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Table of Contents

Articles

Jarosław Szczepański

“Remarks on CANZUK”: Theoretical and methodological
perspective of research on the post-Brexit Anglosphere *p. 7*

Daniel Mielnik

Presence of official dogs in uniformed services
in the context of increasing national security *p. 23*

Magdalena Róża Krysiak

The crime of genocide and crimes against humanity
In light of the current regulation of the Rome Statute *p. 45*

Alicja Lisowska, Andrzej Tiukało

The Urban Plan of Adaptation to Climate Changes
as a Component of Contemporary Environmental Policy
in Poland at the Municipality Level *p. 63*

Piotr Sobotka

How to speak nowadays of what is very important
for the functioning of the society.
A review of selected health security reports *p. 87*

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Jarosław Szczepański

University of Warsaw

“Remarks on CANZUK”: Theoretical and methodological perspective of research on the post-Brexit Anglosphere

Abstract

BREXIT, the withdrawal of the United Kingdom from the EU structures has become a turning point in the process of formation of (as it seemed) permanent supranational blocs of economic cooperation. It was the first time that the European Union as a *sui generis* first in the world supranational organisation was so explicitly questioned as a value in itself. The redefinition of values that took place in the United Kingdom may be connected with a turn towards the part of the “Anglosphere” known as CANZUK. The research hypothesis for the studies announced in this article is that this ideological turnaround will lead to gradual regional integration. The article presents the theoretical and methodological framework for conducting the planned studies, outlines the currently available sources, and maps out the directions for detailed analyses within the singled out research areas.

The planned research fits into the area of political and law studies. As regards the first field, analysed will be efforts aimed at consolidating cooperation, and in the future – postulated integration. The research will be carried out from the perspective of Karl Deutsch’s communication theory. The theory emphasises substantiveness of nation states and the need for social integration before political integration, which is also the fundamental assumption underlying the postulates of both the supporters of Brexit, as well as the persons and entities postulating the

construction of the CANZUK bloc. With the use of this theoretical perspective it will be possible to complement the research with analyses in the area of contemporary political thought indicating the axiological foundations for the construction of a community in the Anglosphere. In the latter area, analysed will be certain acts of public international law, such as e.g. Trans-Tasman Travel Arrangement. That act may be treated as a model solution as regards constructing an alternative mechanism for the freedom of movement of persons.

Key words: BREXIT, CANZUK, TTTA, Indo-Pacific, Integration, Post-BREXIT, UK

Introduction

The presented text is aimed at outlining the research perspective for analysing the Anglosphere, and more precisely its variant known as CANZUK. The area of Anglosphere research is still in *in statu nascendi*, though the first analytical works concerning the issues discussed below have been already published. The text provides more information on – still no great – the accomplishments of world politology and international studies in this area. The studies planned in the article fit into the trend of a new, emerging space for interdisciplinary reflection touching upon the practical dimensions of international relations in the post-Brexit era. The author can only hope that the presented conceptual outline will become a beginning of the publishing series “Remarks on CANZUK”.

* * *

The idea of establishing a bloc of states comprising Canada, Australia, New Zealand and the United Kingdom is not new. Its historical roots reach back to the concept of the imperial federation, which arose in the 19th century and gradually evolved alongside the changing world (Kenny, Pearce, 2018: 7). A subsequent iteration of a supranational organisation or close cooperation between the United Kingdom and her settler colonies is the concept of Greater Britain. The acronym CANZUK appeared in political texts as late as in the 1960s (McIntyre, 1966: 275). The concept of a union, confederation or closer cooperation under this aegis was not in any significant manner seized by the politicians. The departure from closing cooperation with former dominions is connected with

the accession of the United Kingdom to the European Communities in 1973. The concept of CANZUK re-emerges anew in the context of BREXIT in 2016. From that time on we can speak about the creation of a new imaginorium – a developmental concept of earlier, still 19th century ideas for organising (a part of) the so-called Anglosphere in the form of a bloc of closely cooperating nation states with a prospect for more profound integration.

The description of the imaginorium of CANZUK, accompanied by a historical disquisition on earlier iterations of the concept was presented in the article *Brexit, CANZUK, and the legacy of empire* (Bell, Vucetic: 2019). The authors linked the proposition of CANZUK with the long tradition of conservative ideas to revive in a new form the concept of the British Empire, pointing out that CANZUK remains this type of reminiscence and denying the significant element of novelty of this concept. It seems, however, that the criticism directed at that project of cooperation, and in the future potential integration, is too severe. In the 21st century Canada, Australia, New Zealand and the United Kingdom remain significant elements of the group of the most affluent states in the world. Moreover, except New Zealand, their economic are of a significant size on the global scale. The authors, who published their article in 2019, neither were able to acquaint themselves with the concepts put forth by Her Majesty's Government under a collective motto of "Global Britain". Those are in turn connected with shifting the interest of the United Kingdom from the Euro-Atlantic area to Asia-Pacific. For the idea of CANZUK this means that the United Kingdom, as a partner adapting to the other polities who are major players in the Pacific region, will not vie to take the position of a leader. What is more, the long-time presence of the UK

in the European Union caused that the extent of bilateral arrangements concerning either the freedom of movement of persons, or broadening the scope of trade, or recognition of professional qualifications between the UK and other CANZUK members is significantly smaller.

A practical manifestation of the UK's political and economic interest having shifted towards the Asia-Pacific region are its efforts aimed at acceding to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*. Should the negotiations prove to be successful, the UK would be the first country from outside of the Asia-Pacific region to accede to the Agreement. The efforts of the British government indicated that they seriously treat the need for a sharp turn and the desire to become strongly involved in the geographically distant region of the world.

Thus, if the first analyses concerning the imaginitorium and constituting a review of the advocates of the CANZUK project (Bell, Vucetic, 2019: 5–7) are already available on the publishing market, the area of research from the viewpoint of the theory of integration and comparative studies in the field of public international law are still left mostly untouched. In a large measure this is so because of a sceptical approach of, for instance, the authors of the abovementioned first significant paper on CANZUK, to the very concept itself. At the same time, it seems that the emergence of an NGO network backing the CANZUK idea and an ever more numerous group of politicians in the individual member states of the hypothetical partnership who support the cooperation movement, encourage further studies.

Theoretical framework

In the words of its advocates, the idea of integration of the states of the Anglosphere is to assume first of all the form of cooperation between the nations sharing the same culture, system of law and language (Hannan, 2013). So understood concept of cooperation within a group of English-language peoples has been developing for the past 200 years and grasped the interest of such prominent politicians as Tony Blair or Gordon Brown (Kenny, Pearce, 2018: ch. 6). Those concepts had a strong impact on the narration of Brexit supporters (Murphy, 2018: 198). The idea of a return to the family of states with a similar axiological backbone and cultural legacy was fostered by many representatives of the Conservative Party and UKIP.

An emphasis on cooperation in the cultural field, the need to rapprochement at the level of values provides a strong foundation for carrying out the study on the CANZUK concept from the viewpoint of Karl Deutsch's theory of communication. The point of departure for the communication theory of political integration is the recognition of the institution of a nation state as the main subject of international political relations. In this light, the process of integration is comprehended as the emergence, creation of "a community of states" defined by the high level of diplomatic, economic, social and cultural cooperation between its component entities (Pentland, 1973: 29). On the other hand, efforts of this type make up a basis for carrying out the processes of consolidating cooperation, and in the future possibly integration, within the planned CANZUK community.

The opponents of consolidation cooperation, and in particular integration within the group of CANZUK states point out

primarily problems with economic integration and the great distances between individual polities. As a matter of fact, the volume of trade between individual CANZUK countries and the planned community is insignificant. In the majority of case it accounts for about 5%. Only in the case of New Zealand it amounts to over 20%, the majority of trade being carried out with Australia. On the other hand, historical data show a much greater share of trade between the UK and Australia, or the UK and New Zealand before 1973. This may suggest that the processes contributing to an increase of trade will be put in motion again after 2021. Nevertheless, the attack at CANZUK indicating that it is hardly possible to increase the volume of trade and consequently that there is no real possibility for economic harmonisation or integration seems mistargeted.

The CANZUK project is built on the basis of different theoretical assumptions than the project of European integration in its current form. Paradoxically, what is proposed now by the network supporting the idea of CANZUK directly refers to the thinking of the founders of the European Communities, who emphasized the need to integrate societies prior to economic and political integration. However, the present European Union reversed the original assumptions and wants to attain integration of societies through economic and political integration. Meanwhile, the assumptions of Karl Deutsch's theory of communication perfectly describe the possible development scenarios for the CANZUK project. The project should be treated in this perspective as in a large measure based on the grass-roots approach, which will be moderated only by harmonisation of bilateral agreements, which will facilitate integration of , after all already culturally close, societies.

Anglosphere and CANZUK

Before describing the research subject it is necessary to specify how the two basic terms, namely 'Anglosphere' and 'CANZUK' have been understood so far and how they will be defined in the planned study. Both terms and the underlying concepts have been already covered by relevant literature.

Anglosphere – as indicated by B. Wellings (Wellings, 2017: 1) – surfaced for the first time in its 21st century format in 2003, during the Iraq invasion. For the United Kingdom, Anglosphere as a concept entered the mainstream political debate in 2016, at the time of the Brexit referendum. Since then, the concept of the Anglosphere, understood as a group of English speaking countries with a shared cultural legacy, a common system of values and axiological foundation of the political system, has been in the centre of the debate. This is in a large measure due to the need to look for new concepts of the United Kingdom's presence in the globalised world. The exit from the European Union means that it is necessary to find alternative models of supranational cooperation and integration acceptable from the viewpoint of philosophical foundations. The Anglosphere, by definition consolidated by the cultural and linguistic community and the affinity of institutions dominating in individual political systems, seems to be a tailor made solution.

The question about the boundaries of the Anglosphere remains open. In literature, in particular as regards exclusive ways of defining the Anglosphere and reducing it to the other notion that is essential for the subject of the planned study, namely CANZUK, it happens to be blamed for introducing a form of structural racism. The authors who are critical of this type of a cooperation project point out that its aim is to build

“a white man’s world” (Lake and Reynolds, 2007; Schwarz, 2011). The exclusive concept of the Anglosphere assumes that that it will include only such countries as: the United Kingdom, the United States of America, Canada, Australia, New Zealand, and possibly Ireland. The latter, because its attitude to the European Union, the smouldering conflict concerning Northern Ireland, is frequently left out from not so much academic as journalistic discussions about the Anglosphere. Therefore, CANZUK seems to be an even farther narrowing down of the concept of the Anglosphere. However, this is done for practical reasons – exclusion of the United States from the project of cooperation and perhaps (re)integration in the undefined future is due to the need of preserving a balance of the economies involved in the process.

An alternative to the exclusive concepts of the Anglosphere is its broad definition, which boils down primarily to restricting it to the area of domination of the English language. However, the charges racism, readily accepted by public opinion, even with regard to integration concepts, should not obscure the fact that the exclusive concept of the Anglosphere is based on stronger axiological foundations. Inclusion of the countries where English is the official language does not mean a lack of reflection on cultural affinity, as regards both political and legal culture, and also the social capital in individual countries. Nonetheless, disputes concerning legal and political culture as well as social capital underlay the decision on Brexit. Thus, alternative concepts of cooperation and possible integration for the post-Brexit United Kingdom should not be based exclusively on one dimension of cultural affinity, namely the linguistic community.

CANZUK may be defined as an exclusive variant of the Anglosphere. In this visions it is reduced to Canada, Australia,

New Zealand and The United Kingdom. This significantly deepens the dimension of cultural community. All those countries share not only a common language, but also cultural, political and economic bonds. Although the latter visibly weakened after the accession of the United Kingdom to the European Union. The CANZUK countries have the identical model solutions with regard to their political system. They are all based on the Westminster model and the head of state of each is the same monarch. The bonds in the area of political culture between individual countries are so strong that the chairs of speakers in individual parliaments are either gifts of the United Kingdom to the emancipating dominions or a gift of a dominium (Australia) to the metropolis experienced by World War II (the UK). Likewise, as regards legal culture all CANZUK countries employ the common law system. Also, although they are all multicultural societies with a significant share of immigrants, they belong, either as an European country or so-called settler colonies, to the same culture. Finally, they all belong to the so-called global North, which means a high level of economic development and quality of life.

From the viewpoint of evolving projects of cooperation and potential integration in the Anglosphere, and (re)integration within the framework of CANZUK, exclusive concepts seems the only feasible ones in light of the arguments against the European Union in the Brexit debate. Thus, the Anglosphere, reduced to its narrowest form, i.e. CANZUK, is at present the most certain subject of research on the processes of cooperation and potential integration.

Subject of research

The subject of research under the planned project will be theoretical and philosophical (doctrinal) assumptions underlying the processes aimed at creating a community of societies and states of the Anglosphere, and more precisely CANZUK. However, there is a collective publication available on the publishing market which contains remarks concerning applicable research approaches to the study of the Anglosphere (Wellings, Mycock, 2019). The area of research on the Anglosphere as a new concept in political science or international relations studies requires some more theoretical and methodological reflection.

In the first place, analysed should be policy paper – programme documents indicating the directions of efforts of state actors on the international arena, which may be aimed at building a supranational community. In this respect, first to be analysed should be the Global Britain report, which is being developed and which will map out the directions of the UK’s involvement in the years after the Brexit process is finalised.

Secondly, important sources will be political treatises, including those of a doctrinal character. Such papers as D. Hannan’s *How We Invented Freedom* may be treated as quasi-philosophical political treatises, which lay axiological/normative grounds from building an Anglophone community. What is worth emphasising is that Hannan’s treatise is not a lonely island in the sea of studies on the future of the United Kingdom. In the literature on the subject one may encounter analyses indicating that he was much inspired by the works of Macfarlane, and he himself has become an inspiration for later studies (Scheer, Geddes, 2017). The analysis

of assumptions arising from this type of studies as regards political doctrines will allow for assessing their impact on the process of making political decisions. Thus, it will be possible to evaluate whether the network of support for the CANZUK project exert a real impact on the political reality.

The research on the policy papers treatises will constitute an introduction to analysis of ongoing political processes taking place among the CANZUK countries. The analysis of actions will be based on the theoretical framework set by the concept worked out by Karl Deutsch. In this respect, the research will involve classical studies on international relations.

The last potentially useful in practice and cognitively interesting area will be comparative studies on institutions set up under bilateral agreements and mutual recognition agreement between CANZUK countries and relevant EU institutions. Studies in the latter area will be primarily of a legal comparative nature. An example of analyses needed to be carried out will be the comparison between the Trans-Tasman Travel Arrangement with the European Freedom of movement of persons. Comparative analyses will concern not only the area of law dogmatics (comparison of regulations), but also axiological foundations for shaping individual norms.

Therefore, the analyses of theoretical and doctrinal foundations of current political processes, which may lead to closer cooperation and eventually integration of the CANZUK countries, will be the main subject of interest under the planned research project. General analyses will be supplemented with legal comparative elements, which will facilitate a better understanding of institutions the establishment of which is postulated by the CANZUK support network. Those institutions are to be aimed at creating an integrated Anglophone

community with an alternative to the EU’s system of the movement of persons, recognition of professional qualifications or certifications. This alternative scheme of consolidation is to be carried out without producing a supranational institutional superstructure which is characteristic of European integration. It is to be possible thanks to cultural and legal affinity as well as common values nurtured by the societies of individual states.

Conclusion

The planned research, although dealing with a new area for both political and legal analyses, will not be carried out in a complete vacuum. So far, several significant works have been published concerning the post-Brexit plans for a turn of the United Kingdom towards the Commonwealth, not to mention the analyses and studies on the CANZUK concept as such. The overwhelming majority of those works are of a policy paper character and will be the primary subject of research. Nevertheless, it should be noted that the analyses of the processes of cooperation and potential integration in the so-called Anglosphere is singled out as an interdisciplinary research area within social sciences.

The proposed research scheme must be spread over time. First of all due to the fact that the processes of cooperation and potential integration within the framework of CANZUK are just beginning. Therefore, the research subject outlined in this article is *in statu nascendi*. Thus, those studies will be similar to the early stages of research on European integration. Thus it will be possible to draw on the experiences of Europeanists, who also had to deal with an uncertain and constantly changing reality. At the same time, it means that

it is possible to research structures and concepts that are *in statu nascendi*.

This text presents a list of still an insignificant number of publication by the pioneers of analyses of the Anglosphere and CANZUK, such as Bell, Vucetic, Wellings or Hanan. It also outlines a research project concerning the Anglosphere and CANZUK as an emerging new area of research within the areas of political studies or studies on international relations, and complementarily also law or economics. The proposed theoretical framework provides for the analyses to be carried out primarily in the area of the axiological foundations for the processes that will take place in the course of research. Attempts to explain the decisions of the actors on the international stage or a critical analysis of subsequent policy papers will ultimately allow to analyse what the idea of Anglosphere and first of all CANZUK will eventually become.

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Presence of official dogs in uniformed services in the context of increasing national security

Abstract

All in all, the role of dogs in uniformed services is invaluable, as demonstrated, for instance, by the range of methods that can be used in each service. Moreover, their presence has a direct or indirect impact on increasing the security of the state (internal and external) – *quod erat demonstrandum*.

In the present study, many references have been made to different normative acts (of various ranks), illustrating the use of dogs in the Police, the Prison Service, the Border Guard, and the Customs Service.

It should also be stressed that a comprehensive study of the subject of official dogs, in the opinion of the author of the study, constitutes a terra incognita, as currently there is no study addressing the issue of the presence of official dogs in all uniformed services in a synthetic way (extensive historical-legal analysis).

Therefore, this work should be treated as a unique introduction (prelude) to further, significantly expanded, and detailed research in such a material area.

Key words: Poland, official dogs, law, national security, uniformed services

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Introduction

Dogs have been said to be man's best friends. Basing on the present study, the author aims to prove that dogs are also best friends of a safe country, serving the common good. What is behind such an enigmatic expression? It means that a dog is often not only a fully-fledged family member, but is also used in the uniformed services responsible for the safety of the Republic of Poland. At the same time, one should explicitly emphasise the fact that the word "used" is inappropriate, as the dog is on duty, namely it is an "officer" being merely controlled (led) by a so-called handler.

The aim of the present study, according to its title, is to analyse the presence of dogs in uniformed services in the context of improving national security (both internal and external) while presenting historical and legal aspects (including a basic *de lege lata* analysis) of the possibilities of their use by selected uniformed services (the Police, the Prison Service, the Border Guard, as well as the Customs Service).

The following study is a part of the current research concerning state security since the presence of dogs in individual uniformed services represents such a character. The study constitutes a synthesis of available, although still insufficient subject literature and normative acts¹.

The study includes a descriptive and historical-legal method. Its legal status is as at 16 October 2020.

¹ Krawczyk (2020).

The historical aspect of the presence of dogs in individual uniformed services

When referring *in concreto* to the aspect of the presence of dogs in uniformed services, one should mention the history or historical conditions of their use (*ab ovo*). As A. Banaszak-Kulka points out, the presence of animals in uniformed services dates back to ancient times.² Many hundreds of years had passed before dogs became permanent residents of the service. Such a situation resulted from the fact that people needed time to fully discover and then apply their abilities in practice.

Analysing the source literature, one may conclude that throughout history, relatively specific bonds have developed between man and dog. Moreover, according to the above-mentioned author, "(...) dog has accompanied man for centuries everywhere on earth where they are present".³ In turn, A. Sayer claims that "domestication of a dog was as important for human development as using fire or the first stone tools".⁴ As one can notice, the mentioned process *ab initio* is a significant step in the evolution of man.

It should also be emphasised that the dog *in genere* is superior to man in terms of sensory efficiency, hence the dog was an indispensable part of the safety of the first settlements. It is worth pointing out that the dog, along with the development of homo sapiens, gradually demonstrated its qualities in many respects. This includes assistance during animal hunting. Dogs also served as protection for farm animals. Over time, as B. Wilcox and Ch. Walkowicz emphasise,

² Banaszak-Kulka (2004): 127.

³ Ibidem.

⁴ Sayer (1991): 7.

once a shepherd society appeared, shepherd dogs also specialised. When hunters needed help, hunting dogs appeared in a similar pattern, whereas in times of war, war dogs appeared.⁵ According to J. J. Kuźniewicz, dogs in many countries of the world, and above all in Mongolia, also served a sanitary function, in other words, they cleaned battlefields, by eating the bodies of fallen soldiers.⁶

We should also not forget the fact that dogs have been and still are used by the military. As A. Banaszak-Kulka states, “the history of using dogs for warfare dates back to the beginnings of human civilisation”.⁷

Official dogs were also appreciated in Poland. As A. Banaszak-Kulka points out, the first documented attempt to use a police dog was made in 1913 in Kraków, when a dog, in fact, brought from Ostrava (Dobermann), was used to track down a murderer.⁸

Then, the first police dog training centre was established in 1945 in Janikowo (near Poznań), known as the School for Service Dog Guides and Dog Training. It should be emphasised that in the following year this unit was reorganized and transferred to Słupsk, while its name was changed to the School for Service Dog Guides and Dog Training at the Civic Militia Training Centre.⁹ Interestingly, as J. J. Kuźniewicz points out, in 1950 the School was merged with the Department of Dog Training of the Public Security Corps in Sułkowie.¹⁰ It should also be pointed out that in 1995, after many restructuring

⁵ Wilcox, Walkowicz (1997): 18.

⁶ Kuźniewicz (2016): 34.

⁷ Banaszak-Kulka (2004): 138.

⁸ Ibidem: 135.

⁹ Kuźniewicz (2016): 122.

¹⁰ Ibidem.

steps, the Department of Police Cynology of the Training Centre in Legionowo (based in the above mentioned Sułkowice) started operating.

It is also worth stressing that dogs have been and still are in the Prison Service. Interestingly, already in the 1950s, courses for dogs were organised at the Central Training Centre of Prison Service in Kalisz (Szczypiorna). Initially, they were trained to serve only as guards and to escort prisoners. As it turned out later, the demand for dogs trained in such a way gradually increased. Therefore, the management of the Prison Service decided to establish a Centre at the Prison in Czarna (Pomorskie Region).¹¹ This one, in turn, was transformed in the 1990s into the Department of Dog Guides and Dog Training. Since the establishment of the Centre, approximately five thousand dogs have been trained there. It should be noted here that during one course fifteen dogs are trained to find drugs and thirty to defend (Ibidem). Such training is held twice a year, in spring and in autumn. The centre in Czarna cooperates with the Department of Police Cynology in Sułkowice and the Border Guard in Lubań. Also, along with the Military Gendarmerie, the Prison Service controls military units, whereas, together with the Central Investigation Bureau, it carried out joint actions requiring the presence of trained dogs.

Dogs have also been (and still are) used in other uniformed services, such as the Border Guard. According to A.A. Kuźniewicz “the tradition of using official dogs in the Border Guard dates back to the interwar period”,¹² because already on 4 April 1928 the Border Protection Corps (i.e. the equivalent of today’s

¹¹ Szlęzak-Kawa (2019): 22–23.

¹² Kuźniewicz (2016): 50.

Border Guard) was established on the territory of Poland. In turn, according to Order No. 20 of the Minister of Treasury of 18 April 1928, eight officers were sent to a training course of official dogs held at the Police Dog Training Centre in Poznań. Furthermore, the first fully independent Border Guard Dog Training Centre was established in Góra Kalwaria, where the Central Border Guard School was then located.¹³ However, due to organisational reasons, on 25 January 1933, the Department was transferred to Rawa Ruska, operating until 19 September 1939, although warfare forced the completion of work on improving the handlers and the dogs intended to protect the state borders. Fortunately, after the end of the Second World War, the Border Protection Troops were established on 13 September 1945 (amendment to the nomenclature of the institution).¹⁴ Moreover, the first Dog Training Centre of the abovementioned troops was established on 6 May 1946. Interestingly, a year later, it was renamed the Dog Training and Breeding Centre of the Border Guard Troops, where dogs were bred and, of course, trained.¹⁵

The next, and also the last, service considered in the present study is the Customs Service, or more precisely the Customs and Tax Service, as it consists of officers within the National Revenue Administration, established as a result of the merger of tax administration, fiscal control and the Customs Service (Służba Celno-Skarbowa).

Such a service has had and trained dogs for many years. Furthermore, the first dogs were trained by police trainers in the abovementioned Centre of Service Cynology in Sułkowice. Then, since the mid-1990s, as M. Łoziński

¹³ Ibidem.

¹⁴ Ibidem: 51.

¹⁵ Ibidem: 51–52.

emphasises, the training of handlers and dogs for this service was carried out by employees working initially in the Main Customs Office and subsequently in the Customs Chamber in Warsaw.¹⁶

The *de lege lata* analysis on the possibilities of using dogs in selected uniformed services

While analysing the formal and legal basis (*de lege lata*) for the use of dogs in the Police, one should start with the basic normative act for the functioning of the abovementioned service, inamely the Police Act of 6 April 1990.¹⁷

Under Article 15d(3) of the Act on body search, a service dog may be used to check the contents of the clothes and shoes of the searched person and the objects on their body without revealing the surface of the body covered with clothing (for example, to collect weapons or dangerous objects). Also, a dog may be used to check the contents of hand luggage and other items carried by the searched person.

In turn, under Article 15e(2) of the Act on Checking the Contents of Luggage or Checking Cargo in Ports and Stations as well as the Means of Land, Air, and Water Transport, an official dog may be used to detect prohibited materials and devices, in particular weapons, explosives, drugs, psychotropic substances, and their precursors. Furthermore, under Article 15g(1) of the Police Act, a service dog may be used for the so-called preventive inspection, consisting of checking a person, the contents of their clothing, and objects on their body or carried by them.

¹⁶ Łoziński (2016): 3–4.

¹⁷ Journal of Laws of 2020, items 360, 956; hereafter the Police Act.

Referring to other formal legal bases for the use of dogs by the police, three further legal bases should be indicated, namely

1. Ordinance No. 296 of the General Chief of Police of 20 March 2008 on methods and forms of performing tasks with the use of official dogs, detailed rules of their training and feeding standards (Journal of Laws of the General Police Headquarters of 2019, item 11):¹⁸
2. Guidelines No. 3/2013 of the General Chief of Police of 30 July 2013 on technical, functional, and usable standards applicable in police facilities;
3. Regulation of the Minister of the Environment of 20 January 2004 on the minimum conditions for keeping a particular species of animals used for entertainment, performance, film, sports, and special purposes.¹⁹

¹⁸ See Notice of the General Chief of Police of 4 January 2019 on the announcement of the consolidated text of the Ordinance of the General Chief of Police on the methods and forms of performing tasks with the use of official dogs, detailed rules of their training, and feeding standards. Amendments to the above Ordinance: 1) Ordinance No. 1370 of the General Chief of Police of 30 December 2008 amending the Ordinance on methods and forms of performing tasks with the use of official dogs, detailed rules of their training and feeding standards (Official Journal of the General Police Headquarters of 2009, item 2); 2) Ordinance No. 74 of the General Chief of Police of 31 December 2014 amending the Ordinance on methods and forms of performing tasks with the use of official dogs, detailed rules of their training and feeding standards (Official Journal of the General Police Headquarters of 2015, item 3); 3) Ordinance No. 2 of the General Chief of Police of 16 February 2015 amending the Ordinance on methods and forms of performing tasks with the use of official dogs, detailed rules of their training and feeding standards (Official Journal of the General Police Headquarters, item 11).

¹⁹ Journal of Laws of 2004 No. 16, item 166.

Subsequently, very numerous acts constituting the formal and legal basis for the presence and use of dogs in the police include orders, guidelines, and decisions of the General Chief of Police.²⁰

²⁰ See: Ordinance No. 768 of the General Chief of Police of 14 August 2007 on forms and methods of performing tasks by police officers performing patrol service and coordination of activities of a preventive nature (Official Journal of the General Police Headquarters of 2007, No. 15, item 119); decision No. 847 of the General Chief of Police of 30 November 2007 on the programme of a specialist course for official dog handlers to search for drug scents (Official Journal of the General Police Headquarters of 2007 No. 22, item 167); decision No. 881 of the General Chief of Police of 5 December 2007 on the programme of a specialist course for patrol and tracking dog handlers (Official Journal of the General Police Headquarters of 2007, No. 23, item 194); decision No. 874 of the General Chief of Police on the programme of a specialist course for dog handlers for osmological examination (Official Journal of the General Police Headquarters, item 187, and of 2014, item 1); decision No. 925 of the General Chief of Police of 17 December 2007 on the programme of a specialist course for dog handlers to search for explosive scents (Official Journal of the General Police Headquarters of 2008, No. 1, item 12); decision No. 270 of the General Chief of Police of 4 September 2012 on the programme of a specialist course for service dog handlers to search for the scent of human corpses (Official Journal of the General Police Headquarters of 2012, item 47); decision No. 112 of the General Chief of Police of 13 March 2015 on the programme of a specialist course for service dog handlers to water rescue and search for the scent of human corpses (Official Journal of the General Police Headquarters of 2015, item 19); decision No. 291 of the General Chief of Police of 18 September 2015 on the list of the curriculum of specialist courses which constitute training programmes for members of the civil service corps (Official Journal of the General Police Headquarters of 2015, item 70); decision No. 330 of the General Chief of Police of 16 October 2015 on the curriculum of specialist courses for patrol and tracking dog handlers to act without muzzles (Official Journal of the General Police Headquarters of 2015, item 83); guidelines No. 3 of the General Chief of Police of 30 August 2017 on the performance of certain investigative activities by police officers (Official Journal of the General Police Headquarters of 2017, item 59); decision No. 95 of the General Chief of Police of 17 March 2018 on

In turn, official dogs are used in the Prison Service pursuant to the Prison Service Act of 9 April 2010 on (Journal of Laws of 2020, item 848; hereafter the Prison Service Act). According to Article 18(1)(3) of the Act when performing official duties officers have the right to use special dogs trained in searching for drugs and psychotropic substances or explosives – to carry out a body search of persons staying in the premises of a penitentiary unit, control their clothing and check the contents of their luggage or other objects they carry with them, to check vehicles entering and leaving, as well as the loads of those vehicles. Interestingly, Article 155(4)(4)(g) of the Prison Service Act also provides for additional uniform standards for official dogs and their handlers. In turn, under Article 208(1)(1) of the Act, an officer providing care for an official dog receives additional remuneration. Under Article 208a(1) of the Act, the amount of such additional remuneration is up to PLN 153, proportionally to the number of days of care provided for a dog in a month. If a handler provides care for a larger number of dogs – the indicated additional remuneration is increased proportionally (Art. 208a(2)(1) of the Prison Service Act).

The working and living conditions of animals working in prisons and detention centres are regulated, among others, by Order No. 38/2012 of the Director General of the Prison Service dated 14 May 2012 on the detailed manner of using dogs to perform the tasks of the Prison Service. Additionally,

the curriculum of a specialist course for police officers applying for dog handlers to combat operations without muzzles and performing helper activities (Official Journal of the General Police Headquarters of 2018, item 49); decision No. 96 of the General Chief of Police of 17 March 2018 on the curriculum of a specialist course for dog handlers to combat operations without muzzles (Official Journal of the General Police Headquarters of 2018, item 50).

the order does not refer to the provisions of the Ordinance of the Minister of the Environment of 20 January 2004 on the minimum conditions for keeping particular species of animals used for entertainment, performance, film, sports, and special purposes. In certain prisons and detention centres, additional in-house documents are introduced.

The Border Guard is another service for which a legal basis for the use of service dogs will be discussed. Under Article 11(1)(10) of the Border Guard Act of 12 October 1990,²¹ an officer on duty has the right to stay and move on the land without obtaining the consent of its owners or users and pass through farmland during a direct pursuit, also accompanied by an official dog if there is no possibility to use roads. In turn, Article 11(7) of the Act states that the minister in charge of internal affairs shall define, by way of an ordinance, a detailed procedure for carrying out checks using technical means and an official dog. This refers to the Ordinance of the Minister of the Interior and Administration of 2 July 2019 on border control.²² Under Article 2(1) of the said ordinance, officers use technical devices and official dogs during border control. In turn, pursuant to Article 2(3) the use of official dogs in the course of a border control serves to exclude the possession of substances, means, materials, and other objects prohibited for transit across the state border. It is further specified in Article 3 that a border control of persons, objects, and means of transport if technical equipment or official dogs are used, shall be carried out in a way that does not endanger the life or health of persons or damage the objects and means of transport.

²¹ Journal of Laws of 2020, item 305; hereafter the Border Guard Act.

²² Journal of Laws of 2019, item 1336.

Living conditions and the duty of official animals are specified in the following acts:

- Regulation No. 2 of the Commander in Chief of the Polish Border Guard of 26 February 2010 on the performance of service in the field of care of official animals of the Border Guard,
- Ordinance No. 28 of the Commander in Chief of the Polish Border Guard of 27 March 2012 on the detailed rules for the training of animal handlers used to perform the tasks of the Border Guard, the training of such animals, as well as animal feeding standards,
- Ordinance No. 95 of the Commander in Chief of the Polish Border Guard of 31 October 2014 on defining the principles of management of the property under the management of the Border Guard.

Referring, in turn, to the powers of customs and fiscal control officers, it is worth pointing out that under Article 64(1)(6) of the National Revenue Administration Act of 16 November 2016²³ they are authorised to use official dogs to search premises, including flats, other premises, places and items. Official dogs, under Article 64(2)(1) of the Customs Service Act shall also be used to search goods, products, and means of transport. In turn, Article 89(1)(3) and (4) of the Act provides for a delegation of legislative powers to issue a regulation concerning the conditions for the use of technical equipment and official dogs during checks, the manner of carrying out body searches, as well as the manner and conditions of carrying out searches of travellers' luggage, and the conditions

²³ Journal of Laws of 2020, items 505, 568, 695; hereafter the Customs Service Act.

and manner of recruiting candidates for official dog handlers and the conditions for the breeding, acquisition, training, use, feeding, care and maintenance of official dogs as well as the care and maintenance of those dogs after their withdrawal from service.

This refers to the Ordinance of the Minister of Finance and Development of 22 February 2017 on the conditions for the use of technical equipment and official dogs during inspections and on the method of carrying out body and luggage searches.²⁴ According to Article 4 of the said Ordinance, official dogs may be used if their operation could accelerate or simplify control activities and reduce the discomfort for the controlled person. Also, as provided in Article 5, control activities using official dogs are carried out in a manner that does not cause damage or threaten the life or health of persons (Article 5(1)). Moreover, while performing control activities, official dogs should be kept on a leash and muzzled (Article 5(2)); however, it is allowed to remove the muzzle and the leash (Article 5(3)) if it is necessary for the proper performance of control activities and does not violate the conditions for performing control activities. It should be stressed that under Article 6() the condition for the use of an assistance dog requires a training course completed by the person performing the control activities, concluded with a certificate of completion of the training course for a handler. Article 6(2) indicates that an official dog may be used for control purposes within the scope resulting from the certificate of completion of the training for a dog's handler.

²⁴ Journal of Laws of 2017, item 381.

How official dogs are used in selected uniform services

In turn, when referring to how dogs are used in the Police, one should once again refer to the content of Ordinance No. 296 of the General Chief of Police of 20 March 2008 on the methods and forms of performing tasks with the use of official dogs, detailed rules of their training and feeding standards. According to Article 18 of the Ordinance, dogs are used particularly (and thus it is an open catalogue) to:

- patrol;
- track;
- fight;
- investigate the area, premises or parcels and luggage to find people or objects, searching for tracks left by people, searching for scents of explosives, searching for scents of drugs, searching for scents of human corpses;
- osmological examination;
- traps and blockade operations;
- rescue drowning persons;
- take action in cases specified in the provisions for direct coercive measures and firearms.

Additionally, it should be emphasised that, according to the provisions of Article 16(1) of the Civil Code, officers of such service are entitled to use and implement means of direct coercion, including official dogs under the procedure and principles set forth in the Act of 24 May 2013 on the means of direct coercion and firearms.²⁵

The use of dogs in the Prison Service is regulated by Order No. 38/2012 of the Director General of the Prison Service, referred to in the earlier part of the study, as the subject

²⁵ Journal of Laws of 2019, item 2418.

matter of this internal act was already defined in its introduction. In its Article 1 the Order specifies, among other things, the possibilities of using dogs in this service. Under Article 2(2) of the commented act, a dog is used to protect penitentiary units, in particular for:

- protection of officers and staff of the Prison Service;
- reinforcement of convoys;
- pursuit;
- control of persons, their belongings and luggage, vehicles with their cargo, and premises;
- searching for and indicating concealment of drugs and psychotropic substances;
- searching for and pointing out explosives;
- tracking.

It should be pointed out that when searching rooms, vehicles, or luggage a dog may move around loose or on a leash.²⁶ When patrolling the premises of a penitentiary unit during daytime the handler leads the official dog in a muzzle and on a leash. However, at night, the dog may move around without a leash, at a distance allowing the handler for its observation and enabling the dog to follow the instructions of the handler (Article 2(3) of the Order). Furthermore, when checking persons using a special dog trained to search for these agents, the dog is kept on a leash and remains properly separated from the searched person (Article 2(4) of the Order). In addition, it should be emphasised that according to Article 2(5) of the Order, a dog must not endanger the safety of third parties and shall be provided with conditions that do not endanger its health.

²⁶ Article 2(3) of the Order; incorrectly designated as section 2 – see the above Order.

It is worth noting that special dogs trained primarily to search for drugs and restricted substances are German Shepherds, Belgian Sheepdogs, and Fox Terriers. Patrol dogs are usually German Shepherds, Belgian Sheepdogs, or Rottweilers.

On the other hand, issues concerning the use of dogs in the Border Guard were regulated in Order No. KG-BP-Z-77/13 of the Commander in Chief of the Polish Border Guard of 25 October 2013 regulating the way of performing border services and carrying out border activities. Furthermore, the said document contains classified information and is not subject to disclosure.

Nevertheless, in the context of the use of dogs in the Border Guard, under Article 11(1) of the Act, an officer on duty has the right to stay and move on the land without obtaining the consent of their owners or users and pass through farmland during a direct pursuit, also with an official dog, if there is no possibility to use the roads. In turn, under Article 2(1) of the Regulation of the Minister of the Interior and Administration on border control, officers use technical devices and official dogs during border controls. It should also be stressed that under Article 2(3) of the Ordinance, it seems that the use of official dogs in the course of border controls serves to exclude the possession of restricted substances, means, materials, and other objects prohibited for movement across the state border. Interestingly, Article 3 of the Ordinance states that border controls of persons, objects, and means of transport, if technical equipment or official dogs are used, shall be carried out in a way that does not endanger the life or health of persons or damage the objects and means of transport. Therefore, one should point out that according to Article 11aa of the Border Guard Act official dogs are additionally used

during personal inspection. It consists of checking the contents of the inspected person's clothing and footwear or items on their body, without revealing the covered body surface, and the contents of the inspected person's clothing and footwear or items on their body, with the aim and to the extent necessary to collect weapons or prohibited items. It is also worth pointing out that under Article 11ab of the Border Guard Act, dogs are used in the procedure for examining the contents of luggage or checking cargo to detect prohibited items, explosives, drugs, or psychotropic substances and their precursors. Interestingly, under Article 11ad of the Border Guard Act dogs may be used to carry out so-called preventive inspection.

In the Customs Service, official dogs are used to carry out checks in various places, including border crossings, airports, seaports, and post offices. Additionally – referring to the first chapter of the present study, providing the legal basis for the use of dogs – such dogs are used to control means of transport, premises, and courier services. Moreover, official dogs participate in various public information activities, including meetings, shows, picnics, and lessons (in schools and kindergartens).

It is also worth pointing out that *conditio sine qua non* in the context of entering a particular service is that the animal should meet many strict psychophysical requirements. This issue, however, will not be developed, as it is not the subject of this study.

However, as one may notice, the scope of tasks for official (and special) dogs is extensive. Although we hear little about them, they do a great deal of good work for the safety of the Republic of Poland, because the dogs make the work of officers in our country more effective.

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**The crime of genocide and crimes against humanity
In light of the current regulation of the rome statute**

Abstract

The purpose of this paper is to analyse the current conceptual scope of the crime of genocide against the background of the evolving interpretation of the provisions of the Rome Statute, as well as attempt to formulate *de lege ferenda* conclusions for considering future legislative changes in light of the weaknesses of the current regulation.

Key words: crime of genocide; crimes against humanity; Rome Statute; International Criminal Court.

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“Where does evil come from? From man and man alone.”

~ Tadeusz Różewicz

Introduction

The subject of international crimes, as they touch upon the most important values protected by international regulations, seems to be one of the most important issues for this branch of law in its current dimension. Being a very complex and regulated by a set of various provisions matter, it is, however, burdened with many legal gaps and thus gives rise to interpretational doubts and mutually contradictory views of the doctrine and jurisprudence, showing that even these international legal standards which were established several decades ago can still arouse controversy and a multitude of emotions today.

The aim of this paper is, therefore, to analyze the current scope of the crime of genocide against the background of the evolving interpretation of the Rome Statute, and an attempt to formulate *de lege ferenda* conclusions concerning consideration of future legislative changes in light of the weaknesses of the current regulation.

Theoretical part

Raphael Lemkin, author of the concept of genocide and the draft of the so-called “Lemkin Convention”¹ on the prevention and punishment of the crime of genocide signed on

¹ *Convention on the Prevention and Punishment of the Crime of Genocide*, in accordance with article XIII.

9 December 1948, aptly pointed out that “new concepts require new terms”². This is all the more legitimate as violations of international humanitarian law of armed conflict and international criminal law are increasingly identified as linking to “systemic criminality” or to “collective doing of evil”, mainly due to the fact that these crimes are committed on a mass scale or basing on a systematic pattern of violent acts that clearly distinguishes them from ordinary crimes.³

One of the first who attempted to define the relationship between the crime of genocide and crimes against humanity was Theodor Meron, a judge at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, and William Schabas, an eminent lawyer specializing in international criminal law, author of unparalleled studies and commentaries on, among others, the Rome Statute, cited by major international tribunals, including the International Court of Justice and the International Criminal Court, who accepted that they fell into the common category of international crimes.⁴ Their view quickly gained popularity and to this day has served as a starting point for other research in this area,⁵ as well as for the decisions of, for example, the already mentioned International Criminal Tribunal for the former Yugoslavia or the International Criminal Tribunal for Rwanda in such important cases as those of *Tadić*, *Kupreskić* or *Krstić*.

² Lemkin (1944): 79.

³ van Sliedregt (2003): 4–5, Drumbl (2007): 3–6, 15, 26–29; May (2005): 122–124.

⁴ Meron (1995): 558; Schabas (2010): 250–256; *National Courts Finally Begin to Prosecute Genocide, the “Crime of Crimes* (2003): 39–63.

⁵ Greenawalt (1999): 2259, 2293; Frulli (2001): 329; Dinstein (2000): 234–236; Nersessian (2010): 174–175.

In fact, although in light of their separate entities regulated by separate laws it would be unjustified to believe that these crimes are completely cohesive or that their scopes are identical, they both concern mass phenomena as a result of which entire communities are victims, which implies a multitude of similarities that are impossible to ignore. These similarities can be seen on three levels: on the level of the content and scope of the definition of crimes and structure of their attributes (normative similarity), as well as on the axiological and functional level.

And so, on normative grounds, for both crimes to be classified as such it is necessary that there is a systematic pattern of behavior by the perpetrators, the occurrence of a special extended form of the subjective aspect in the form of the so-called special intention or awareness of taking part in an attack against civilians, and the perpetrators' behavior is directed against specific groups of victims.

Moreover, the so-called basic acts, constituting the basis of the subjective aspect (in forms such as, *inter alia*, murder, enslavement, or causing bodily harm) are similar. In particular, the definitions of both crimes are clearly similar in respect of the subjective qualifications of the perpetrator and the victim – the perpetrator may be both a state (directly through its organs and indirectly through controlled entities), and an individual (regardless of their position, including possible participation in state authorities, while as a rule individual perpetration takes place in a configuration which may be called macro crime, consisting of an extensive and complicated pyramid of dependencies between persons), while the victim may be any natural person, provided, however, that they belong to a concrete human group.⁶

⁶ Iwanek (2015): 30–31.

Similar, or even identical, are also the values protected (the object of protection) by the penalization of both crimes, which take the form of individual and group (collective) values. The subject matter of these crimes is made up of the same attributes of criminal acts, on top of which is the requirement of being part of an attack carried out on a large scale. For crimes against humanity, this requirement is included in Article 7(1) of the Rome Statute as an act “committed as part of a widespread or systematic deliberate attack directed against a civilian population,”⁷ while for the crime of genocide in the Elements of the Definition of Crimes,⁸ requiring that each of the underlying acts be committed in the context of a clear pattern of similar conduct directed against a protected group.

Finally, there is also functional similarity, which means that because of the far-reaching connection between the basic acts that can constitute both crimes against humanity and genocide, the application of law by international tribunals is inconsistent and the definitions of the two crimes analysed are uncertain and intertwined. The subsidiary role of crimes against humanity in the jurisprudential pragmatics of international tribunals, resulting from the above, can also be observed. The considerable difficulty of proving that the accused are guilty of the crime of genocide makes it extremely rare for these tribunals to convict the accused for this crime, preferring instead to do so for crimes against humanity, which seems to be best illustrated by the case of *Plavsić*, who was charged simultaneously with the crime of genocide and crimes against humanity. The defendant entered

⁷ *Rome Statute of the International Criminal Court*: Art. 7; 1. Rome Statute of the International Criminal Court.

⁸ *The Elements of Crimes* (2002): part II.B.

into a plea bargain in which she pleaded guilty only as regards the charge of crimes against humanity in exchange for the prosecution dropping the charges relating to the crime of genocide.⁹ How then, in light of the above, to make a desired distinction between the crime of genocide and other crimes against humanity? It will certainly be necessary to look at their current definitions.

Undoubtedly, despite the fact that there are other terms used to define the acts punishable under international law, such as war crimes, crimes under international law or violations of the law of war and humanitarian law, it is the concept of international crimes that seems to be universally accepted,¹⁰ and it is certainly wrong to interchangeably use this term with the concept of “violations of the humanitarian law of armed conflict,”¹¹ since although the latter may qualify as international crimes, they do not exhaust the full scope of the concept, and thus cannot serve as a general definition of a broader concept.

The term “crime” itself is commonly understood as “a serious crime” and “an act deserving, from an ethical point of view, the strongest condemnation”, while the Polish Penal Code, in dividing crimes into felonies and misdemeanors, provides in Art. 7 § 2, that “a crime is an offence punishable by imprisonment for a term of at least 3 years or by a more severe punishment.”¹²

Under international law, however, a crime may be defined as

⁹ Iwanek (2015): 33.

¹⁰ Gaska, Ciupiński (2001): 104; Dynia (1999).

¹¹ Lankosz (2001): 247.

¹² Ustawa z dnia 6 czerwca 1997 r. – Kodeks karny, i.e. Art. 7 § 2.

a criminal act attributable to an individual on the basis of guilt, the commission of which violates the norms of international law directly, i.e., in the form of the application of criminal law principles in international law

or as

an act contrary to international law attributable to a State as a form of *delictum iuris gentium* and giving rise to the international responsibility of the State – whether in the currently alleged form of the so-called international crime of State or the more modern concept of grave breaches of peremptory norms of international law.¹³

And it is to crimes so understood that the jurisdiction of the International Criminal Court is limited according to the wording of Article 5 of the Rome Statute, which states that

the jurisdiction of the Court is limited to the most serious crimes of international concern and includes the following crimes: (a) the crime of genocide; (b) crimes against humanity; (c) war crimes; (d) the crime of aggression.¹⁴

Although the above enumeration already indicates the separate place of the crimes which are the subject of our deliberations, the full picture of the issue is drawn by two subsequent articles which attempt to define it by enumerating the acts which are their expression. And so, Article 6 of the said

¹³ Iwanek (2015): 36.

¹⁴ *Rome Statute of the International Criminal Court*: Art. 5.

Statute states that genocide is: (a) the murder of members of the group; (b) the causing of serious bodily or mental harm to members of the group; (c) the deliberate creation of conditions of life for the group calculated to cause its physical destruction in whole or in part; (d) the use of measures intended to stop births within the group; or (e) the forcible transfer of children of members of the group to another group; – done with the intention of destroying in whole or in part of a national, ethnic, racial or religious group,¹⁵ while Article 7 lists as crimes against humanity (a) murder; (b) extermination; (c) slavery (d) deportation or forcible transfer of a population; (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) torture; (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity; (h) persecution of any identifiable group or collectivity for political, racial, national, ethnic, cultural, religious, gender or other reasons generally considered as inadmissible under international law, in connection with any act to which this paragraph applies or any crime within the jurisdiction of the Court; (i) enforced disappearances of persons; (j) the crime of apartheid; (k) other inhuman acts of a similar nature intentionally causing great suffering or serious injury to the person or to mental or physical health; – committed as part of a widespread or systematic deliberate attack directed against a civilian population.¹⁶

Although at first glance the definitions developed in this way seem to be transparent and permitting unambiguous classification of the criminal act in the appropriate category,

¹⁵ Ibidem: Art. 6.

¹⁶ *Rome Statute of the International Criminal Court*, Art. 7.

they still provide difficulties even for the International Criminal Court itself. Therefore, it is undoubtedly worth looking at the circumstances in which they emerged.

Early examples of genocide include the destruction of half the population of China during the Mongol conquests, the native populations of the Americas during their colonization and great geographical discoveries, and the Cathars during the crusades led by the Catholic Church. In the 20th century, genocide was common during wars, just to mention the slaughters of Armenians, Assyrians and Pontic Greeks in Turkey, the massacres of the warring parties in Africa and Asia, or the extermination of the Jewish (Holocaust) and Gypsy (Porajmos) populations carried out by the Nazis. In Poland, according to sources, considered genocide, in addition to the Nazi crimes identified in the judgment of the Nuremberg Tribunal, are the Katyń Massacre, the pogrom in Miednoje, the murder in Jedwabne, or the slaughter in Volhynia. Among the contemporary defendants of the crime of genocide, who will stand trial before the International Criminal Court, Omar Hassan Ahmad Al Bashir is, without doubt, a leading figure to be mentioned.

To the extent that a hierarchy of international crimes is accepted, genocide is considered a “crime at the top” and is sometimes called a “crime of crimes”.¹⁷ Its current definition is the same as the one originally devised by the aforementioned Rafał Lemkin. It was used for the first time, essentially unchanged, in the indictments in the so-called Nuremberg trials, which were held from 20 November 1945, to 14 April 1949, against those responsible for Nazi crimes during World War II who had committed systematic, deliberate genocide,

¹⁷ Schabas (2016): 124.

i.e. the extermination of racial and national groups of the civilian population in the occupied territories with the aim of destroying specific races, classes, nations, peoples, national and religious groups, including Poles and Jews.¹⁸ Even before the conclusion of the last Nuremberg trials, on 9 December 1948, the UN General Assembly adopted the aforementioned Convention on the Prevention and Punishment of the Crime of Genocide,¹⁹ where the concept of genocide appeared for the first time in the form of a legal regulation, in fact equivalent to that functioning to this day in the Rome Statute. It transpires that it protects the physical integrity of national, ethnic and religious groups, while the possible object of the perpetrators of genocide is the group, both permanently (where membership is necessary) and temporarily (where membership depends on choice).²⁰ Such a group should be considered to be made up of at least a few individuals, with a certain degree of permanence and organization, who possess specific characteristics of enduring cultural values, which make it possible to distinguish the group from the rest of the population. Among them we can distinguish groups of national (whose basic identity is connected with belonging to a recognized nation or state), ethnic (which refer in their identity to the issue of cultural or linguistic minorities, functioning within a state or outside a state), racial (which relate to being born into a particular race), and religious (which relate to belonging to a theistic, non-theistic, or atheistic congregation) nature.²¹ For the legal classification of genocide, it must be established

¹⁸ Sawicki (1949): 25, 26.

¹⁹ *Convention on the Prevention and Punishment of the Crime of Genocide*, in accordance with article XIII.

²⁰ Sawicki (1949): 48.

²¹ Lippman (1999): 598.

that the conduct in question has been committed with the intention of destroying, in whole or in part, a particular group.²² Knowledge of the consequences is not a sufficient basis for the imputation of the crime, there must be a clear aim of destroying the group.²³ The omission of motive was undoubtedly the right move in the construction of the definition of genocide; otherwise, motive would have to be proved each time, while its variety – obtaining living space for the members of one's own group, a desire for financial gain, or racial or ethnic hatred – would make it considerably more difficult.²⁴

And when it comes to other crimes against humanity, some of the most famous examples are those that were investigated during the Nuremberg trials. During the “trial of major war criminals” the cases of twenty-four people who were accused of crimes against humanity were heard. Of course, not all were able to be tried – several members of the Nazi party – including Adolf Hitler himself and two of his most important associates, Heinrich Himmler and Joseph Goebbels – committed suicide before being brought to trial, and some went into hiding abroad for the rest of their lives. Following the conclusion of these initial trials, “more Nuremberg trials” were held at Nuremberg. One of these trials was the “Doctors Trial”, in which 23 people were accused of committing crimes against humanity, such as conducting medical experiments on prisoners of war, some of whom were children. Another of these later Nuremberg trials was also the “trial of the Judges”. The trial involved 16 lawyers and judges who were accused of helping the Nazis to manipulate the laws of the Third Reich to suit their plans. Among

²² Schabas (2016): 128.

²³ Kabatsi (2005): 391.

²⁴ Milanovic (2006): 557.

the contemporary perpetrators of crimes against humanity who have stood or are scheduled to stand trial at the International Criminal Court are Omar Hassan Ahmad Al Bashir, Al-Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Jean-Pierre Bemba Gombo, Saif Al-Islam Gaddafi, Laurent Gbagbo, Charles Blé Goudé, Ahmad Muhammad Harun, Ali Muhammad Ali Abd-Al-Rahman, Abdel Raheem Muhammad Hussein, Germain Katanga, Uhuru Muigai Kenyatta, Al-Tuhamy Mohamed Khaled, and Callixte Mbarushimana.

What is not clear, however, is in what context the term “crimes against humanity” was first developed. Some point out that the term was used as early as the late 18th and early 19th centuries, particularly in the context of slavery, slave trade, and the atrocities associated with European colonialism.²⁵ Others point to a declaration issued in 1915 by the Allied governments (France, Britain and Russia) condemning the mass killing of Armenians in the Ottoman Empire.²⁶ Since then, the concept of crimes against humanity has evolved under customary international law and through the jurisdiction of international courts such as the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Tribunal for Rwanda. Although, unlike genocide or war crimes, crimes against humanity have not yet been codified in a treaty of international law devoted to them, they have been recognized as a peremptory norm from which no derogation is permitted and which applies to all states. In its current functioning in the Rome Statute, mentioned many times before, it mirrors its original draft laid down in the Charter of the International Military

²⁵ Schabas (2012): 51–53.

²⁶ Bassiouni (1999): 62.

Tribunal (the Nuremberg Charter), where, in response to Nazi crimes during World War II, including the crime of the Holocaust, it was raised that

murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population before or during the war, or prosecutions on political, racial or religious grounds in execution or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.²⁷

The contextual element specifies that crimes against humanity involve either a large-scale attack on a significant number of victims or its extension over a wide geographical area (widespread), or a methodical type of violence (systematic), which excludes random or isolated acts of violence, which does not have to be proven in the case of crimes of genocide.²⁸ Furthermore, Article 7(2)(a) of the Rome Statute provides that crimes against humanity must be committed in furtherance of the policy of a State or organization to commit an attack,²⁹ while they do not have to be explicitly defined or formally adopted, and can therefore be inferred from the totality of the circumstances. Unlike genocide, crimes against humanity also do not have to target a specific group. Instead, the victim of an attack can be any civilian population, regardless of affiliation or identity. Another important distinction is that in the case of crimes against humanity, it is not necessary

²⁷ URL = <http://www.internationalcrimesdatabase.org/Crimes/CrimesAgainstHumanity>.

²⁸ Schabas (2016): 143.

²⁹ *Rome Statute of the International Criminal Court*: Art. 7.2 (a).

to prove that there is a general specific intent – a simple intent to commit any of the listed acts, except for the act of persecution, which requires additional discriminatory intent. The perpetrator must also act with the knowledge of the attack on the civilian population and that his action is part of that attack. Finally, thanks to the significant evolution of international law, there is now no requirement to link crimes against humanity to a state of war, or any armed conflict,³⁰ or a discriminatory purpose or motive.³¹

For British lawyer Philippe Sands, author of *Lawless World*, the difference is that the systematic, indiscriminate killing of very large numbers of people will constitute a crime against humanity, whereas genocide focuses not on the killing of individuals but on the destruction of groups, and thus the two concepts will have different objectives – one is aimed at protecting the individual, the other at protecting the group.³² The conflict between the two concepts stems, Sands says, from the fact that calling mass murder “genocide” diminishes the importance of individual victims. This can be seen as unjust because people are human beings and therefore should be protected or served justice as individuals (a view promoted by a prominent figure of the legal scene – Hersch Lauterpacht – co-author of the Charter of the International Military Tribunal at Nuremberg, author of the concept and definition of “crime against humanity”, judge of the International Court of Justice). Hence, the argument for the term “crimes against humanity” because it emphasizes the humanity of every hu-

³⁰ Schabas (2016): 168.

³¹ Ibidem:171.

³² URL = <https://www.theatlantic.com/international/archive/2013/03/whats-the-difference-between-crimes-against-humanity-and-genocide/274167/>.

man being. However, it can also be argued that people who become victims of mass murder because of their ethnic or religious affiliation are repressed for belonging to that group, and therefore this connection cannot be ignored in their case (a view promoted by the already mentioned Rafał Lemkin). In other words, they did not become victims simply because they were individuals, and thus genocide is more appropriate.

In his commentary on the Rome Statute, aforementioned William Schabas stresses that, if charges are to be considered under both provisions, the judges of the International Criminal Court must decide on a case-by-case basis whether to allow cumulation of sentences, but although he admits that to a certain extent those who opt for the statement that that genocide is an aggravated form of a crime against humanity are right to find that cumulative sentences that include both genocide and crimes against humanity are permissible, since these crimes have materially different elements,³³ as confirmed by, among others, the International Criminal Tribunal for Rwanda in the *Musema* case. Recently, however, both charges were heard by aforementioned Omar Hassan Ahmad Al Bashir.

Final conclusions

In light of the above argumentation, the distinction between genocide and crimes against humanity must be considered to be most valid. This argument has proved, however, that there are still certain inconsistencies which may make this procedure problematic, even for the International Criminal Court itself, leading to lengthy proceedings before that body

³³ Schabas (2009): 13.

and to considerable difficulties for the Office of the Prosecutor in proving the accused guilty.

Therefore, it is only to be hoped that the scope of the concept of crimes of genocide and individual crimes against humanity will be more clearly defined, as even the law based for several decades on the same, seemingly stable pillars should take into account the margin of error that can be seen in successive cases brought before the International Criminal Court, and better respond to the dynamics of an ever-changing reality, despite the passage of years no less cruel.

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The Urban Plan of Adaptation to Climate Changes as a Component of Contemporary Environmental Policy in Poland at the Municipality Level

Abstract

Many Polish cities and towns have been recently struggling with various effects of natural events (such as sea and river floodings, droughts, heat – and frost – waves, gales and torrential downpours). It is anticipated that climate change is going to cause serious barriers to the development of these cities and towns due to the scale and frequency of individual natural events. Thereby, the effects of climate change not only constitute a real problem in our environment, but are also increasingly perceived as objectives of environmental policy carried out at the municipality level. In the article, having analysed current Polish local environmental policy, the authors discussed the role and significance of the strategic document of Urban Plans of Adaptation to climate change adopted by most large cities in Poland in the context of the determination and structure of policy objectives. The universalness of that document was also underlined as well as its long-term character in light of climate change and shaping the conditions for future functioning of cities.

Key words: natural environment, environmental policy, Urban Adaptation Plan, climate change; nature hazardse

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Miejski Plan Adaptacji do zmian klimatu składową współczesnej polityki środowiskowej realizowanej w Polsce na poziomie gminy

Streszczenie

Współcześnie wiele polskich miast zмага się z różnymi skutkami zdarzeń naturalnych (takich jak: powódzie od morza i rzek, susze, fale upałów i mrozów, huraganowe wiatry oraz gwałtowne ulewy). Przewiduje się, iż zmiany klimatu spowodują poważne ograniczenia w rozwoju tych miast ze względu na skalę i częstotliwość występowania poszczególnych zdarzeń naturalnych. Tym samym skutki zmian klimatu stanowią rzeczywisty problem występujący w otaczającym nas środowisku i coraz częściej stają się celem działań realizowanych na poziomie gminy w ramach polityki środowiskowej. W artykule, poprzez omówienie istoty realizowanej obecnie polityki środowiskowej w Polsce na szczeblu lokalnym, wskazano na rolę i znaczenie dokumentu, jakim są przyjęte przez większość dużych miast w Polsce Miejskie Plany Adaptacji do zmian klimatu, w kształtowaniu i wyznaczeniu celów tejże polityki. Zwrócono również uwagę na uniwersalność tego dokumentu, podkreślając w tym jego strategiczny i perspektywiczny charakter w kontekście zmian klimatu i kształtowania przyszłych warunków funkcjonowania miast.

Słowa kluczowe: środowisko przyrodnicze, polityka środowiskowa, gmina, Miejski Plan Adaptacji, zmiany klimatu, zagrożenia naturalne

Introduction

Despite being increasingly more independent from the environment as a result of the level of civilizational and cultural development man originates from it and continues to be its immanent element. At the same time, the environment itself provides man with the necessary living conditions and constitutes an area of his diverse activities. At present – and that must be emphasised – man’s activity in the environment much more frequently is against harmonious existence and development of the environment than concordant therewith.¹ Negative consequences of irresponsible human influence on the environment consist in the more and more frequent occurrence of many problems, including global environmental problems resulting from either destruction of the environment or deterioration of its condition. One of the examples of such problems are climate changes.

Contemporary climate changes manifest themselves in the growing frequency of numerous extreme natural phenomena, the intensity and extent, and in particular negative consequences, of which adversely affect the functioning of society not only in individual regions or states, but the entire planet.² The occurrence of ever more precarious natural phenomena with more and more painful consequences force out elaboration of management tool to minimise negative consequences of such events and offer help in making decisions under the conditions of uncertainty arising from the randomness of natural hazards.³ Therefore, an increasing number of entities, including states, institutions, regions or

¹ Lisowska (2005): 15.

² Specjalny raport IPCC (2018).

³ Tokarczuk i in. (2017): 6

international organisations, begin conducting environmental policies which takes into account the actual problems that occur in the surrounding environment.

In 2013, the Polish government adopted the “Strategic Adaptation Plan for Sectors and Areas sensitive to Climate Change by 2020 with a Vision to 2030.” This document stipulated that shaping the resistance of Polish cities to recognised climatic hazards was one of the key tasks. In this connection, the Ministry of the Environment established a broad partnership of 44 cities, and then experts and stakeholders under the project: *The development of Urban Plans for Adaptation to climate change for cities with more than 100,000 inhabitants* (Project). Thus, Urban Plans for Adaptation to climate change (MPAs) have been developed for 44 cities in Poland.⁴

Therefore, with a view to the above circumstances, the article is aimed at analysing the methodology of developing a document of an Urban Plan for Adaptation to climate change, which document may become an element of the current environmental policy at the level of selected municipalities in Poland. What is more, the article focuses on indicating specific elements of an Urban Plan for Adaptation to climate change as a document helping to improve the resistance of Polish cities to the foreseen future natural hazards caused by dangerous meteorological and hydrological phenomena.

Environmental policy – definitions

An environmental policy is a sequence of decisions and then actions (or omissions) undertaken by specific entities (actors)

⁴ *Plany adaptacji do zmian klimatu 44 miast Polski* (2018): 3.

of that policy,⁵ which leads to improving, preserving or deteriorating the conditions and functions of the environment vis-à-vis the broadly conceived social system and its participants.⁶ Those decisions should be developed and then implemented by stages, beginning with the identification of a problem and ending with the determination and enforcement of necessary measures. Nowadays, subjects of this policy include individual (persons) and collective entities, such as international organisations, pressure groups, political organisations, as well as state itself, including state authorities and institutions.⁷ On the other hand, its object is the environment. The notion of “environment” means not only the surrounding natural elements determined by physical, biological, chemical and geographical conditions, but also those which are a result of human social development as well as all things manufactured or processed by people which have become permanent parts of the cultural heritage of generations⁸ and influence human lives.⁹

Natural elements of the environment include:

- biosphere (is the layer of the Earth populated by living organisms), which is made up of lithosphere, hydrosphere and atmosphere, which offers conditions for the development of life and that is why it is populated;
- nature in a narrower meaning of the term, i.e. all the species of plants and animals living within their specific ecosystems and biotopes;

⁵ Antoszewski (1999): 12.

⁶ Lisowska (2005): 27.

⁷ Lisowska (2017): 50.

⁸ Bukowska – Gorgoni i in. (1974) :115.

⁹ Odum (1977).

- elements of nature in a broader meaning of the term, other than those mentioned above, which satisfy material needs of people, including those that may be exploited, e.g. minerals or landscapes;
- “cultures” (aquaculture, forestry, agriculture) satisfying the nutrition requirements, account being taken of economic needs.¹⁰

Artificially manufactured elements of the environment, that is creations of human activities, are all the material aspects contributing to the well-being of contemporary people, who are living at a specific – current level of civilizational development determined by: development of human settlements, working conditions, means of transport and communications, waste disposal and treatment.¹¹

Measures employed under so understood environmental policy should consist in:

- rational shaping of the environment and management of natural resources according to the principle of sustainable development;
- preventing pollution and contamination; and
- restoring natural elements to their original state.¹²

The nature of environmental policy at the municipality level

Environmental policy is carried out by various entities at the international, regional as well as local levels. In Poland, entities responsible for the implementation of this policy at the local level are, among others, voivodship, powiat or municipal

¹⁰ Łustacz (1981) :28–36.

¹¹ Ibidem.

¹² Art. 3 ust. 13 p.o.ś (Ustawa z 27.04.2001 r. – Prawo ochrony środowiska tekst jedn.: Dz. U. z 2018 r.).

authorities,¹³ where municipalities are treated as a separate level of the administrative division of the state.

Since 1990, the tasks relating to the broadly conceived environmental issues have been carried out at the municipality level by municipal councils, heads of municipalities, mayors or city presidents.¹⁴ It should be emphasized, however, that a municipality is also a self-governing community inhabited by a certain number of people. This means that subjects of environmental policy include not only itself (municipality as an institution), but also its inhabitants. Each inhabitant of a municipality may make several environment protection decisions and then adopt measures, which arise from their specific axiological and normative system.

Own tasks of a local government in the area of environment protection are of a directly executive character and consist in executing measures which have a direct impact on the environment. They consist in both protecting the environment as well as eliminating or minimising certain hazards caused by the functioning of local communities (e.g. water pollution, production of municipal solid waste, devastation of green areas). These tasks are own tasks of municipalities as they arise from the activities of self-governing communities which bear specific hazards. Implementation of those tasks is not only in the interest of a municipality itself, but also of the society at large. As regards their contents, dates and priority those tasks should be formulated by municipal councils and implemented by the executive bodies.¹⁵

The responsibilities of the municipal bodies which execute environment protection tasks are laid down in the Environment

¹³ Trzcińska (2016):50–74;Lisowska (2017): 51.

¹⁴ Lisowska (2017): 51.

¹⁵ Górski (2009): 82, 86–87.

Protection Law,¹⁶ the Nature Conservation Act,¹⁷ the Waste Act,¹⁸ and the Act on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments.¹⁹ The fact that those regulations are treated as particularly significant with a view to the specificity of contemporary policies in the area of environmental protection arises from two aspects. First, those legislative acts provide for and regulate the tasks and responsibilities of municipalities in the area discussed, and, secondly, they pertain in detail to environmental issues. Apart from the regulations mentioned above worth mentioning is also the Act on Maintaining Cleanliness and Order in Municipalities,²⁰ which has no direct reference to environmental issues, but equips municipal bodies with powers that indirectly determine what municipalities do in the area of environment protection.

Thus, municipal executive bodies, i.e. heads of municipalities, mayors or city presidents are responsible for the activities both with respect to environment protection as well as conservation of nature.²¹ Those bodies can develop and issue various types of acts of local law as well as perform tasks under other types of documents pertaining to environment protection, including municipal environment protection programmes.

¹⁶ Ustawa z dnia 27 kwietnia 2001 r. Prawo ochrony środowiska (Dz. U. nr 62, poz.627 ze zm.).

¹⁷ Ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody (Dz. U. nr 92, poz. 880 ze zm.).

¹⁸ Ustawa z dnia 14 grudnia 2012 r. o odpadach.

¹⁹ Ustawa z 3.10.2008 r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko (Dz. U. z 2016 r. poz. 353 ze zm.).

²⁰ Ustawa z dnia 13 września 1996 r. o utrzymaniu czystości i porządku w gminach (Dz. U. Nr 132, poz. 622 ze zm.).

²¹ Lisowska (2017): 52.

Environment protection programmes are adopted by municipal councils,²² while beforehand heads of municipalities, mayors or city presidents are obliged to ensure public participation in the proceedings, which is aimed at developing an environment protection programme. They are developed every four years, while the measures provided therein should cover the successive years. Progress in programme implementation is to be reported every two years to the municipal council.

Those programme are not legally binding documents, which means that they do not arouse direct legal consequences as regards the rights and duties of entities external to the administration.²³

In Poland, environment protection programming at the municipal level takes place in the overwhelming majority of municipalities in Poland. It is particularly evident as regards municipalities situated in the areas of environmental hazards.

Taking into account various degrees of complexity of environmental problems in individual municipalities, the urgency of their resolution as well as the financial potential of municipalities, an environment protection programme should outline, among other things:

- valorisation of natural environment;
- description of major environmental loads and hazards;
- assessment of the capacity of ecosystems from the viewpoint of fundamental loads together with assessment of the degree of regeneration capabilities of ecosystems;

²² Art. 18 ust. 1 p.o.ś 2001 (Ustawa z 27.04.2001 r. – Prawo ochrony środowiska tekst jedn.: Dz. U. z 2018 r.).

²³ Bar (2008): 223.

- directions of most urgent actions arising from the assessment, taking into account the assumptions of regional and state policies;
- type of proposed protective measures from the viewpoint of technology, space, time, etc.;
- estimation of necessary outlays;
- assessment of losses as a result of waiving protective measures;
- assessment of ecological and economic effectiveness of proposed protective measures;
- a concept of the implementation plan indicating where the funds for the implementation of programme tasks will come from.²⁴

Since the programming in Poland covers environment protection strategies at the national level and strategic local objectives (contained in programmes, strategies and programme documents), environment protection strategies may be considered generally – as an element of the policy of central or local government, as well as specifically – as documents outlining long-term objectives of specific protective measures.²⁵ In the former case, municipal environment protection programmes should offer more details supplementing the environmental policy of the state, and in the latter they should take into account the local character of field problems.²⁶

In connection with the above, worth mentioning are Urban Adaptation Plans (abbr. MPA) developed in 44 Polish cities, which may become both a component of environmental

²⁴ Podolak (2004): 148–149.

²⁵ Poskrobko i Poskrobko (2012): 187.

²⁶ Górski (2009): 85.

policies carried out at the municipality level in Poland and may be also treated as a basis for updating and/or developing municipal environment protection programmes.

The urban plan of adaptation to climate change as a component of environmental policy at municipality level

Urban Plans of Adaptation to climate change (MPAs)²⁷ is a project implemented in the years 2017–2019 with the participation of the following cities: Białystok, Bielsko-Biała, Bydgoszcz, Bytom, Chorzów, Czeladź, Częstochowa, Dąbrowa Górnicza, Elbląg, Gdańsk, Gdynia, Gliwice, Gorzów Wielkopolski, Grudziądz, Jaworzno, Kalisz, Katowice, Kielce, Kraków, Legnica, Lublin, Łódź, Mysłowice, Olsztyn, Opole, Płock, Poznań, Radom, Ruda Śląska, Rybnik, Rzeszów, Siemianowice Śląskie, Słupsk, Sopot, Sosnowiec, Szczecin, Tarnów, Toruń, Tychy, Wałbrzych, Włocławek, Wrocław, Zabrze, Zielona Góra. Moreover, among 44 participants in the Project there were also 7 towns with the number of inhabitants lesser than 100,000, namely: Czeladź, Grudziądz, Jaworzno, Mysłowice, Siemianowice Śląskie, Słupsk and Sopot. The capital city of Warsaw did not take part in the project, for which at the time a project initiated in 2014 was underway, entitled *Preparation of a strategy for adaptation to climate change of the city of Warsaw with the use of city climate mapping and with public participation* (abbr. ADAPTCITY).²⁸

An Urban Plan of adaptation to climate change is a document which had been prepared for each city participating in the Project separately, and in the years 2018–2019

²⁷ *Plany adaptacji do zmian klimatu 44 miast Polski* (2018).

²⁸ *Strategia adaptacji do zmian klimatu dla m.st. Warszawy do roku 2030 z perspektywą do roku 2050* (2019).

the majority of large cities in Poland participating in the Project adopted their own MPAs.

An Urban Plan of Adaptation to climate change has several distinctive features, which allow to treat it as a component of environmental policies carried out in Polish municipalities. The first attribute is without doubts the objective of the project, namely to ensure cities' resistance to currently identified meteorological and hydrological hazards, as well as predicted medium – and long term hazards and thus attaining favourable living conditions for inhabitants in a diverse, friendly environment. Therefore, the specificity of an MPA's objective requires a detailed analysis of concrete areas in order to ensure urban resistance to natural hazards. The main areas of analyses carried out under the preparation of an MPA include: identification of major urban hazards related to climate change; identification of sectors and areas in individual cities, which are most susceptible to change; as well as selection of the most effective adaptation measures minimising unfavourable climate change consequences.

Another distinctive feature of an MPA is the fact that many entities contribute to the development of final solutions. It is worth emphasizing that the Project and then the development of the final form of the document was the collective effort not only 450 experts from state research institutes and a consulting firm,²⁹ but also many representatives of the executive bodies of individual cities/ municipalities (city vice

²⁹ Wykonawcą Projektu było konsorcjum składające się z następujących podmiotów: Instytutu Ochrony Środowiska – Państwowy Instytut Badawczy (lider Konsorcjum), Instytutu Meteorologii i Gospodarki Wodnej – Państwowy Instytut Badawczy, Instytutu Ekologii Terenów Uprzemysłowionych oraz międzynarodowa firma konsultingowo-inżynierska ARCADIS.

presidents as well as heads and key employees of many strategic departments of municipal offices within a group of around 700 urban experts (700), and also very numerous representatives of local communities and non-governmental organisations. Both MPAs' authors and beneficiaries did their utmost to include as many stakeholders as possible, both at the stage of preparing the document as well as at the stage of the strategical assessment of its environmental impact. All in all, 132 workshops were held under the Project, which were attended by 2400 participants.³⁰

MPAs are also characterised by that when planning adaptation measure uncertainties of projected climate change are taken into account. This means that measures to improve resistance of 44 cities to environmental hazards taking into account several climate change scenarios were adopted on such scale for the first time in Europe.

It should be emphasised that inhabitant of those 44 cities account for 30% of the entire population of Poland and one half of the population living in all Polish cities. Large urban agglomerations have several common features, which were meaningful when their susceptibility to climate change was assessed. Urban areas are characterised by large population densities and considerable concentration of urban functions and relevant infrastructure. Many common features of Polish cities allowed for elaboration of a uniform methodology for the development of Urban Adaptation Plans. At the same time, an MPA is characterised by its localness, which was taken account of not only in the adopted methodology, but also solutions. MPAs took into account the specific features of individual cities arising from their location, topography, spatial

³⁰ *Plany adaptacji do zmian klimatu 44 miast Polski* (2018): 5.

development, building typology and historical contexts well as the dynamics of socio-economic processes in those cities.³¹

The weight of the above components of MPAs allows for stating that the document has a multifaceted character. First of all, MPAs may become an additional instrument for formulating environmental policy at the local level, taking into account climate change scenarios for individual cities and the resultant adverse consequences. An MPA may be adopted by the municipal council as a strategic document of the municipality for the needs of conducting local environmental policy. In this context it is extremely important that the scenarios for individual have been developed jointly by may entities involved in municipal environmental policy, beginning with representatives of municipal institutions, to pro-environmental organisation, to city inhabitants themselves. Therefore, an MPA becomes a document elaborated with the use of participatory methods of a consensual character. The specificity of this document makes one reflect that all entities involved in its development should be interested in the implementation of an MPA. Therefore, it seems warranted to say that implementation of an MPA should be based on cooperation between individual subjects of environmental policy at the local level rather than on rivalry and conflicts.

Apart from the possibility of treating MPAs as an additional instrument for shaping environment policy at the local level, also the strategic character of the document is worth pointing out. This is due to the fact that MPAs specify long-term measures that are not only of a preventive but also a mitigating nature. What is more the contents of each MPA reflect multifaceted analyses of natural hazards that occur in individual

³¹ Ibidem: 14.

cities, while the analyses themselves were based on the data from thirty years long observations and records of the Institute of Meteorology and Water Management – National Research Institute, as well as local studies carried out by many independent institutions observing meteorological phenomena in individual Polish cities.

With a view to the above, MPAs may also be used in individual cities as a basis for developing municipal environment protection plans or a subject-matter support for updating the existing municipal environment protection programmes.³² This aspect of MPAs should be underlines since they take into account not only localness of environmental hazards and expected climate change, but also the the potentials of individual cities. It is of major importance that municipal environment protection programmes provide credible and honest not only diagnoses of the types of environmental hazards, but also real capabilities of a municipality to cope therewith.

Fundamental areas of analysis under a municipal of adaptation to climate change

MPAs' objective is to make cities resistant to hazards arising from climate change. In order to fulfil this objective it is necessary to start an analytical effort the effects of which would lead to:

- identification of the scale of various types of natural hazards in individual cities, as well as city sectors or areas most susceptible to those hazards; and
- planning of effective adaptation measures to mitigate the adverse consequences of climate change.³³

³² Art. 14 ust. 2 p.o.ś. 2001 (Ustawa z 27.04.2001 r. – Prawo ochrony środowiska tekst jedn.: Dz. U. z 2018 r.).

³³ Plany adaptacji do zmian klimatu 44 miast Polski (2018): 15.

As regards the first area, i.e. identification of hazards arising from climate change for cities – beneficiaries of MPAs, it should be underlined that Poland geographical situation and its land configuration have an impact on the occurrence of extreme weather phenomena which are particularly dangerous for cities. The belt layout of the main regions favours free zone circulation, which is why in Poland clashes of ocean and continental air masses are frequently observed. Land configuration in the southern part of the country is diversified, which contributes to shaping local weather conditions, while the north is a coastline zone where the impact of the Baltic Sea is evident. That is why considerable weather differences are observed throughout the territory of the country.

Natural hazard most frequently occurring in Polish cities include heat waves, frosts, heavy downfalls and storms, urban floodings, river overflows, sea overflows, landslides, droughts, gales and sea level rises. With a view to the abovementioned types of natural hazards, representatives of the municipal authorities of the cities participating the Project, with the support of external experts, made a final selection of major hazards arising from climate change, which may prove to constitute significant barriers to urban development.

It turned out that all Polish cities participating in the Project identified heat waves among major hazards. Almost all (excl. Rybnik and Tarnów) mentioned heavy downfalls and storms. Many cities indicated also sudden and heavy rainfalls, which are the cause of dangerous urban floods. This cause-and-effect relationship arises from the fact that urban land is mostly hard surfaced, while the capacity of the rainwater drainage system is insufficient.

Moreover, Polish cities situated in places where rivers flow into the sea (Elbląg, Gdańsk, Gdynia), apart from the threat

of urban floods, also mentioned river and sea overflows as an equally significant hazard to the functioning of a city (caused by both backwater and an increased sea level). Also representatives of Szczecin and Sopot perceived sea floodings as a major source of hazard. On the other hand, river floodings turned out to be a source of hazard all in all for 13 cities covered by the Project.

Droughts were mentioned as a factor restricting urban development by 26 cities. For the same number of cities gales are a serious natural hazard which requires adaptive measures, while landslides are a hazard for Gdańsk and Płock.

In light of the above discussion it may be acknowledged that the authorities of Polish cities have to face stepped up natural hazards associated with: heat waves (but also frost waves – 11 cities identified this hazard, although in a much greater number that claim much more victims, especially among the homeless, than heat waves), intense downfalls and storms, floods (both from rivers and the sea), gales and droughts. That is why an important characteristic of Urban Adaptation Plans is that they identified in the cities participating in the Project sectors and areas most susceptible to climate change. From among the following sectors/areas: public health, transport, energy, water management, tourism, biological diversity, cultural heritage, spatial development, densely built-up housing areas, other infrastructure, almost all cities participating in the project found that public health is the city sector most susceptible to hazards associated with climate change and requires most urgent intervention. Only two cities decided that public health is not included in this category, namely Radom and Zabrze. The vast majority of the cities also identified transport and water management as sectors that are very susceptible to hazards and requiring urgent adaptive measures.

A considerable number of Project participants identified spatial development as a sector requiring urgent adaptive measure (14), whereas energy was mentioned by 17 cities. Also 17 cities found densely built-up housing areas to be very sensitive to natural hazards and requiring urgent intervention to contain their oversensitivity. On the other hand Katowice, as the only one, identified undeveloped areas as requiring specially urgent measures to improve the conditions for the functioning of its inhabitant in connection with climate change.

Few cities identified as a sensitive sector tourism (Olsztyn, Rzeszów i Tarnów), biological diversity (Dąbrowa Górnicza, Gdańsk, Gdynia, Kielce, Lublin, Słupsk, Sopot, Tarnów) and cultural heritage (Płock, Wrocław).³⁴

The Plans of Adaptation to climate change reflect urban policy oriented at the city's ability to cope with natural hazards. This policy is reflected in the consisting in minimising or mitigating the consequences of major hazards arising from climate change. Such priority is a response to the identified hazard most frequently occurring in the cities and the defined area of future adaptive measures for each city. Adaptive measures are needed to meet the mapped out objectives. To this end, in each city adaptive measures were planned to increase the city's resistance to climate change by improving its capability to cope with its consequences and by shaping social awareness and civic attitudes. Those measures are usually of an informational, educational, organisational or technical nature.

Harmonised informational and educational measures are characteristic of a culture of common concern about city's security. Educational measures consist in conveying

³⁴ Ibidem: 10–11.

knowledge about natural hazards and the methods of preventing their adverse consequences. They include also consolidation of the competences of inhabitants and organisations operating in the city as regards acquiring information about the spatial distribution of adverse natural phenomena occurring in the city, as well as the systems of surveillance and alerting about dangerous weather phenomena. Informational measures include presentation of planned and already employed adaptive measures and the benefits to be expected in this connection by the inhabitants, as well as promotion of good practices among city inhabitants in the environmental area. Therefore, educational and informational measures should accompany organisational and technical measures employed by the cities, thus ensuring their understanding and acceptance.³⁵

Organisational measures, on the other hand, consist in introducing changes in spatial planning and organisation of public space, amendments of local law leading to increased city resistance to natural hazards, developing guidelines how city inhabitants and also various types of entities should behave in emergency situations.

Technical measures, usually most capital intensive, are those that we expect to yield significant effects as regards preparedness of the city for climate change within a certain (usually very short) timeframe. The following undertakings may be ascribed to this group of measures:

- modernisation or extension of the active and passive anti-flood system protecting cities against floodings;
- setting up systems of alerts and information about approaching dangerous weather or hydrological events;

³⁵ Ibidem: 14.

- adjustment of the public transport system to the consequences of climate change;
- equipment of rescue services in order to improve the effectiveness of their operations in a situation of responding to extreme natural phenomena.³⁶

The aim of the adaptation of cities in Poland to climate change is to protect life and health of their inhabitants, as well as minimising the costs of repairing damage to the infrastructure and restoring normal functioning of cities after the extreme natural events. Under the Project, the cost of adaptation measure in all 44 cities was estimated at 30 billion zlotys to be spent by 2030.³⁷

Conclusion

With a view to the above presented aspects connected with both the specificity and essence of environmental policy, as well as Urban Plans of Adaptation to climate change, the authors of this article recommend that MPAs be treated as a component of environmental policy at the municipality level in Poland. This position arises from the fundamental premise, namely that an MPA is a universal document in the area of environment protection whose objective redefines the assumptions of contemporary environmental policy. In the latter case it should be noted that under an MPA measures are adopted which are aimed not only at protecting elements of the natural environment and mitigation of the adverse effect of man on the environment, but also predicting climate change and shaping future conditions for

³⁶ Ibidem: 15.

³⁷ Ibidem: 3.

the functioning of cities. In this way, the novelty in specifying the assumptions of contemporary policy consists in that it has a predictive function which so far has not been one of its attributes.

On the other hand, the universality of the MPA is manifested first of all in how this document was elaborated. The MPA is a resultant of decisions and measures recommended by various entities of environmental policy at the municipality level, while in the area of solutions it is addressed to these entities. Moreover, the document takes into account the natural and anthropogenic character of hazards which occur in 44 Polish cities and the potential of those cities as regards coping with those hazards. It may also be treated as a strategic document for a municipality due to the fact that it meets all requirements for such a document. The MPA lays down not only long-term objectives of protective measures, that is undertaking defining directional programmes, but also specific tasks with respect to environment protection in individual sectors of cities' functioning. What is more, as a strategic document it may be implemented independently from the already existing environment protection programmes. Obviously, treating the MPA as a strategic document does not exclude its potential for creating or updating the existing municipal environment protection programmes.

Thus, regardless of whether the MPA will be used as a basis for creating/updating municipal environment protection programmes or it will be adopted as a separate strategic document, in any of those cases it will be an act of local law adjusted to the needs and capabilities of individual municipalities, but also a document taking into account the essence of local environmental policy.

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Piotr Sobotka

**How to speak nowadays of what is very important
for the functioning of the society.
A review of selected health security reports**

Abstract

We live in the times when we have accustomed to the security and stability of the social system. The COVID-19 pandemic reminded us, Poles, that we have to care for our security all the time, and not only military or economic, but also health security. The first step towards improvement of the current situation is to carry out regular examinations of society's health security. An example of good practice as regards monitoring the health situation are the reports described in this study, which are published all over the world. They present the aspects that have to be taken into account when creating such tabulations and what instruments should be used. Proper monitoring is a key to adopting adequate remedies in order to improve Poland's health security.

Key words: health security, pandemic, COVID-19, vaccines, society, health situation reports

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Introduction

The world pandemic which broke out at the turn of 2019 and 2020 has shown how sensitive to external factors is the health care system in various countries. The COVID–19 pandemic has become a critical element not only for the health care system, but also for many industries, transport, tourism and education.

The definition of health security is evolving and keeps on changing its scope. The concept refers to topics connected with prophylaxis and responding to the outbreaks of diseases, bioterrorism, but also covers issues linked with preventing deterioration of health and loss of life or using public health as an elements of politics.

The aim of this review of selected health security reports is to compare information presented therein and indicating what contents are desirable for the authorities that are involved in making decisions of strategic importance for the economy and the society.

Health security reports

The notion of health security appeared at the beginning of the 21 century in a resolution of the World Health Assembly (WHA).¹ It is the top decision-making body of the World Health Organisation (WHO) which determines the policies of the Organization and is made up of delegates from all Member States. The resolution *Global Health security: epidemic alert and response* was concerned with the threats to worldwide health security caused by globalisation.. People's migrations

¹ WHO (2001).

as a result of fortuitous events or regular tourist traffic or business trips cause that hotspots of infectious diseases ceased to be a local problem. Epidemiological emergencies occurring in the territory of one state very soon become an international problem, which may affect public and economic security of a large geographical region or even the world at large.²

In 1969, WHO adopted the *International Health Regulations*.³ Those regulations were revised in 2005⁴ and focused on the procedures for recognizing and responding to epidemiological threats. The original form of the document was directed at responding to outbreaks of communicable diseases such as plague, yellow fever, smallpox and cholera. On the other hand, the 2005 document constitutes a general instrument the aim of which is to support protection against the spread of health threat throughout the world and minimizing the consequences of those threats once they occur.

Although the legislation that was initiated in 1969 and significantly expanded in 2005 supports broadly conceived global health security, it is not sufficient to ensure such security. Another important document are local health security reports published annually by individual WHO Member States. They have to be regularly updated at the level of individual states.

Analysing available materials concerning health security reports it may be indisputably concluded that the quality and contents of individual documents considerably vary. They tackle various areas connected with health security depending of the state in which they have been issued and the institution responsible for their preparation. The article shall present a review of publicly available reports directly or indirectly

² Kocik, Jędras (2017). 2017.

³ WHO (1969).

⁴ Kicman-Gawłowska (2008): 739–749.

devoted to health security, as well as the conclusion drawn from their analysis. Special emphasis will be placed on determining what information is most important to be published in a health security report prepared in Poland.

2015 Eurostat Report⁵

The 2015 Eurostat Report, more precisely its health section, provides several major indicators concerning patients' health and the condition of health care system in various countries. The report provides such indicators as: percentage of overweight or obese population, active cigarette smokers or alcohol drinkers, as well as information on life expectancy in individual countries or available health care resources.

Obesity and overweight have been defined in accordance with the Body Mass Index (BMI),⁶ also called the Quetelet II Index. It is a ratio of body mass in kilogram divided by the square of height in metres. Determination of the Body Mass Index is of key importance for assessing the hazard of overweight and obesity related diseases, such as e.g. diabetes, ischaemic heart disease or atherosclerosis. It is assumed that higher BMI values are associated with greater health hazards.⁷

The data contained in the report are presented in a clear and reader-friendly manner. The authors of the report pay special attention to those countries where the percentage of overweight or obese population is the highest and the lowest as compared with others, giving the name of the state and the relevant percentage.

⁵ The EU in the world (2015): 39–49.

⁶ WHO: Global Database on Body Mass Index.

⁷ Stupnicki, Tomaszewski (2006).

...the highest proportions of the population that were either obese or overweight were observed for Mexico (71 %) and the United States (69 %). By far the lowest proportions were observed for South Korea (32 %) and Japan (24 %).⁵

Moreover, analysed were the differences between sexes in individual countries and pointed out were those where those disproportions are the greatest.

The proportion of men who were overweight or obese was greater than the equivalent proportion of women in all G20 members... except for Turkey and Mexico. The widest gender differences were recorded in Australia and Canada.⁵

The comparative analysis is thorough and concerns specific and diverse examples based on data from various geographical areas.

Among the G20 members for which data are available there is far greater variability in the proportion of the population who are obese than among the population who are overweight. Japan and South Korea recorded particularly low proportions of the population that were obese, while the United States reported the highest proportions. In Turkey and Mexico there were large gender differences in the proportion of the population that were obese, with the proportions for females particularly high.⁵

It should be borne in mind that the analysis of obesity or other civilizational problems contributed to greater health security, since the general health condition of the society is one of the key factors in the context of the impact of health on a country's security.

Another indicator considered by the report's authors is the proportion of smokers and drinkers in the societies of different countries. Again, they indicated the countries where those values deviate from the other being the highest or lowest percentage.

France, Russia, Germany, the United Kingdom and Australia recorded the highest annual alcohol consumption among G20 members in 2011 or 2012, at 10 litres or more of alcohol per inhabitant.⁵

Moreover, in the case of low consumption a potential reason was indicated associated with the religious beliefs dominating in the given countries, which may strongly affect their lifestyles, and thus be reflected in the statistics.

The lowest average levels of alcohol consumption were recorded for Turkey, Indonesia and India, and may be influenced to some degree by the predominant religious beliefs in these countries.⁵

Attention was also given to such countries as Russia, France, China or Turkey, where the percentage of smokers was the highest. "Russia reported by far the highest proportion of daily smokers, just over one third (34 %) of the population aged 15 and over.

Around one quarter of the population in France, China and Turkey smoked daily, with the incidence of daily smoking among the populations of G20 members dropping below 15 % in the United States, South Africa, Brazil, Mexico and India...”⁵

Moreover, as regards this issue a comparable aspect were again the differences between women and men.

The widest gender differences were recorded in China — where nearly half of all males were daily smokers compared with just 2 % of females — followed by Russia, South Korea, Turkey and Japan. The narrowest gender differences were recorded for the United States, Australia and the United Kingdom.⁵

The most important issues presented in the quoted fragment of the report is information concerning life expectancy as well as availability of certain health care services. The methodology for presenting this information is again focused on indicating those states where life expectance is the longest or the shortest with the enumeration of factors which may be connected with the observed results. Such countries as Japan, Australia, Canada or South Korea were listed as those in which life expectancy is the longest – 80 or more years.

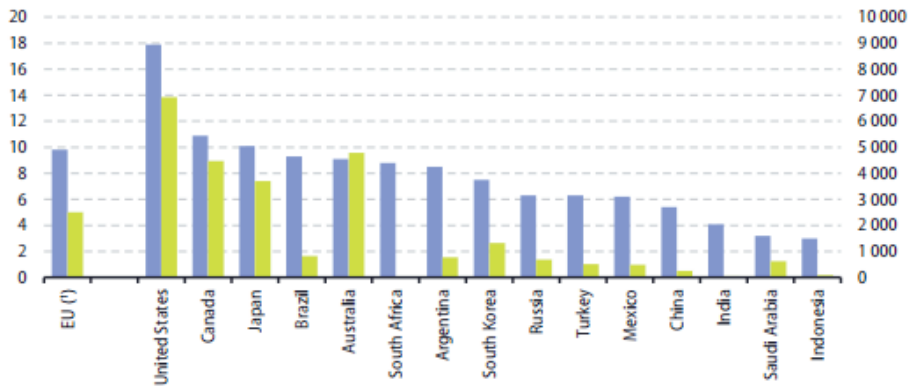
Among the G20 members, the highest life expectancy at birth in 2012 was in Japan (84 years), while in Australia, Canada, South Korea and the EU-28 life expectancy also reached or passed 80 years.⁵

The list of the countries where this value was around 70 included Russia. This value was by 4 years lower for India, and in South Africa did not exceed 60 years. This may be a reflection of the impact of the HIV/AIDS epidemic in those areas. It was noted that in the case of all G20 countries life expectancy for women was greater.

In all G20 members life expectancy was higher for females than for males: the gap ranged from three years in China to seven years in Brazil, South Korea and Japan, with the 12 year gap in Russia well above this range.⁵

Another value which was considered in the analysis was also disability-free life expectancy. The highest value in this category at 75 years was recorded in Japan, whereas in Australia, South Korea, Canada and the United States that value also reached or passed 70 years. However, in such areas as India or South Africa it was much lower and amounted to 57 and 51 years, respectively. As regards this value the difference between men and women was generally smaller than in the case of life expectancy and was from two to five years in case of all G20 countries with the exception of Russia, where it amounted to as much as 9 years. The presented data have been translated on the basis of an excerpt from the report. Therefore, a similar tendency when conveying key information can be noted. Again, numerical data were presented for states with extreme results, i.e. highest and lowest within a given subject area, as well as the comparison between the sexes.

Fig. 1. Expenditure on health care in individual countries in relation to GDP, 2012.5



The graph presented in Fig. 1. shows the amounts expended on health care in selected countries in relation to Gross Domestic Product (GDP) (blue scale) and the amount of euro spent per inhabitant (green scale).

It should be noted that this information is of special importance from the viewpoint of the health security strategy. Analysing these and earlier data appropriate measure may be employed aimed at preventing an outbreak of certain diseases, which in a longer run will allow to reduce the consumption of means allocated for treatment of certain patient groups. On the other hand, a more important conclusion is the analysis of per capital expenditure on health care in the context of having an adequate emergency reserve in case of an outbreak of an epidemic or a rapid growth in morbidity.

The last group of information contained in the 2015 Eurostat report which is worth presenting concerns the use of health care resources in selected countries in the years covered by the survey.

Table 1. Information on selected health care indicators per 100 000 inhabitants.⁵

	Number of hospital beds		Number of physicians (¹)		Number of nurses and midwives (²)		Number of dentists (³)	
	Latest year	Value	Latest year	Value	Latest year	Value	Latest year	Value
EU-28	2011	535	2012	342	2012	869	2012	66
Argentina	2010	450	2004	316	2004	48	2004	92
Australia	2009	380	2011	327	2011	1 065	2011	54
Brazil	2010	240	2013	189	2013	760	2009	118
Canada	2009	320	2010	207	2011	929	2008	126
China	2009	420	2010	146	2010	151	2005	4
India	2005	90	2012	70	2011	171	2012	10
Indonesia	2010	60	2012	20	2012	138	2012	10
Japan	2009	1 370	2010	230	2012	1 149	2010	79
Mexico	2009	160	2011	210	2011	253	2011	12
Russia	2006	970	2012	491	2006	852	2006	32
Saudi Arabia	2009	220	2009	77	2009	234	2009	9
South Africa	2005	280	2013	78	2012	490	2013	20
South Korea	2009	1 030	2012	214	2012	501	2012	45
Turkey	2009	250	2011	171	2011	240	2011	29
United States	2009	300	2011	245	2005	982	2000	163

Summing up the issue contained in this fragment of the extensive report, which apart from the health aspects contains also a lot of other strategic information, it may be noted that having even a small amount of data concerning the cross-section of health problems that occur in the selected countries and the capacities of the health service it is possible to make preliminary strategic decisions for health security. Regrettably, the report does not provide any information with respect to Poland.

2017 Health in the Americas Report⁸

The report *Health in the Americas* was prepared as one of the topmost tasks of the statutory activities of the Pan American Health Organization (PAHO).⁹ The publication is brought

⁸ PAHO (2017).

⁹ PAHO Strategic Plan 2020–2025.

out every five years. It contains a great deal of information on the health status of the population in South, Central and North America. The data contained in that publication is a powerful source of information about the fundamental problems and challenges of the American health service (the term American is used here as referring to the entire American continent). The report is so extensive that apart from collective information – which will be the focus of this article – it contains also chapters devoted to each country individually. When analysing that report one gets a very clear picture that its authors were motivated by the problem of health security, as it tackles several key issues associated therewith.

Discussed are such topics as:

- Chronic diseases (e.g. cancers, circulatory diseases, diabetes, depression, disabilities);
- Age of the population and demographic changes (based on three basic statistics, i.e. number of live births, number of deaths and migrations);
- Climate changes (by many experts indicated as the original cause of changes in health security);
- National and international migrations;
- Inequities and barriers in health systems.

The reports starts with basic information on population distribution and what percentage of the global population lives in the Americas:

In 2015, 7.3 billion people lived on our planet. The population of the Americas totaled 992.2 million, 13.5% of the total. In terms of subregions, 357.8 million people were living in North America and 634.4 million in LAC (36.1% and 63.9% of the total, respectively).⁸

Introduced was also a division into populations inhabiting individual regions of the Americas, as well as more specific data concerning the selected states with numerical data given in millions and in percent.

At 207.8 million, Brazil's population accounted for 20.9% of the LAC total; the Andean Area's 137.6 million accounted for 13.9%; Mexico's population of 127 million represented 12.8% of LAC; the 71.4 million in the Southern Cone accounted for 7.2% of the LAC population; the 45.7 million in Central America made up 4.6% of the LAC population; and the 44.7 million living in the Caribbean represented 4.5% of the LAC population.⁸

It was underlined that in North and South America there are such countries as Brazil, Mexico or the United States, which are included in the list of 10 most populated countries of the world, as well as Montserrat – a country with one of the smallest populations in the world numbering merely 5125 inhabitants.

Therefore, it can be seen that the report presents information with regard to two points of reference, i.e. both with respect to the Americas' regions themselves, as well as in the global context.

Described were not only the data for 2015, but also the trends for 5 preceding years.

In the last 5 years, the Region added 27.5 million people in LAC and 10.8 million in North America. Although these figures denote a sizable absolute increase, they

reflect a moderate annual average growth rate (1.12% in LAC and 0.78% in North America).⁸

It was noticed, however, that the population increased, the growth rate was slower than recorded in the 1950s in the same areas. This shows that the analysis was relatively thorough and reached back to an earlier timeframe than the last years only.

This rate of population increase was slower than the annual rate the two subregions recorded in the early 1950s (3% and 2%, respectively).⁸

Noted were also particular difference between individual countries in specific timeframes, and the analysis was backed with concrete numerical examples.

Furthermore, and due to national differences in progress towards demographic transition, there was great diversity in the current growth rate among the countries of the Americas. Between 2010 and 2015, for example, Cuba had an average annual population growth rate of 0.14%, while Guatemala's rate was 2.1%, the total population and average annual growth rates of the countries of the Region.⁸

Further on, the report presents population's mortality taking into account the share of communicable, non-communicable and other diseases, as well as maternal and infant mortality. Both were presented in three time brackets, namely: 2002–2005, 2006–2009, 2010–2013. The general conclusion that may be drawn on the basis of this analysis is a constant

decline of mortality in both groups. This means that prophylactic measures introduced in 2002–2013 bring about measurable effects and they should be continued in the future.

The subsequent section focuses on the analysis of critical health problems of people in the Americas, such as:

- Flu;
- Cholera;
- Resistance to antibiotics;
- Natural disasters;
- Foot-and-mouth disease;
- Diseases transmitted by vectors (plants or animals);
- Chronic communicable diseases;
- Zoonoses.

Each of the sub-chapters presents statistics and extremes in the occurrence of those cases at a given time. This is important as it allows for analysing the need to intensify preventive efforts in certain areas of the Americas in order to improve their effectiveness. The majority of those cases have a key impact on region's health security. What is more, it is generally considered that some of them may even be used as a biological weapon.

Another important topic dealt with in the report concerns chronic diseases caused by external factors. It is a very important sub-section due to the fact that it is the cause of an overwhelming majority of deaths recorded in the Americas.

Every year in the Americas, non-communicable diseases (NCDs) are responsible for nearly four of every five deaths (79%).⁸

It turns out that this number may even grow in the forthcoming decades – the authors of the report present basic indicators which may contribute to it.

This figure is only expected to increase in the next decades as a consequence of population growth and aging, urbanization, and exposure to risk factors.⁸

This shows another approach to health security, that is a cause-and-effect analysis and predating a situation which may occur in the future on the basis of observing social factors. In order to present the gravity of the problem listed are the diseases which are main causes of deaths and their percentage shares.

Cardiovascular diseases (38%), cancer (25%), respiratory diseases (9%), and diabetes (6%) are the four leading causes of NCD deaths.⁸

Apart from presenting non-communicable diseases, the report outline also a number of collateral causes of their occurrence, which are as follows:

The four leading NCDs (cardiovascular diseases, cancer, respiratory diseases, and diabetes) share four risk factors: tobacco use, harmful use of alcohol, unhealthy diet, and physical inactivity.⁸

Additionally mentioned are metabolic and physiological changes accompanying those diseases, that is which may occur as their consequence,

These in turn lead to other key metabolic/physiological changes such as raised blood pressure, overweight/obesity, raised blood glucose, and higher cholesterol levels.⁸

Such a presentation of information constitutes another important function of health reports, that is making the society aware what behaviours should be avoided in order to prevent a given non-communicable disease. Showing the diseases with their potential causes may spur a change of lifestyle and thus minimise the risk.

Other factors affecting the health status of American citizens include the following:

- Mental health;
- Road traffic injuries;
- Violence (including violence against children), as well as the described long-term consequences of violence;
- Workplace safety, with special regard to accidents at work;
- Children's health and presentation of mortality in children at various stages of their life as well as disability and morbidity caused by most popular diseases;
- Adolescent health as a separate sub-section concerning people in the age bracket of 10–19 years. It is an expanded sub-section, which apart from the basic health statistics for different countries in the Americas raises also the issue of education, nutrition, use of substances (alcohol, tobacco, psychoactive substances) as well as matters of adolescent sexuality;
- Maternal health and the human development index (HDI), which is a synthetic measure describing the level

of socio-economic development of individual countries;

- Health of older persons

The following part of the report concerns the health care condition in various countries of the Americas. Indicated were the aspects illustrating inequitable access to health care in various countries:

„Guaranteeing the universal right to health will remain simply an aspiration if the profound social inequalities underlying the health gaps in the Region are not addressed.”⁸

Empirical studies were invoked, which are an evidence of a strict relationship between the socio-economic situation in the country and health condition of its citizens.

Empirical studies offer clear proof that the population groups with the worst health outcomes in the countries of the Region also are those that exhibit the material manifestations of socioeconomic inequality, including low income and consumption levels, poor housing, precarious jobs, limited access to quality health services, fewer educational opportunities, inadequate access to clean water and sanitation services, marginalization, exclusion, and discrimination.⁸

The authors underline that the process of aging of the society may be to a certain degree predicted with the uses of appropriate demographic change models, though there are also other factors, such as various types of migration, economic crises or climate change consequences, which are much more susceptible to the impact of fortuitous factors. Emphasized

is the role of communities and civil society in the process of sustainable development and introduction of necessary changes in social policy. Of key importance turns out to be the so-called “life-course approach”, that is a theory according to which events are analysed in the context of social structures and cultural factors, which allows for discerning a close relationship with a change of views as regards health and developmental issues.

Its consequences concern not only clinical and epidemiological practice, but also organisation of health services and human resources.

Presented is also information on collaboration of various sectors, both nationally and internationally as the health care challenges it involves. Emphasis is placed on the need for close inter-sectoral cooperation and striving at sustainable development. Taken into account were also the relations between technological and socio-economic development.

In the conclusions the authors point out changes in the statistics since the time of the previous report and indicate the key areas which should be taken into account in the context of health care and preventive measures, which may change people’s habits in the Americas.

The report is a very accurate compendium of knowledge as regards many aspects of health of the population in the Americas. Its analysis allows for adopting deliberate and effective measures concerning health security. In particular, information on communicable and non-communicable diseases, the latter being frequently caused by civilizational changes, may be significant for taking strategic decisions in the area of health security.

Health Report, United States 2019¹⁰

It is a report focusing on the health status of US citizens.

Its form is similar to the report published by PAHO, though there are several significant differences. The main reason is the fact that the analysis can be carried out within a single country only, without the need to present statistics for two continents.

In the first part of the report, its authors describe how life expectancy at birth has changed over the past 10 years.^{11,12,13} This information is given in various year brackets and – what is interesting – divided into racial groups, i.e. Latinos, White not Latino and Black not Latino. Generally, the conclusion is as follows:

In the United States, life expectancy at birth was 78.7 years in 2018, 0.5 year higher than in 2008 . Despite the overall increase in life expectancy at birth over the period, life expectancy declined 0.2 year from 2014 to 2017, then increased 0.1 year in 2018. Increases in mortality from unintentional injuries, Alzheimer's disease, and suicide have contributed to the recent decreases in life expectancy.¹⁰

The distinction as to skin colour is used in this report for the majority of statistical tables.

¹⁰ US Department of Health and Human Services (2019).

¹¹ World Health Organization, *Global Health Observatory (GHO) data: Life expectancy and healthy life expectancy: Life expectancy at birth (years)*.

¹² Kochanek, Anderson, Arias (2020).

¹³ Murphy, Xu, Kochanek, Arias, Tejada-Vera (2021).

The analysis of life expectancy is followed by information on the causes of infant mortality by race.^{14,15,16,17} The leading causes of death include congenital malformations, preterm birth and low birthweight, sudden infant death syndrome (SIDS), maternal complications of pregnancy and unintentional injuries (accidents) – all in all they accounted for 51.6% of the total. The analysis of data obtained over ten years shows that regardless of race or cause the number of recorded deaths has declined.

For the majority of reported causes the observed decline is relatively large. However, there are issue where the recorded statistics remain on a similar level, though the downward tendency is maintained regardless.

From 2008 to 2018, the number of infant deaths per 100,000 live births decreased for deaths due to congenital malformations (from 133.74 to 118.71), preterm births and low birth weight (from 112.00 to 97.12), SIDS (from 55.33 to 35.11), and maternal complications of pregnancy (from 41.80 to 36.17). The rates of infant deaths from unintentional injuries in 2008 and 2018 were similar (30.92 and 30.83 infant deaths per 100,000 live births, respectively).¹⁰

Infant mortality is presented in this reports more extensively than in the preceding one since apart from social background also the cause or mother's age were taken into account.

¹⁴ Reidpath, Allotey (2003).

¹⁵ Ely , Driscoll (2019).

¹⁶ Hedegaard, Miniño, Warner (2020).

¹⁷ Wilson, Kariisa, Seth, Smith, Davis (2020): 290–297.

Further on, the authors analyse the most frequent causes of death of adults by sex.¹⁸ In this case, like in the case of the PAHO report, the most frequent causes of death include heart diseases, strokes, cancers, diabetes or lower respiratory diseases.

Drug overdose is another statistic taken into account in this section. What is interesting, it was not included in the previously discussed report. Again, figures are shown by sex and age brackets. It was shown that it continues to be one of the leading health problems in the US, and in 2018 alone 67 367 such cases were recorded. This number was, however, lower as compared with 2017 (70 237 death), though significantly higher than in 2008 (36 450 deaths). In 2018, the majority of cases (69.5 %) were associated with the consumption of opioids.

This is followed by information on the number of suicides by sex and means. The conclusions indicate an upward trend in the years 2008–2018.¹⁹

Information on quantities and type of tobacco smoked or mortality rates due to individual diseases are similar to information contained in the PAHO report.^{20,21,22,23,24,25,26}

The second part of the report provides information on the number of physicians and dentists in different states as well as data illustrating what percentage of the society

¹⁸ Hu, Wilcox, Wissow, Baker (2008): 589–593.

¹⁹ Hedegaard, Curtin, Warner (2020).

²⁰ Phillips, Robin, Nugent, Idler (2010): 680–688.

²¹ Centers for Disease Control and Prevention.

²² Xu, Murphy, Kochanek, Arias (2020).

²³ Alkema, Zhang, Gemmill (2015).

²⁴ Rossen, Womack, Hoyert, Anderson, Uddin (2020).

²⁵ Hoyert, Miniño (2020).

²⁶ Hoyert, Uddin, Miniño (2020).

does not have adequate access to medical care due to costs. The average number of physicians in each state amounts to about 278 per 100 000 inhabitants and varies from 188 to 672.^{27,28,29,30,31,32,33}

The last descriptive part of the report provides information on how much the inhabitants spend on health care and health insurance.³² It should be borne in mind here that the health care system in the United States is financed in a significantly different manner than in Poland or in Europe, so information of this type is of key importance.

A large portion of data in the following part of the report is presented in the form of detailed tables, which in the opinion of the author of this review is a clearly legible format and allows quickly to reach the data necessary for making decisions associated with health security.

“The world health report 2007, a safer future, global public health security in the 21 century” Report³⁴

It is an extensive publication devoted to health security, which comprehensively covers the aspects associated with the main topic of the report.

The major issue covered in the report are the statistics of public health events that took place in the period from September 2003 to September 2006. The greatest number of such

²⁷ 42 USC – 1997

²⁸ Pub L No 111–148, 124 Stat 119. 2010.

²⁹ 42 USC 1395–1395lll. 1965.

³⁰ US Department of Health and Human Services (2008_.

³¹ Douthit, Kiv, Dwolatzky, Biswas (2015).

³² Hartman, Martin, Benson, Catlin (2019).

³³ 42 USC 1396 et seq. 1965.

³⁴ World Health Organization (2007).

cases – as many as 288 – occurred in Africa. It is almost one half of the total of 685 incidents and shows how much attention should be given to this problem. It should also be emphasised that this is not the number of all medical incidents, but only those which were assessed as having a potential to affect the health situation all over the world.

The initial part of the report also provides information on the occurrence of chemical and radiological contamination, or environmental disasters. Although many people do not associated this information directly with health security, those threats may, however, have a great impact and should be also analysed and monitored.^{35,36}

Further on, discusses were a number of threats for global public health security which are caused by human actions, chemical and radioactive events as well as natural phenomena. It shows how inadequate investments in public health, resulting from a false sense of security in the absence of infectious disease outbreaks, can lead to reduced vigilance and a relaxing of adherence to effective prevention programmes.³⁷

The analysis of various cases emphasises the need to employ preventive systems, even if a given threat temporarily subsides, as it turns out that many threat that are considered eliminated may reoccur after a number of years.

This fragment rather forthrightly shows that preventive measures, which are ever more frequently marginalised, should not be neglected. Such issues and reoccurring diseases

³⁵ United States General Accounting Office (2002).

³⁶ Jernigan, Raghunathan, Bell, Brechner, Bresnitz, Butler et al. (2002).

³⁷ World Health Organization (2004). Fenner, Henderson, Arita, Ježek, Ladnyi (1988).

and situations affecting health security should be monitored also in Poland and the immediate vicinities of our country.

Apart from monitoring the diseases and threats which have been considered to have been taken under control, the health situation in the world has to be kept under surveillance as regards the occurrence of new diseases. Such analysis is found in the further part of the report.

As an example it outlines three new health threats which occurred in the 21 century – bioterrorism in the form of anthrax letters in the United States in 2001, the occurrence of SARS in 2003, and mass-scale dumping of toxic chemical waste in Côte d'Ivoire in 2006.³⁸

In the contexts of what happened in recent months it is worth paying special attention to the fragment on the SARS virus disease which occurred in 2003. The importance of that event was underlined because it had been a new, previously unknown pathogen of potentially serious international implications not only to public health, but also economic security. Noted were the characteristics of the SARS disease, such as the spread of the virus from person to person, no particular geographical affinity or a slow process of incubation.

The most serious consequences had been recorded among hospital staff, and the virus proved lethal to around 10% of those infected.³⁸

It should be noted that such information was provided already in the report published in 2003.

The second part of the reports presents possible means aimed to prevent the spread of diseases and threats to health security. Mentioned are cases when prompt response

³⁸ World Health Organization (2004). Fenner, Henderson, Arita, Ježek, Ladnyi (1988).

of the international community resulted in eliminating the hotspots of diseases that occurred in the past. Pointed out is the need to prepare the health care system for the pandemic situation and guarantee a sufficient reserve of medications (if it is possible to cure the disease with drugs). An example of virus H5N1 containment is described below:

Working together, WHO and some Member States created international stockpiles of oseltamivir, an antiviral drug that potentially could stop transmission in an early focus of human-to-human transmission.³⁴

The goal of the pharmaceutical industry was to continue the search for an effective vaccine. In 2007, outbreaks in poultry continued, as did sporadic cases in humans, but a pandemic virus failed to emerge. It was, however, agreed that the question of a pandemic of influenza from this virus or another is still a matter of when, not if.^{38, 39, 40, 41, 42}

As a summing up it is worth quoting a fragment where the authors indicate major elements that may prevent the outbreak of a pandemic or minimise its consequences.

No single country – however capable, wealthy or technologically advanced – can alone prevent, detect and respond to all public health threats. Emerging threats may be unseen from a national perspective, may require a global analysis for proper risk assessment, or may

³⁹ *Summary table of SARS cases by country, 1 November 2002–7 August 2003.*

⁴⁰ World Health Organization (2003).

⁴¹ World Health Organization (2006).

⁴² *Enhancing capacity building in global public health* (2006).

necessitate effective coordination at the international level.⁴²

The report raises the problems associated with communicable diseases in the fullest way out of those so far described. It begins with a historical outline, which is to be always remembered since in the past our civilisation has experienced many pandemics of communicable diseases. Then it presents selected statistics and examples of coping with pandemics. Finally, it presents major means aimed at preventing threats to health security.

Analysing this report, which covers the period from 2003 to 2006 and was published 13 years ago, one gets an impression that many comments and suggestions as well as health security problems that have been already solved, continue to reoccur. This means that our civilisation still lacks effective instruments for fast monitoring and responding to the outbreaks of communicable disease pandemics.

State of Health in the EU Report, Country Health Profile 2019⁴³

It is a report published for each Member State of the European Union. This review presents only the general assumptions considered in this publication, without analysing information contained therein for individual Member States.

The introduction provides basic data on the number of inhabitants, GDP per capita and the share of population over age 65. The information presented concerns the following:

⁴³ OECD/European Observatory on Health Systems and Policies (2019).

- Changes in the mean age of citizens over the past decade;
- The percentage of inhabitants with obesity, smokers, or the amount of alcohol consumed per capita;
- Health care expenditure;
- Patient mortality;
- Health care accessibility;
- Percentage distribution of the level of education in society;
- Mortality rates caused by individual diseases;
- Distribution of the number of medical staff in various regions of the country.

Such reports which are produced for all countries offer information on the health service and overview of society, but too little data that could be analysed in the context of health security.

Global Health Security Index⁴⁴

The Global Health Security Index (GHS Index) is the first comprehensive index which allows for an objective comparative assessment of global health security capabilities in 195 countries – WHO members in 2005. The index was introduced in order to standardise health security issues and show how individual states are ranked (the analysed ranking was published in 2019). The Global Health Security Index has been based on 140 questions organized across 6 categories, 34 indicators.

⁴⁴ Global Health Security Index (2019).

The result for each country may vary from 0 to 100 – it is the sum total of six categories with appropriate weights. Each category is awarded a score on the scale of 0 to 100, where 100 means the most favourable and 0 the least favourable health security conditions. However, weights applied in this model are dynamic and may be changed by users.

The GHS Index is organised across six categories:

- Prevention
- Detection and reporting
- Responding
- Health care system
- Meeting of international norms
- Risk environment

The index was introduced with a view to the fact that at the time of large migrations borders were no longer barriers to the spread of communicable diseases. Global security make it necessary for all countries to prevent, detect and quickly respond to public health emergencies. Every country also has to employ clear criteria as regards its ability to contain a pandemic within its borders, guarantee security to its neighbours and prevent international disaster.

The introduction of the Global Health Security Index (GHS Index) is of enormous importance not only as a motivator for the lowest ranked countries to improve the worst indicators, but also to show higher ranking countries that their internal health security is at risk if they do not support efforts in the countries with the lowest GHS Index.

From the global viewpoint, the introduction of the GHS Index is a very good move since it standardizes certain measures which have an impact on world health security. On

the other hand, very important are local efforts and local control of crises which otherwise may soon become global. The transparency of procedures will undoubtedly be a factor favourably contributing to protection against the situations which occurred alongside the spreading of COVID-19.^{45,46}

**Report of the Supreme Chamber of Control:
Health care system in Poland – the current status
and desirable directions of changes, 2019⁴⁷**

As the most extensive report on the status of the health care system in Poland the 2019 report of the Supreme Chamber of Control should be included in this review. The work focuses on fundamental problems experienced by the health care system and presents extensive recommendations as regards solutions which should be implemented in order to improve the health care system in Poland. Worth noting is the fragment concerning the number of microbiologists per hospital. In all cases that figure is below 0.5, while the number of microbiologists for an entire voivodship varies from 0 to 18 people. Taking into account what happened at the beginning of 2020 and continues until today that number is alarmingly small, which was also underlined by the authors of the report already in 2019. Generally, the report emphasises the problem of medical staff shortages in Polish health care facilities. Similar is the situation as regards adaptation of hospitals to general spatial and sanitary requirements – according to the Ministry of Health out of the total of 955 as many as 875 did not meet the requirements.

⁴⁵ Razavi, Erond, Okereke, (2020).

⁴⁶ Boyd, Wilson, Nelson, (2020).

⁴⁷ Raport Najwyższej Izby Kontroli (2019).

Obviously, like the reports presented earlier, also this one presents per capita expenditure on health care as a percentage of the GDP, average value of health services, number of hospitals per 100 000 inhabitants, or the structure of health services.

Further on, the report provides information as to accessibility of general and specialised health care for inhabitants, as well as the statistics concerning waiting time for health services. It also shows the issue of the lack of specialised care in many voivodships. The reports points out a problem of significance for health security, namely that the level of microbiological testing in medical facilities was much lower than in West European countries.

The report also pointed out the need to improve the quality and comprehensiveness of patient records, which should include more information on health problems, and underlined the need to improve prevention in the context of minimizing the costs of treating the complications (e.g. diabetes), the value of which frequently amount to many times the multiple of what has been spent on treating the diseases as such. As in the majority of the reports, also in this case cited are the statistics concerning deaths caused by the most frequent diseases and cancers.

A distinguishing feature were patient surveys and their results presented in the final part of the report.

The conclusions presented as a sum-up of the report are mostly pessimistic and show a lot of shortcomings of the current health care system in Poland. The report suggests possible solutions and shows how Poland ranks as compared with other European countries. Regretfully, the reports only marginally tackles the problem of health security within the meaning according to which it is defined in this study.

The report of the Supreme Chamber of Control is a source of information on the condition of the Polish health service, though it does not raise those aspects which were discussed in the US or global health security reports. No information on migrations within the country or between the neighbouring countries, security procedures at travel terminals or information on chemical, biological or natural hazards is a significant shortage in the context of health security.

Conclusions

The brief analysis of available health security reports shows that in Poland there is a lack of extensive analyses and data pertaining to this subject, which in the times of globalisation and the COVID-19 pandemic is particularly precarious. Only detailed and in-depth examination of the current health security situation from the viewpoint of communicable diseases, climate change, migrations, toxic, radiological or environmental incidents would allow for an adequately early identification and prevention of situations which may have an impact on broadly conceived health security.

As we could see for ourselves during the COVID-19 pandemic health security concerns not only health care problems, but also economic recession, which may lead to riots and armed conflicts. The current pandemic revealed also other social problems, such as the declining level of schooling as a result of remote learning at all levels of education. Besides, there are also health problems due to lesser physical activeness of children and youth and deterioration of their eyesight as a result of long hours spent in front of computer monitors under remote learning. Long-term consequences of the continued pandemic may be much more serious than

it could have been predicted at the first glance. One should note depression and poorer personal contacts, which may be maintained solely vis electronic communicators.

A state which does not pay adequate attention to health security becomes an easy prey for an external aggressor. That is which the author of this work believes that regular health security reports should be produced in Poland and the dynamic situation monitored in order to be able to prevent or if need be minimise the consequences of hotspots of communicable diseases, natural phenomena or incidents caused by human actions.

Of course, there are several publications on the subject of health security in Poland, namely: Benedykt Bober's "Bezpieczeństwo zdrowotne jako istotny komponent bezpieczeństwa państwa", 2016,⁴⁸ Paweł Grzywna's "Bezpieczeństwo zdrowotne — wprowadzenie do problematyki", 2015,⁴⁹ or Paulina Maria Nowicka's and Janusz Kocik's "Zewnętrzne zagrożenia bezpieczeństwa zdrowotnego Polski", 2018.⁵⁰ Although the above are very good scholarly publications on health security in Poland, they are not comprehensive reports that should regularly be prepared to ensure effectiveness of adopted measures.

Detailed information on the contents and diversity of the analysed reports described in the previous sections of the article shows that health security is a broad notion made up of many intermediate factors. Depending on a report, their authors devote attention to various aspects contributing to the health situation in a given area. The most important information presented in the majority of them include:

⁴⁸ Bober (2016).

⁴⁹ Grzywna (2015).

⁵⁰ Nowicka, Kocik (2018).

- Population's structure;
- Population's age, life expectancy;
- Migrations,
- Civilizational problems (e.g. overweight, obesity);
- Problems with substances (alcohol consumption and cigarette smoking);
- Chronic diseases (e.g. cancers, diabetes);
- Available health service resources (number of physicians and their distribution in individual regions of a state, expenditure on health care, barriers and limitation as regards universal accessibility);
- Population's mortality rate with an indication of main causes of deaths (general information and data for specific age groups, e.g. infants);
- Health condition in individual health brackets (children, adolescents, adults and older) – including mental health;
- Chemical and radiological contamination and environmental disasters.

Apart from the presentation of necessary statistics on the above described issues, which illustrate the current situation in a state, authors of a health security reports are responsible for carrying out a detailed analysis, taking into account the following factors:

- Diversification of individual aspects by sex;
- Changes taking place over time;
- Causes of prevalent diseases;
- Consequences of diseases (metabolic and physiological changes);

- Linking the incidents with cultural and social factors (how society's beliefs affect observed health statistics;
- Detailing possible means to counteract the threats.

The quality of reports for the United States, the Americas or the world should be a valuable clue for the authors of such reports in Poland. Their analysis shows what information should be contained in such reports and how comprehensively they should describe the issue of health security.

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