

Summary

The PhD thesis tackles the issues concerning intelligence services in Poland, their functioning and supervision. The analysis performed allowed to position the subject of research in space where the parent research topic is located. The research was inspired by the particular needs of practice linked to the protection of national security. The dissertation constitutes the study analysing the legal position of intelligence services and their effectiveness within the system of state regulations. The problem is also significant to ongoing considerations on the role of organs of public authority in the process of supervising of intelligence services activity.

The aim of the paper is examining the functioning of special forces in practice as well as providing conclusions about further, better functioning such institutions in the Polish system of national security. The research aim of the paper is determining the real scope of the threats of internal state security which special forces must combat, and also indicating legal instruments used for performing statutory functions by those forces. The main issue of the research renders the regulations referring to intelligence services operating, regarding the analysis and evaluation of supervising the formations in particular. Legal arrangements determining the tasks and systemic status of chosen state security services were examined. Based on the methodology of research within the range of legal studies, the activity of those forces in Poland and other selected countries were interpreted and analysed.

The thesis was divided into five chapters.

The first chapter comprises the analysis of tasks within the scope of external and internal security protection implemented by Poland in terms of the National Security Strategy of the Republic of Poland. All intelligence services are included into systems of organs of public authority responsible for security policy, creating mechanisms by which it is performed. It attempts to answer the number of questions concerning intelligence services usefulness, the dynamic of processes in the sphere of political state security, its perspectives and conditioning.

The second chapter analyses Polish legal acts relating to intelligence activity. The content of the chapter refers to the place occupied by special forces in legal order of Poland. The legal processes aiming at establishing of coherent strategy of national security were reviewed and the position of the aforementioned regulations in the legal system constituting the part of wider defence strategy were evaluated. The types of legal forms of operation of intelligence services and public administration existing in Polish legislation in terms of security and public order protection were also investigated. The aforesaid problems were examined as referred to the position occupied by selected special forces in national regulations.

The legal position of intelligence services in the Republic of Poland is the subject matter of the third chapter. The analysis performed was helpful in finding answers to the number of questions concerning compatibility of program enabling surveillance with Polish legal system and technical possibility of tracking phone calls and the Internet communication using key words.

Chapter four is dedicated to existing legislation changes concerning intelligence services, particularly supervision mechanisms over those forces. The issue of the responsibility of the public authority for classified information protection was raised and the regulation of the access to such information and the competence of particular organs in this area.

Chapter five examines the supervision over intelligence services in selected countries.

The thesis defines the scope of threats fought by intelligence services for external national security as well as legal instruments used for performing their functions as stated in the legal act. The main research hypothesis of the dissertation is the evaluation of the supervision over intelligence services as invalid and influencing incorrect functioning of the system of national security protection. Discussing the issues, it was proved that the employer, while working over legal acts regulating intelligence activity, inefficiently exploited the experiences of other countries, previous legal standards and doctrine and jurisprudence of the Court of Justice. It was also stated that frequent personal changes of the heads of intelligence services and their deputies caused the chaos and insecurity of officers as far as the correct functioning of the institution is concerned. Another vital problem was the ambiguous interpretation of the regulations relating to the protection of classified information and personal data of secret agents of special forces.

The upgrading of the system of managing special forces is nowadays one of the biggest challenges encountered by the country. In the face of increasing internal threats and the complicated situation of security in the international space, the Cabinet should absolutely have efficient, professional, and effective intelligence service which would support them in counteracting contemporary threats.

Obviously, the reforms of special forces requires longer time, but first of all, it also involves good preparation and planning different steps of its implementing so as not to destabilize state security. In order to perform it, first and foremost, work of conceptual nature should be undertaken with the cooperation of a wide range of experts whose task would be developing multi – annual plan of reforms of special forces system. Only by acting this way, the successful performance of an indicated aim would be guaranteed.

Whatever political decisions would be taken in future, it is worth underlining that the undoubted added value of desired changes in this regard would be the presence of representatives of Polish full political spectrum and inclusion of their notes and conclusions. The superior feature of the system should be designing it so as it could function for possibly many of the following years. It should fully reflect standards applying in the world of western democracies as well as allow political supervisors to consciously set up tasks to the heads of special forces and their in-depth accounting for performing those tasks.

Special forces activity is one of the most sensitive areas comprising general state security. It is worth stressing that it cannot bear political signs. It should also never be the aim of political tender between the authority and its opposition.

The lack of clear and legible system of supervising those activities poses many threats, particularly in this day and age when the security of the Republic of Poland may be again shaken in the nearest future due to our currently unfavourable international situation in the east.

In reforming the systems of managing services, the experience of recent years of countries such as the USA, Great Britain, Italy, or Germany should be exploited. There are many sources of inspiration for performing this task because the majority of democratic countries own such organs and master their protective activity systematically. It is necessary to build specialized, professional, and permanent structures which would guarantee independent and non-party actions for national security.