruction being used.  |
| 9  | 19.02.2003 | The preparedness of the Polish state to counteract and neutralise threats linked to international terrorism.   |
| 10   | 25.03.2003 | The situation surrounding the Iraq conflict.   |
| 11   | 8.09.2003  | The <i>Strategia Bezpieczeństwa Narodowego RP</i> strategic document.  |
| 12   | 16.01.2004 | Polish-US relations. Poland's participation on the stabilisation mission in Iraq   |
| 13   | 18.03.2004 | Polish-Ukrainian relations. Counteraction and reaction in the event of a terrorist attack using a bioweapon.   |
| 14   | 24.05.2004 | Operations at Poland's ports in the context of the entry into force of the SOLAS Convention (for the Safety of Life at Sea).   |
| <b>Council Sitzings convened during the Presidency of Lech Kaczyński</b> |            |  |
| 15   | 2.01.2006  | State energy security in the light of the "Gas Crisis" in Ukraine.   |
| 16   | 22.05.2006 | The planned diversification of supplies of gas to Poland. Threats arising from the plans to construct a North European Gas Pipeline.   |
| 17   | 8.09.2006  | Ongoing state-security issues and principles for cooperation with allies.  |

| Numer   | Data       | Subject matter at Sitzings of the National Security Council   |
|---|------------|---|
| 18  | 27.03.2007 | American proposals for the deployment to Poland of elements of an anti-missile system.  |
| <b>Council Sitzings convened by Sejm Marshal Bronisław Komorowski as acting Head of State</b> |            |   |
| 19  | 20.05.2010 | The flood situation and help for those affected by this natural disaster.   |
| 20  | 27.05.2010 | The flood situation and help for those affected by this natural disaster (discussion of draft "Anti-Flooding Acts").                                    |
| 21  | 1.06.2010  | Familiarisation of NSC Members with black-box data from the Presidential <i>Tu-154M</i> aircraft crashing near Smolensk on April 10 <sup>th</sup> 2010. |
| 22  | 24.06.2010 | Poland's strategy towards Afghanistan. Work on the Polish stance for the NATO Summit in Lisbon.   |
| <b>Council Sitzings convened during the Presidency of Bronisław Komorowski</b>                |            |   |
| 23  | 29.09.2010 | The NSC Report on principles and procedures relating to the safety of the carriage by air of persons holding key state posts.                           |
| 24  | 9.11.2010  | The Polish stance at the NATO Summit  |
| 25  | 24.11.2010 | Polish-Russian relations  |
| 26  | 20.01.2011 | The Alliance contingency plan developed for Poland within the NATO framework.   |
| 27  | 24.03.2011 | Poland's energy security  |
| 28  | 28.04.2011 | Nuclear safety. Cybersecurity.  |
| 29  | 30.05.2011 | Cybersecurity. Matters relating to the Common Foreign and Security Policy as a priority for Poland's EU (Council) Presidency.                           |
| 30  | 15.09.2011 | The project involving an Odessa-Brody-Płock pipeline in the context of Poland's energy security.  |
| 31  | 19.01.2012 | Security during the <i>EURO 2012</i> Football Championships.  |
| 32  | 15.03.2012 | Poland's stance for the Chicago NATO Summit. The operational strategy for Afghanistan.  |
| 33  | 3.04.2012  | Reform of the system of management and command of the Polish Armed Forces as well as military training.   |
| 34  | 16.05.2012 | The system of security during the <i>EURO 2012</i> Football Championships. The Polish stance for the Chicago NATO Summit.                               |
| 35  | 12.09.2012 | The concept for anti-missile defence within Poland's overall air-defence system.  |
| 36  | 8.11.2012  | The results of the Strategic Review of National Security.   |
| 37  | 19.12.2012 | Chances of the investigation into the Smolensk disaster being manipulated.  |

| Numer   | Data       | Subject matter at Sitzings of the National Security Council   |
|---|------------|---|
| 38  | 16.01.2013 | Assumptions underpinning the reform of the management and command of the Polish Armed Forces.   |
| 39  | 4.03.2013  | An attempt to develop a Polish stance in matters of the EU's Common Foreign and Security Policy.  |
| 40  | 17.06.2013 | Poland's energy security. Equipping the Polish Armed Forces with aircraft ensuring the strategic mobility of the most important organs of state governance. Reform of the Special Services. |
| 41  | 16.10.2013 | The Republic of Poland's National Security Strategy. The purchase of aircraft for VIPs.   |
| 42  | 20.11.2013 | Poland's stance in regard to the EU's Common Foreign and Security Policy.   |
| 43  | 2.12.2013  | Polish-Ukrainian relations and support for Ukraine's efforts to integrate with the European Union.  |
| 44  | 22.01.2014 | Polish-Ukrainian and EU-Ukrainian relations.  |
| 45  | 26.02.2014 | Poland's NATO membership. Polish-Ukrainian and EU-Ukrainian relations.  |
| 46  | 3.03.2014  | An effort to devise a Polish stance in the face of the developing Russian-Ukrainian crisis and Russian plan to annex Crimea.  |
| 47  | 9.09.2014  | Results of the NATO Summit in Newport, UK.  |
| 48  | 22.10.2014 | The Russia-Ukraine crisis. Assumptions underpinning Poland's cybersecurity strategy.  |
| 49  | 10.12.2014 | The Government National Security Strategy as it concerns strategic strengthening of Poland's system of security.  |
| 50  | 12.01.2015 | Poland's Cybersecurity Doctrine.  |
| 51  | 18.02.2015 | Preparing Poland for the Warsaw NATO Summit. Opportunities for a peaceful resolution of the Russian-Ukrainian conflict.   |
| 52  | 18.03.2015 | Analysis of assumptions underpinning Russia's war doctrine, as well as its potential consequences for the security of Poland.   |
| 53  | 1.07.2015  | The EU's Common Foreign and Security Policy. Preparations for the Warsaw NATO Summit.   |
| <b>Council Sitzings convened during the first Presidential term of Andrzej Duda</b> |            |   |
| 54  | 9.03.2016  | Poland's security (protected by security and confidentiality provisions, so no details).  |
| 55  | 7.06.2016  | Preparations for the Warsaw NATO Summit. Ensuring the security/safety of <i>World Youth Day</i> participants.   |
| 56  | 10.03.2020 | Policy seeking to counteract the coronavirus pandemic.  |
| 57  | 23.03.2020 | The proposed "anti-crisis shield" seeking to limit negative economic consequences arising out of the pandemic.  |

Source: Authors' own elaboration.