

STATE SECURITY VERSUS BORDER MANAGEMENT SYSTEM

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Annotation. The high rank given to security by human civilization caused that its understanding, conditions and core have long been subject to systematic analysis and research investigations conducted in different contexts. The turn of the XX and XXI century changed the world together with the conditions of human lives. A state as an organization is required through the creation of relevant institutions and operational procedures, to ensure order and security throughout its territory, to protect its citizens from threats. The author presents the solutions to border management, which significantly affect the security of the state, and thus the feeling of security of citizens.

Keywords: security, threats, state borders, border protection, the Border Guard.

INTRODUCTION

The term "security" in the broadest sense, belongs to the subjective needs. The division for national security and international security has an essential meaning. These two concepts are most common in the language of politics, diplomacy, political and legal documents and, in the science of international relations.

Security is classified as qualitative standard of living in a democratic state of law. It belongs to a fundamental human and civil rights. Feeling in the field of personal security determines with a significant degree not only the enjoyment of life, but also its sense. Therefore, it is important to create the right conditions and appropriate arrangements to ensure security.

The main attribute of the state is its territory, which is the space of existence and development of opportunities for the society that changes it. The relation of state to its territory is called the sovereignty or territorial superiority. The content of this superiority is the subordination of all persons and things within the territory to the state's law and jurisdiction. It is an essential element of state sovereignty, without which it could not exist.

The oldest form of the safety of participants in international life is the concept of state security¹. The needs and interests of the safety of the nation (or nations in the case of multinational states) are implemented by the state authorities. Care of internal stability and national security are the main tasks of the state. State politics (internal and international) should be run so as not to be conducive to the development of conflict situations and phenomena of conflict, leading to the destabilization of the internal situation and limiting state sovereignty. These tasks are also connected with the ensuring by the state authorities the security of citizens and achieving such level of state development which would allow the society adequate level of existence.

Polish accession to the structure of NATO, European Union and Schengen Area² required a number of specific actions to shape a new security policy, international cooperation and to adapt institutions and departments responsible for national security to new tasks and challenges.

In the new reality the case of state border security and its protection has not lost importance as well as theoretical and the practical relevance. Because borders provide a control function, they are also, to a greater or lesser extent, the barrier to migration of people, the free exchange of goods, money, and sometimes the possibility of cultural and ideological influence.

Purpose of the article is to present ways of thinking about security as well as border management solutions which significantly influence on Polish security system.

Methods of research - critical analysis of the scientific literature, comparative analysis of statistics, theoretical methods and intuitive way.

THEORETICAL ASPECTS OF STATE SECURITY

Nowadays, the term ‘security’ is widely used and changed in all possible ways with different expressions defining it. It remains within an interest of political science, international relations science, law, economics, sociology, history and psychology.

¹ In Polish law language „national security” is defined as a state security, even though there are significant differences in terms „national security” and „state security”.

² Schengen Area is the area where border checks have been abolished on the internal borders and the cooperation between countries that signed the Agreement has been strengthened especially in the scope of police and judicial cases, in criminal matters, as well as Schengen Information System. At the external borders there are clearly defined common rules of exit and entry control of foreigners including the pattern of visas issued to foreigners. Schengen Area is not the same as territory of European Union. There are for example Union countries which do not belong to Schengen Area such as Ireland or The United Kingdom. And vice versa - the countries that are in the Schengen Area, but non European Union countries, such as Switzerland, Iceland and Norway.

In a general sense, security is an internal confidence, peace of mind and will, rightly or falsely justified in the circumstances which give rise for concern. It is also a belief, more or less reasonable, that in the face of various difficulties, weaknesses, challenges and threats, or at least their symptoms, the state of affairs in which there is a specific entity, allows him/her to feel safely³. Safely means being free and safe from potential or real threats, being sure of undisturbed existence and development, through all available means acting creatively to achieve such a state⁴.

In the scientific literature, national security is defined as freedom from threats causing risk to the survival of the state⁵. This applies also to ensuring the territorial integrity, sovereignty and political freedom, to choosing the way and the conditions for achieving prosperity and development⁶. It is often interpreted as a status obtained as a result of properly organized defence and protection against military and non-military (external and internal) risks by using forces and resources from the different areas of the state activities⁷. The general concept of security typology is presented in Table 1.

Table1. General typology of security

Criterion			
subjective	objective	spatial	sources of threat
e. international	h. political	p. local	t. internal
f. states	i. military	q. sub regional	u. external
g. individuals	j. economical	r. regional	
	k. ecological	s. global	
	l. social		
	m. informative		
	n. cultural		
	o. other, e.g. energetic		

Source: R. Zięba (edited), *Bezpieczeństwo międzynarodowe po zimnej wojnie*, Warsaw 2008, p. 16; S. Dębski, B. Górka-Winter (edited), *Kryteria bezpieczeństwa międzynarodowego państwa*, Warsaw 2003, p. 22-23.

Different approaches to national security create its concept in terms of value, process and state. Security is a value which should be solicited of in a permanent manner taking into account changes inside and outside the state. It is a process involving a number of different undertakings aimed at preventing the threats against all the objectives of the state. National

³ See: J. Delumeau, *Skrzydła anioła. Poczucie bezpieczeństwa w duchowości człowieka Zachodu w dawnych czasach*, Warsaw 1998, p 9-20.

⁴ W. Kitler, *Bezpieczeństwo narodowe RP. Podstawowe kategorie. Uwarunkowania. System*, Warsaw 2011, p. 21-22.

⁵ See: T. Szubrycht, *Współczesne aspekty bezpieczeństwa państwa*, *Zeszyty Naukowe Akademii Marynarki Wojennej*. XLVII year, no. 4 (167) 2006, p. 87; *Słownik terminów z zakresu bezpieczeństwa narodowego*, Warsaw 2002, p. 16.

⁶ J. Czaputowicz, *Kryteria bezpieczeństwa międzynarodowego – aspekty teoretyczne*, [in:] *Kryteria bezpieczeństwa międzynarodowego państwa*, Warsaw 2003, p. 87.

⁷ See: T. Szubrycht, *Współczesne aspekty bezpieczeństwa ...*, op. cit., p. 89, and *Słownik terminów z zakresu bezpieczeństwa ...*, op. cit., p. 16.

security is also at every time a state measured in a ratio of its potential of defence to the scale of threats⁸. Its subjective scope had been broadening in a historical process. As a consequence of the scientific and technological revolution, internationalization of various aspects of economic and socio-political life, the growth of co-dependency in international relations, globalisation and the other challenges the evolutionary transition appeared from one-dimensional, aimed at military threat security to its present multidimensional character. Multidimensionality of security causes the need to manage it. Security management is the process primarily focused on the prevention of risks, but also on preparation of the country to the effective functioning in the conditions of crisis, conflict and war, and then an efficient reconstruction⁹. In this process state border management plays a key role.

INTEGRATED SYSTEM OF EXTERNAL BORDER MANAGEMENT

The integrated system of external border management is a concept introduced by European Council in 2001. It is based on the principle that better management of the Union's external border controls will help in the fight against terrorism, the organizations involved in illegal immigration and trafficking in human beings. Thus, it will have a positive impact on the security level of the Member States and their citizens. The elaborated action plan indicates that on the legislative level common legislative solutions should be implemented, and on the operational level the implementation of joint operations of the national services responsible for the control and surveillance of external borders should be carried out.

In 2004 the conclusions on the structure, functional requirements and biometric identifiers that should be included in the future European visa system were adopted. A year later, the European Council set targets for the development of the area of security and justice in the next five years, representing a new step towards the inception of the European policy of Union's external border management. The program assumed a further gradual building of an integrated border management system and strengthening the control and surveillance of external borders. What is more, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established. Frontex Agency, based in Warsaw, coordinates the various activities of the Member States in the management of the common border of the EU, as well as assists in the manner of conducting of these activities.

⁸ K. A. Wojtaszczyk, *Bezpieczeństwo państwa – konceptualizacja pojęć*, [in:] *Bezpieczeństwo państwa. Wybrane problemy*, edited by K.A. Wojtaszczyk i A. Materska-Sosnowska, Warsaw 2009, p. 12.

⁹ *Ibidem*, p. 15.

Works on the software system helped to introduce a number of electronic and technology solutions called "electronic border", containing a fully automatic border checks, comprehensive systems for recording entry/exit, supervision of air traffic passengers, electronic travel authorization, the installation of technologically advanced devices on the borders and virtual gates. Besides, on the eastern and southern borders also resulted in joint operations directed against illegal immigration, establishment of Rapid Border Intervention Teams resources at the border and the register of technical equipment available to assist Member States in case of urgent and emergency situations. In the future the establishment of European border protection service or transformation of established Standing Committee on Operational Cooperation on Internal Security (COSI) in a kind of ministry of internal affairs of the European Union is planned.

The ongoing consolidation period of the area of freedom, security and justice enables to enhance the most valuable element of the efficient management of external borders which is mutual trust between Member States and between Member States and the institutions of the European Union. It is assumed that the intelligent use of modern technologies in border management will contribute to the fact that Europe will become more accessible for people travelling in "good faith" and stimulate innovation among enterprises in the European Union. Consequently, this will lead to greater prosperity and growth in Europe and provide a sense of security to the citizens of each country.

THE SYSTEM OF POLISH STATE BORDER MANAGEMENT

Border protection imposes on Poland a very responsible task to ensure the security of all Member States against threats from the side of undesirable people and goods within the European Union territory, while maintaining good neighbourly relations with the countries that remain outside the Union. This task is multi-faceted and involves organization of group of administration and political undertakings, sanitary and military with different scope of rigours, undertaken by each sovereign state to prevent illegal crossing of the state border, carrying certain goods across the border without a permit, to prevent the penetration of infectious diseases, etc.¹⁰.

Polish border is protected along the entire length, with particular emphasis on the maritime border and land border sections of the Russian Federation, the Republic of Belarus and Ukraine, which are the external border of the European Union and the Schengen Area. At

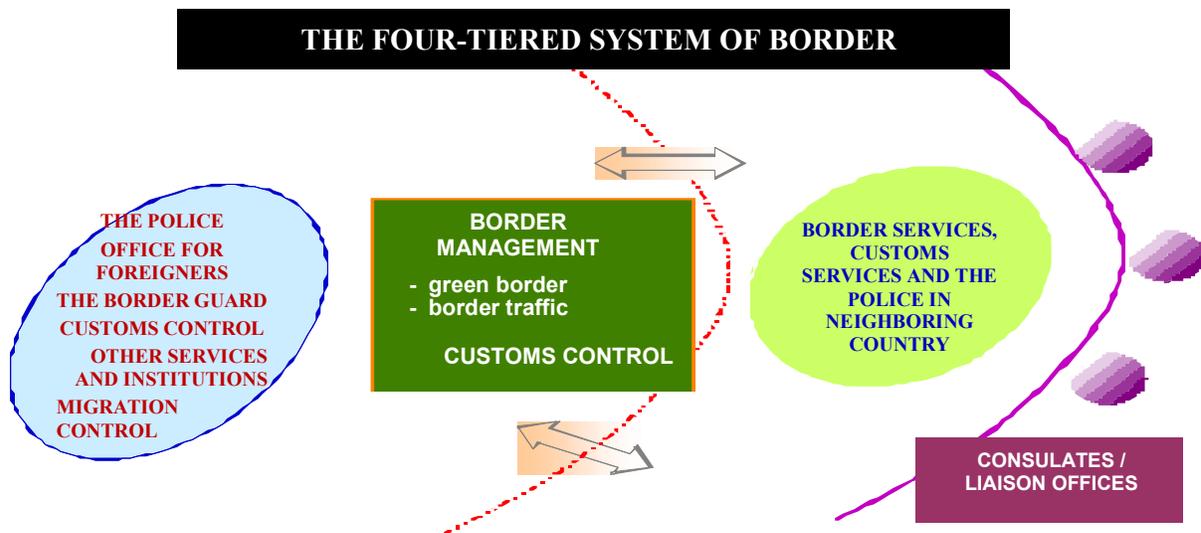
¹⁰ M. Laprus (edited), *Leksykon wiedzy wojskowej*, Warsaw 1979, p. 250.

the external border road, rail, sea and air border crossing points are located; and sea and air border crossing points support also the Schengen internal traffic. Border protection system is adapted to the four-level management system of the European Union external border security. This model distinguishes four complementary areas of border security:

1. System of issuing visas (national consultations and consultations between Member States of the European Union) and the use of a network of liaison officers (police and immigration).
2. Cooperation with the third countries (particularly neighbouring) to counteract illegal migration and border threats.
3. State border protection and border traffic control carried out by border – immigration services, customs services and the others.
4. Immigration control (legality of stay, work and employment of foreigners), carried out on the state territory by border – immigration services and the other entitled services and institutions (the police, the service of control the legality of employment).

Border protection system is shown in picture no. 1.

Picture 1. Border protection system



Source: The Conception of Border Guard Function in 2009-2015, the Border Guard's web portal

For each of the areas of border protection there are defined priority tasks which the majority of force and resources should be focused on. The above mentioned tasks facilitate planning of work structure, direction of recruitment, defining of training needs and

professional improvement, investments, purchasing and management of possessed equipment.
Priority tasks for each of the areas of protection are presented in table no. 2.

Table 2. Priority tasks for each of the areas of border protection

Area of activities/area of external border management	Priority tasks
maritime area (maritime internal water, territorial sea)	<ul style="list-style-type: none"> e. monitoring of ship traffic, f. patrolling the sea, g. supervision, h. marine safety, i. protection of oil platforms.
<u>External border EU/Schengen</u> Border line, border crossing points (parts: land, marine, airports), border zone	<ul style="list-style-type: none"> 1. border clearance of persons and means of transportation (in the frame of border traffic control two lines of control), 2. state border protection (manoeuvre) depending on the situation, 3. the usage of mobile and stationery technical surveillance units, perymetric devices, aircraft, 4. border reconnaissance, 5. security control in air traffic, pyrotechnic activities.
<u>External EU border/Schengen</u> The area to 100 km from the external border Line deeply into territory of the Republic of Poland – the zone of increased patrol activity of Border Guards in order to strengthen the system of external border protection (extend of 100 km has got agreed character and includes border zone and local border traffic zone)	<ul style="list-style-type: none"> f. control on the traffic roads/communication trails leading to state border to 100 km from the border line inside the territory of the Republic of Poland aimed at counteracting illegal migration and crimes within the responsibility of the Border Guard.
Territory of the Republic of Poland, including the area of internal EU/Schengen border.	<ul style="list-style-type: none"> g. activities of immigration service in the scope of control (control of legality of stay, work, and employment of foreigners) and in the scope of supporting voivode issuing decisions regarding foreigners' legality of stay on the territory of Poland (interviews).

Source: own elaboration on the base of „The Conception of Border Guard Function in 2009 -2015”, the Border Guard's web portal

State border management system is an important part of Polish system of state security.

STATE SERVICES IN BORDER MANAGEMENT SYSTEM

Adjusting services to the functioning in the frame of system refers not only legal or organizational regulations, but also the quality of cooperation and operational capabilities of all Polish border services.

1. The Border Guard

The Border Guard plays key role in the Polish national security system which is aimed at „effective protection of state border and border traffic control in accordance with the

interests of national security. (...) Another important area (...) is monitoring and control of foreigners' migration to the territory of the country (...)”¹¹. Strategy of the Border Guard activities is designed to:

- protect parts of Polish state border which are external EU/Schengen border and control of border traffic in those parts,
- strengthen the system of external EU/Schengen border protection by increased patrol – control activity up to 100 km from the border,
- effective actions of immigration service carried out on the territory of Poland.

To fulfil standards mentioned above on the land border the procedures have been elaborated, following the premise that the majority of crossing the border people and goods moves in a legal way according to the declared purpose. The „one stop” system is a solution base on the fact that duties related to crossing the border are carried out in the same time by both the Border Guard and Customs Service officers. The idea is to introduce border and custom control at one stop of traveller. The system has an influence on the capacity of border crossings. Another element affecting the efficient management of road border crossing is the concept of the implementation of "green corridors", which is based on legal institutions "nothing to declare". The idea of „green corridor" is based on the traffic organization in which the traveller chooses "green corridor" at the time of entry at the border crossing on the side of a neighbouring state, then moves the line until the end of border and customs control on the Polish side, without the possibility of changing the passage on the area of border crossing and on the boundary line. The purpose of such a solution is to facilitate the crossing of state border for travellers who do not have the goods subject to customs duties or other restrictions. Border control on such line is carried out in a simplified way.

To the state border management it is also necessary to maintain a clear, visible and geodesic defined border line. One of the statutory tasks of the Border Guard is the embedding and maintenance of border signs on the land and preparing, updating and storing the border geodetic and cartographic documentation. This task is connected to international cooperation with neighbouring countries based on international agreements on joint borders. As a part of this cooperation the border signs and posts are renewed and geodetic site measuring is carried out in order to elaborate new or update existing border documentation. Except for the Border Guard important role of the safety management system of the border, is also played by other services entitled to the border protection and border checks.

¹¹ More in: Strategia Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej, Warsaw 2007.

2. Customs Service

In order to ensure the legal import of goods into the customs territory of the European Community and the export of goods from the customs territory of the European Community the unitary uniformed Customs Service was established¹². Its main task is to monitor and to manage of international trade in goods and the process of ensuring supply chain security. The tasks of Customs Service include, in particular control of trade with third countries and trade in excise goods, as well as the fight against crime in this field, the protection of intellectual property rights and protection against terrorist threats. Customs Service, while performing its tasks that are important to protect the income of the state and the customs territory of the European Union against the illegal trade in goods and related to that threat of public safety and order, has also the obligation to protect the smooth functioning of border crossings.

3. General Veterinary Inspectorate

The task of veterinary border control¹³ is to protect the country and the other Member States against spreading out infectious animal diseases and any factors (microbiological, chemical and others) present a threat to public health and animal health in products descent from animals and in feeding stuff. Veterinary checks at border inspection stations are carried out by veterinary surgeons. The TRACES¹⁴ system records the movement of animal consignments and products descent from animals within all Member States of European Union and in the import from the third countries. It is also used to a limited extend to consignments of animals exported to the third countries. The system is sometimes available to some countries that are not members of European Union.

4. The National Plant and Seed Protection Inspectorate

The National Plant and Seed Protection Inspectorate carries out phytosanitary inspection of plants, plant products or items imported from the third countries on the territory of Poland (and other Member States) as well as means of transportation used for their carriage. The aim of control is to prevent entry the territory of European Union countries harmful organisms that could cost economic losses in agricultural crops, orchards, greenhouses and forests. Phytosanitary border control is carried out by inspectors employed by the Border Departments of the National Plant and Seeds Protection Inspectorate.

¹² See: Customs Service Act of 27 August 2009, Journal of Laws No. 168, item 1323.

¹³ See: Act of 27 September 2003 of veterinary border control, Journal of Laws No. 165, item 1590, as amended.

¹⁴ TRACES (Trade Control and Expert System) is a trans-European system for veterinary health which notifies, certifies and monitors imports, exports and trade in animals and animal products.

5. Inspectorate of Quality Trade of Agricultural and Food Products

Inspectorate of Quality Trade of Agricultural and Food Products checks the quality of agricultural and food products imported from abroad¹⁵. In the organisational structure of the Inspectorate there are 15 points of border control and 41 points of control acting mainly on telephone request.

6. The State Sanitary Inspectorate

The State Sanitary Inspectorate carries out border sanitary checks of food not descendent from animals as well as materials and articles intended to come into contact with food, imported from the third countries¹⁶. The aim of control is to maintain the sanitary – epidemiological barrier by preventing the entry European Union countries of food, materials and articles intended to come into contact with food which health quality does not comply with the applicable regulations and may cause the threat to human health. In addition, in the prevention and control of diseases, the State Sanitary Inspectorate supervises the movement of passengers and goods, and provides the guidance on sanitary and epidemiological issues.

7. The Police

The Police, even though do not undertake activities directly related to physical protection of border or border control their activities deal with combating trans-border crimes, often organised, and cooperation with the Border Guard, Customs Service, tax authorities and foreign partners. In the area of district Police commands directly adjacent to the state border there is different system of duties than in the other areas that take into account the specificity of border crimes. Any violation of the state border and related crimes are on the priority place in the catalogue of threats.

8. Representatives of government administration

State border management system also imposes obligations on the representatives of government bodies. The representative is voivode obliged to continuous maintenance of all crossings points located in the province area in the state allowing the efficient and effective security control, border control, customs, sanitary, veterinary, phytosanitary, chemical, radiometric and quality of agricultural – food products control. He is responsible for ensuring border services proper premises, equipment and technical devices necessary for effective and efficient control as well as planning and execution of investments in the border. Costs

¹⁵ See: Act of 21 December 2000 on trade quality of agricultural – food Products, Journal of Laws No.187, item 1577, as amended.

¹⁶ See: Act of 25 August 2006 on the safety of food and nutrition, Journal of Laws No 171, item 1225, as amended.

associated with the financing and maintenance of the border crossings are covered by the separate budget of respective locally voivode¹⁷. In accordance with the internal law regulations, bilateral and multilateral agreements and international conventions tasks related to the development and protections of the state border are fulfilled by the other supreme and central administrative bodies of the state. In order to coordinate their activities operates Interdepartmental Team for Development of the State Border. The Team is chaired by the Minister of Internal Affairs. Participation in the work of the Team members with the rank of under-secretary of state in the ministries and the Head of the Customs Service, the Border Guard Commanders and the Chief of Police shall ensure the effective implementation of undertaken tasks.

CONCLUSION

A state should defend itself against threats to be able to function in an undisturbed way – undertake activities in accordance with the categories of martial arts, broadly defined defence, pursue its goals, which, according to Clausewitz are focused on survival and repel strike (attack) of enemy¹⁸. At the same time, each state has to provide its citizens with a sense of security, which is related to the management, including the protection of the state border.

Functioning state border management system, coordinated with border security management system of the European Union, is an integral component of the national and European security system. It provides freedom and smoothness of the legitimate movement of people and goods across the border. These standards are achieved while maintaining a high level of security and cohesion of the social community by protection of the border against threats to national security, the national economy, public health and the unauthorized crossing. The implementation of the statutory tasks by the services responsible for border protection and certain public institutions, which form the broader border management system, helps to raise the level of national security and a sense of security for all citizens.

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¹⁷ See: Regulation of Council of Ministers of 13 December 2005 on the duties of voivode in the financing and maintenance of border crossings, tourist crossings, places of crossing the border on tourist routes and night stopping points on the boundary rivers, their equipment, as well as the bodies responsible for settling and maintenance of border signs in the internal waters, Journal of Laws No 256, item 2145.

¹⁸ K. Clausewitz, O wojnie, vol. 2, Warsaw 1958, p. 7 and 35.

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VALSTYBĖS SAUGUMAS – SIENŲ VALDYMO SISTEMA

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Santrauka

Dėl žmonių civilizacijos pasiektas aukštas saugumo lygis tapo priežastimi atlikti daug įvairių sisteminių tyrimų, susijusių su saugumo esme ir sąlygomis. Permainos XX ir XXI a. pakeitė ir žmonių gyvenimo sąlygas. Atsirado poreikis įkurti atitinkamas institucijas ir imtis operatyvinės veiklos tam, kad būtų užtikrinta viešoji tvarka ir saugumas, apsaugoti šalies gyventojai nuo jiems kylančių grėsmių. Straipsnyje pateikiami pasienio vadovybei skirti sprendimai, turintys ypatingos svarbos šalies ir piliečių saugumui užtikrinti.

Pagrindinės sąvokos: saugumas, grėsmės, valstybės sienos, sienų apsauga.

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