

Changes in the Crisis Management Policy – a Case Study of Poland

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Abstract. *This article aims to provide insights into the research conducted in 2019 when recommendations for changes in the Act on Crisis Management in Poland were formulated and to evaluate the changes introduced in the form of an amendment to the Act on Crisis Management in 2020. The research presented in the article is based on the assessment of the recommendations formulated by the authors in 2019 according to the trends in public crisis management (New Public Management, Public Governments) made in comparison to the literature in this area. The practical part of the presented research consists of comparative analysis in four categories (General, Risk, Critical Infrastructure, Other) and a discussion of the compliance of the formulated recommendations with the changes in the amended act in 2020. The research showed that the recommendations formulated in 2019 were accurate, especially in the categories of Risk and Critical Infrastructure. The recommendations in the General category relate to the concept of security at the state level, but not to this law on crisis management and thus appear to be neutral. In the theoretical context, compliance of individual recommendations with the trends in public management was indicated.*

Keywords: *public crisis management, risk management, critical infrastructure*

Raktažodžiai: *viešųjų krizių valdymas, rizikos valdymas, ypatingos svarbos infrastruktūra*

Introduction

The amendment to the Act on Crisis Management in Poland in 2020 drew our attention to the earlier recommendations that we formulated in 2019. These recommendations were formulated during the research project¹; furthermore, they were related to supplementing the provisions of the discussed Act and de lege ferenda proposals.

According to the relevant legislation in Poland, crisis management is the activity of public administration bodies that are an element of national security management, which consists in preventing crises, preparing to take control over them through planned activities, reacting in the event of crises, removing their effects, and restoring resources and critical infrastructure (Journal of Laws 2020, item 1856, consolidated text, 2020, p. article 2).

In national studies, problems related to crisis management and planning are presented. According to research (e.g., Gołębiowski, 2015; Kunikowski and Rostek, 2019), in Poland, the

¹ Highly Specialised Platform Supporting Civil Emergency Planning and Rescue in the Polish Public Administration and Organizational Units of the National Firefighting and Rescue System", agreement DOB – BIO7/11/02/2015

political transformation started evolving from solutions relevant for political doctrines during the Cold War. The discussed changes link with broader concepts of public management worth recalling.

Various public management concepts and schools have been developing dynamically in the last two decades. However, they can be reduced to two fundamental trends: New Public Management (NPM) and the second most often called Public Governance (PG) (Kooiman, 1993), or public co-management (Hausner, 2008; Kisilowski, 2019).

The concept of involving public administration and the so-called total crisis management was new at the turn of the 1990s and the beginning of the 21st century. In Western countries, the problem of transforming military-based crisis management toward the public was similar, but the transformation occurred earlier (Alexander, 2002; Waugh and Tierney, 2007; Drennan, McConnell and Stark, 2014).

The results of national research indicate that the legal regulations concerning public crisis management in Poland are burdened with the same errors as formulated about the entire Polish legislation, i.e., they are excessively extensive, unstable (amended often) and excessively detailed. Decentralisation at the Council of Ministers (executive acts) prompts ministers to implement individual sectoral solutions. When correcting and amending government bills, the parliament also applies sectoral policies that satisfy certain social groups, but are not always beneficial to the entire society (Kąkol et al., 2016b; Kisilowski and Kunikowski, 2017; 2018).

This article aims to provide insights into research conducted in 2019 when recommendations for changes in the Act on Crisis Management in Poland were formulated and to summarise and evaluate the introduced changes in the form of an amendment to the Act on Crisis Management in 2020. The research approach in this study included the analysis of formal documents and legal acts related to crisis management as well as literature on contemporary concepts of public management and crisis management. This descriptive research method, combining the formal and legal context with the theoretical context, allowed the researcher to assess the effectiveness of conducting theoretical research on a given management issue, which is then subject to significant legal changes, independent of the results of theoretical research.

Methodology

This article aims to provide insights into research conducted in 2019 when recommendations for changes in the Act on Crisis Management in Poland were formulated and to evaluate the introduced changes in the form of an amendment to the Act on Crisis Management in 2020.

The study covers a review of literature on areas including the trends in public management, public crisis management and legal solutions. The last area is mainly narrowed down to the legislation in Poland; however, to some extent, it includes the European context and explains the reasons for introducing changes in national legislation on public crisis management.

The research begins with the recalling of the 2019 recommendations, along with a brief justification. The recommendations were divided into four categories (General, Risk, Critical Infrastructure and Others). Each recommendation was discussed in terms of theoretical and practical aspects.

In the discussion, in order to obtain theoretical insight, we verified the assumptions in the literature, including Polish law. Thus, the research in the article consists of:

- the assessment of theoretical recommendations from 2019 according to the trends in public crisis management,
- discussion of the compliance of the formulated recommendations with the changes in the amended Act in 2020.

In this respect, the documentation made available during the legal amendment procedure was used, which contains a draft of changes along with justification and regulatory impact assessments.

Literature review

As we indicated in the introduction, the transformation of the military character of crisis management into public civil protection that was common in Western countries (Alexander, 2002) also took place in Poland (Gołębiewski, 2015; Kunikowski and Rostek, 2016; 2019). Nowadays, professionalization has taken place, and emergency and law enforcement institutions (Fire Service, Emergency Medical Service, Police and Armed Forces) are supported by public administration (Drennan, McConnell and Stark, 2014), society and non-governmental organisations.

The complexity of managing modern crises requires the involvement of many actors, especially emergency services, which demands effective coordination for a successful outcome (Baubion, 2013). The opening of crisis management to civil administration and society results in the crisis management system, at least in some countries, being called total due to its universality: all threats, always and involving all state institutions, non-governmental organisations and the whole society (Gołębiewski, 2015). The transformation process in Poland summarises the results of the audit carried out by the Supreme Audit Office in 2012, which was a consequence of a critical assessment of actions after the floods and indicated problems with the coherence of crisis management plans, training deficiencies and financial limits. On the other hand, positive operational actions at the local level have been noticed. The results showed the ongoing process of transformation of the crisis management system, shortcomings in planning, and, on the other hand, the effectiveness of actual actions taken in specific crisis events (Supreme Audit Office, 2012).

A crucial contemporary trend in public crisis management is risk management, which results directly from the EU Civil Protection Mechanism and applies to all European Union countries (OJ L 347, 20.12.2013, consolidated version, 2021). Advanced research concerns operational risk management in an organisation that can be directly applied to risk management as part of public administration tasks (Zawiła-Niedźwiecki, 2013; Skomra, 2017). Other scholars emphasise that in crisis management, it is necessary to develop cooperation between public administration and stakeholders and to deepen it with operators of critical infrastructure, for example, in terms of planning (Kąkol et al., 2016a).

According to Pollitt (2007), the New Public Management (NPM) is a two-level phenomenon: at the higher level, it is a general theory or doctrine that the public sector can be improved by the importation of business concepts, techniques and values, while at the more mundane level it is a bundle of specific concepts and practices, including greater emphasis on 'performance', primarily through the measurement of outputs; a preference for lean, flat, small, specialised (disaggregated) organisational forms over large, multi-functional forms; a widespread substitution of contracts for hierarchical relations as the principal coordinating device; a widespread injection of market-type mechanisms (MTMs) including competitive tendering, public sector league tables and performance-related pay; an emphasis on treating service users as 'customers' and on the application of generic quality improvement techniques such as Total Quality Management.

Contemporary NPM researchers verify the theoretical assumptions of this concept. Alonso (2015) has dealt with outsourcing and decentralisation in empirical research. Some scholars were not convinced that performance was the right measure and proposed six distinctions for conceptual space of performance (i.e., stakeholders, formality, subjectivity, process focus, product focus, and units of analysis) (Andersen, Boesen and Pedersen, 2016). Other authors asked if NPM led to a smaller public sector due to outsourcing and decentralisation. They found that government outsourcing did not reduce public sector size, even though decentralisation policies resulted in a smaller public sector, particularly regarding government expenditure (Alonso, Clifton and Díaz-Fuentes, 2015).

At the junction of public crisis management and NPM, it is worth recalling the issues of major disasters, which, becoming ground-breaking events, cause significant changes in procedures, practice, and legal solutions. The issue was noted and investigated concerning NPM by Waugh and Tierney (2007), Boin and 'T Hart (2010), Lapuente and Van de Walle (2020).

The results of NPM analyses for individual countries are also published (e.g., Pollitt and Bouckaert, 2017; Fernández-Gutiérrez and Van de Walle, 2019; Poór et al., 2021), as well as related to selected areas, e.g. health systems (Terlizzi and Esposito, 2021).

In the context of public crisis management, there is one more interesting perspective. Criticism of the NPM model (Ferlie, Hartley and Martin, 2003) created the need to search for a new shape of public management and to include citizens not as clients, but as stakeholders who should be able to participate directly or through their representatives in the decision-making processes. The imperfection of the free market economy, which appears in successive crises, stimulates the growing importance of the state as a regulator of economic processes. The intensifying crises such as terrorism, drug addiction, and numerous natural disasters increase the importance of the state and its role in ensuring external and internal security. The excessive market character of NPM resulted in the search for a form of public management adequate to social expectations. According to many authors, such a form may be Public Governance (PG) based on public co-management, which includes stakeholders in the management process. Stakeholders are not only people but also communities, institutions and organisations that actively participate in the preparation and implementation of projects or are recipients of the effects of collective actions. The concept of governance primarily means treating citizens as implementers of the public interest, i.e., the common good. The model of participatory public management requires public administration to maintain high ethical standards, knowledge and skills of active communication with citizens, including the use of electronic communication. The deepening of the functional differentiation of society, the multiplication and rescaling of spatial horizons, the growing importance of knowledge, the increasing complexity of problems, the need for an interdisciplinary approach and several other essential problems result in a further search for forms of public management adequate to the present times (Kisilowski, 2019).

Results

When analysing the results, it should be considered that creating a public crisis management system in Poland is an ongoing process. The scope of updating the Act on Crisis Management concerned (Government Security Center, 2020c; 2020b; 2020a; Journal of Laws 2020, item 1856, consolidated text, 2020) we analyze in the context of risk management, critical infrastructure and others that do not fall into the abovementioned categories. Regarding risk management, it should be noted that the crisis management plans developed so far will be divided into risk management plans and crisis response plans and entities involved in the risk management process must develop and update documents. It is worth noting that the risk management plans at the national level cover climate change.

Concerning Critical Infrastructure (CI), the update clarifies the methods of determining objects in this category. CI objects are divided into two categories, i.e., the destruction or disruption of which will harm 1) the functioning of the state and meeting the needs of citizens, 2) the local community of a given voivodeship. One significant amendment is the introduction of the coordinator position to protect the critical infrastructure for all critical infrastructure operators. Updating the Act on Crisis Management covers the implementation of global, EU-level solutions in civil protection, including risk management requirements (OJ L 347, 20.12.2013, consolidated version, 2021). The risk management requirements are related to the EU financial perspective for 2021-2027.

Another issue is the introduction of the obligation to implement the Framework for Disaster Risk Reduction 2015-2030 (UNECE, 2015) and unification of the national planning cycles with the EU ones. Finally, the technical issue is the clarification of the tasks of the RCB director in the field of international cooperation. The technological scope includes the legal sanctioning of sending alarm SMS "ALERT RCB" notifications. The tasks of crisis management teams, ministers and managers have also been redefined. It should also be noted that the legal status regarding ensuring safety and related rescue structures and processes is very dispersed, varied and comes from different periods. The reason lies, among others, in the fact that this issue is the responsibility of various central public administration bodies and other public authorities. A serious problem is a different approach to public

crisis management resulting from a different approach to civil society derived from the European Union's legislation and political transformations in Poland. The recommendations formulated during the research project in 2019 are summarised below. We categorised them into four categories: General, Risk, Critical Infrastructure, and Other.

General. Postulated is the unification of the legal status of public safety management, with particular emphasis on coordinated civil planning. As a result, this requires the organisation of a supervisory system and an appropriate linkage between the civil defence system, territorial defence and public crisis management on the one hand and critical infrastructure, spatial planning and development on the other. All these elements must be referred to the factual and legal status based on a standard model and a typical conceptual grid implementing solutions appropriate to the EU Civil Protection Mechanism (Kąkol et al., 2016b).

The development of a new integrated law "On civil protection, civil defence and crisis management". The Act's scope would cover the amended text of the currently applicable Act on Crisis Management. The draft Act on Civil Protection and Civil Defence was adapted to the new model. Such a legal approach will create an institutional and legal framework for crisis management and ensure the necessary conditions for protecting human life and health and more efficient cooperation between rescue systems, public authorities and administration, logistics, services, and organisations performing tasks necessary for safety (Kisilowski and Kunikowski, 2018).

Risk is recommended to:

- introduce, e.g. to the Act on Crisis Management, an obligation to develop a risk assessment at the national or relevant lower level and an update procedure which is in line with the requirements of the EU Civil Protection (Kisilowski and Kunikowski, 2018).
- Introduction of, among other things, the Act on Crisis Management, the concept of risk management capability assessment and the definition of the criteria and mode (s) for carrying out these assessments. Such assessments are included in the Civil Protection Mechanism (Kisilowski and Kunikowski, 2018).
- introduce requirements for qualifications to perform specific crisis management and security functions, including the security of critical infrastructure (the Act on Crisis Management and executive acts (Kisilowski and Kunikowski, 2018).

Critical Infrastructure. Inclusion in the European Critical Infrastructure executive regulations, the characteristics specified in EU regulations, and the applicable Act on Crisis Management. Developing methods and tools related to city planning and Critical Infrastructure Protection Plans for European Critical Infrastructure.

Including crisis management in events with cross-border consequences. Facilitating (or considering the obligation) international agreements on mutual assistance between critical infrastructure operators.

Other. Expanding the scope of threats in the National Crisis Management Plan, in particular threats of an organisational and legal nature and social threats and introducing monitoring of such threats that are not yet in the catalogue of the National Crisis Management Plan and which may turn into a real threat in a longer perspective.

Introduction of technologies supporting public crisis management in implementing and using standardised methodologies for creating reports at individual levels of public administration collecting and exchanging data supporting actions in crises, considering the principles of security of access to data.

The comparative table below refers to the theory and practice concerning the discussed recommendations.

Table 1. Assessment of recommendations in the theoretical dimension (NPM and PG) and compliance with the amended Act

NO	RECOMMENDATION	THEORETICAL INSIGHTS	COMPLIANCE WITH THE ACT ON CRISIS MANAGEMENT	COMMENT
General				
1	The legal status of public safety management is unified, with particular emphasis on coordinated civil planning.	In line with the concept of New Public Management.	No, the postulate is general and goes beyond the crisis management system.	According to the authors, the crisis management system is still in the process of transformation and improvement.
2	The development of a new integrated law "On civil protection, civil defence and crisis management".	In line with the concept of New Public Management.	As mentioned above, the proposal goes further than the Act on Crisis Management amendment.	According to the authors, the issue of civil defence remains unresolved. Attempts made in the years to radically transform civil defence have failed. The current civil defence system is satisfactory.
Risk				
3	Introducing risk assessments plant according to the requirements of the EU Civil Protection Mechanism	Compliance due to emphasis on efficiency and decentralisation.	Full compliance.	According to the authors, risk management was one of the main reasons for the amendment to the Act. The financial perspective and conditions enabling the disbursement of funds were necessary, provided that implementing risk management mechanisms.
4	Risk management capability assessment		Full compliance with the remark that detailed solutions will be implemented in executive acts	
5	Skills and qualifications to perform specific functions in crisis management and security, including the security of critical infrastructure.		Compliance was defined as the requirements for the coordinator dealing with critical infrastructure.	The recommendation has been formulated in a broader scope, while its implementation of the amended Act has been more detailed.
Critical Infrastructure				
6	Inclusion in the executive regulations of the European Critical Infrastructure.	Compliance due to decentralisation and enhancement of public-private cooperation.	Compliance also considers implementing acts and enhancing international cooperation.	It should be considered that complex issues are dealt with in executive acts and can be implemented based on created structures, professionalisation and strengthening competencies.
7	Crisis management in events with cross-border consequences.		Indirect compliance.	Similarly to point 6, strengthening resources enables the implementation of unconventional tasks.
Other				
8	Expanding the scope of threats being considered in plans.	Compliance due to standardisation and effectiveness.	Compliance, e.g., hybrid threats.	According to the authors, the most critical threats were included in the amendment to the Act. Generally formulated hazard recommendations can be successfully implemented through technological solutions such as standardised methodologies and planning tools.
9	Introducing supporting technologies.		Compliance, e.g., introducing a rule that allows operators to send ALERT RCB messages (SMS).	The Act on Crisis Management is not an appropriate legal act because technological solutions are first developed, tested, implemented as a pilot and, when proven, legally sanctioned. Moreover, they may be included in the executing regulations.

Source: composed by the authors.

Discussion

The changes introduced in the public crisis management system align with the cited NPM assumptions (Pollitt, 2007), which is confirmed by the vigorous implementation of the risk

management approach derived from the banking sector (Bernstein, 1998) and the formalised legal requirements of cooperation of public administration with a diverse group of stakeholders including rescue services (Journal of Laws 2017, item 1319, 2017; Journal of Laws 2021, item 159, consolidated text, 2021), the Polish Armed Forces, in particular the Territorial Defence Forces (Journal of Laws 2021, item 372, consolidated text 2021), and with the commercial sector, e.g., with critical infrastructure operators (Journal of Laws 2020, item 1369, consolidated text, 2018).

The recommendations formulated in 2019 were accurate, especially in the Risk and the Critical Infrastructure categories. However, recommendations from the category General seem to address the state-level security concept instead of this Crisis Management Act. The critical assessment of the crisis management and planning system operation by Supreme Audit Office (Supreme Audit Office, 2012) should be treated as a diagnosis of the situation. Actions taken, including the amendment to the Act on Crisis Management and introducing an element of risk management, prove that the actual state is recognized and that the situation is being remedied.

Public participation and participation are also essential in public crisis management. Citizens and their organisations become essential in recognising and signalling threats, defining and identifying them and, in the event of a crisis, taking control over it in cooperation with public services.

We believe that the approach is in line with the basic assumptions of New Public Management and Public Governance. For example, implementing risk management, an approach directly derived from banking proves the transfer of management techniques and the pursuit of efficiency, which is the basic concept in the NPM model. On the other hand, more intensive involvement of critical infrastructure operators in crisis management may indicate the need and will to strengthen cooperation, e.g., in terms of agreeing plans, i.e., there is an element of co-management, which is consistent with the PG model.

Thus our research confirms the transformation of the nature of crisis management from the military to the public (Alexander, 2002; Drennan, McConnell and Stark, 2014) and the professionalization supported by public administration institutions and NGOs. This is confirmed by the structural organization outlined by the Act of 2007, the role and importance of the Government Security Center as well as the process of improving the organization of the system.

Risk management methods that derive from banking and are used in business (e.g., Zawila-Niedzwiecki, 2013; Skomra, 2017; Kąkol et al., 2016b) are adopted for crisis management. The changes that have been identified and are currently being implemented confirm the trends in risk management in the public sector cited in the national literature.

One should agree with the assumptions (Andersen, Boesen and Pedersen, 2016) (Andersen, Boesen and Pedersen, 2016) about the ineffectiveness of performance measurement for NPM and the legitimacy of extending the used assessment indicators to dimensions taking into account stakeholders, formality, subjectivity, process focus, product focus, and units of analysis. Thus the recommendations formulated in the 2019 research under analysis are in the spirit of NPM, particularly the effectiveness of implementing business solutions for public management institutions. Additionally, they consider technological aspects in the form of IT solutions.

Undoubtedly, the events of recent years, i.e., the COVID-19 pandemic (Korneta and Rostek, 2021; Korneta, Kunikowski and Chmiel, 2021) and the armed conflict in Ukraine will radically affect the goals, methods and nature of public crisis management in Poland.

Conclusions

The research showed that the recommendations formulated in 2019 were accurate, especially in the categories of General, Risk and Critical Infrastructure. The recommendations in the General category relate to the concept of security at the state level, but not to this law on crisis management and thus appear to be neutral. In the theoretical context, the compliance of individual recommendations with the trends in public management was indicated.

Public participation and participation are also essential in public crisis management. Citizens and their organisations become essential in recognising and signalling threats, defining and

identifying them, and, in the event of a crisis, taking control over it in cooperation with public services. Therefore, the PG model is better suited to contemporary public crisis management challenges.

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Krizių valdymo politikos pokyčiai - Lenkijos atvejo analizė

Anotacija

Šio straipsnio tikslas – pateikti išvalgas apie 2019 m. atliktą tyrimą, kai buvo suformuluotos rekomendacijos dėl Lenkijos krizių valdymo įstatymo pakeitimų, ir įvertinti 2020 m. atliktus pakeitimus, kurie buvo pateikti kaip Krizių valdymo įstatymo pakeitimas. Straipsnyje pristatomas tyrimas grindžiamas 2019 m. autorių suformuluotų rekomendacijų vertinimu pagal viešojo krizių valdymo tendencijas (naujoji viešoji vadyba, viešoji valdžia), atliktu lyginant su šios srities literatūra. Praktinę pateikto tyrimo dalį sudaro lyginamoji analizė keturiose kategorijose (Bendrosios, Rizikos, Kritinės infrastruktūros, Kitos) ir suformuluotų rekomendacijų atitikimo 2020 m. keičiamo įstatymo pakeitimams aptarimas. Tyrimas parodė, kad 2019 m. suformuluotos rekomendacijos buvo tikslios, ypač rizikos ir ypatingos svarbos infrastruktūros kategorijose. Bendrosios kategorijos rekomendacijos yra susijusios su valstybės lygmens saugumo koncepcija, bet ne su šiuo krizių valdymo įstatymu, todėl atrodo neutralios. Teoriniame kontekste buvo nurodyta atskirų rekomendacijų atitikties viešojo valdymo tendencijoms.

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