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**Civil-military Relations in Estonia:
Legal Background and Contemporary Discourse**
The Estonian Case

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1 Historic Context

Estonia as an independent state was proclaimed on February 24, 1918. Just after proclaiming independence, the Estonian Army was established on the basis of Estonian Division of Russian Army. The later was set up by Temporary Government of Russia after the Bourgeois Revolution (February 1917). By February 1918 Estonian Division had 750 officers and 35 000 soldiers. Under pressure of Germany, Estonian Army was dissolved in May 1918, while the Kaitseliit (Defense League, voluntary military formation) was set up.

After capitulation of Germany in World War I (November 1918) Estonian Army was restored. In 1918-1919 Estonia was involved into Liberation War against local Estonian Labor Commune, supported by Red Army, units of White Army, which called in favor of indivisibility of Russia, and German Landesver. At that period manpower of the Army reached 100,000 people. After finalizing the war, according to the Tartu Peace Treaty (2 February, 1920) Soviet Russia recognized independence of Estonia. In July 1921 independence of Estonia was accepted by Germany.

Following the initial period of democratic development in independent Estonian Republic, in 1934 (like in other Baltic States) strong presidential Republic led by Konstantin Pats¹ was established, when political parties except the ruling Isamaaliit (Pro Patria) were prohibited. One of the incentives of the Pats's coup was fear that a representative of than extremely popular Movement of Liberation War Veterans would win presidential elections.

The role of the military substantially increased during the period of 1934-1940, and the position of the Commander-in-Chief of Defence Forces was re-introduced. It meant that Commander-in-Chief got extraordinary rights, almost equal to presidential. It derives from the Article 138 of the Constitution of the Republic of Estonia 1937 (entered into force January 1938) which provided the following: „The President of the Republic has the right in the cases specified by law to appoint a Commander-in-Chief in the place of the Commander of Armed Forces even in time of peace. In such cases the Commander-in-Chief has in addition to the powers of the Commander of the Armed Forces, the right to issue in accordance with the principles determined by the law, instructions and orders even to officials and institutions not directly under his control with regard to the maintenance of internal and external security.”² This Constitution established subordination of the

1 Here and further the spelling of Estonian names and surnames is given without some original signs of Estonian alphabet.

2 The Constitution of the Estonian Republic. Seaduste Kogu (Code of Laws), Band I, Edition of 1938, Part 1, Law No 1.

Commander-in Chief only to President. The latter in case of war had to consult the former on the issue of assigning or dismissing the Government (Article 140). The legislation was specially made for (future) General Johannes Laidoner, the hero of the Liberation War and the co-organizer of the 1934 coup d'état. He stayed the second person in the Estonian power vertical up to 1940. Then he is considered to be among a few higher rank politicians who suggested resistance to the incoming incorporation into the USSR. It is remarkable, that while the role of then President Konstantin Pats is at least disputable (he is often accused of pro-Soviet orientation or at least in collaboration with the occupation regime), the name of Laidoner is much more respected and the Estonian Military Museum is named after him.

Like with Lithuanian case, the question why no resistance against the Soviet troops was carried out is currently discussed. The opinions range from explaining that such policy helped to preserve substantial number of Estonians alive to accusing the authorities of that period of providing legitimate basis for incorporating Estonia into USSR.

So, in 1940 Estonia was incorporated into Soviet Union according to the results of Soviet-German Molotov-Ribbentrop Pact protocols on division of influence spheres in Eastern Europe (August 1939). In August 1940 Estonian Army was re-organized into Territorial Infantry Corps and put under control of Soviet political bodies. During the World War II Estonia was occupied by Germany. Estonians were enlisted both into German and Soviet Red Armies. The 8th Estonian Infantry Corps was created in 1942 and was functioning during entire war as a unit of Red Army, participated in liberation of Estonia of Nazi troops. In September 1944 German troops evacuated Estonia and Soviet control was restored.

The Estonian Defence Forces were formally re-established in September-October 1991, just after Estonia *de facto* became independent after failure of the Coup in Moscow (August 19-21, 1991). The voluntary military formation - Defense League (Kaitseliit) and Border Guard as a para-military structure reinstated their legal status earlier, in 1990. It created certain problems for the Ministry of Defence (emerged in 1992) to take the superior role in military sphere, because formally Kaitseliit was not a public agency, but the organization established by people initiative. This is remarkable, that the War-Time National Defence Act (1994)³ was amended only in 2003 to define subordination of Kaitseliit to Commander of Defence Forces (though it was made in some other documents earlier - 1992). Former Deputy Head of the Defence League Juri Kadak later wrote that at the beginning of 1990-ies there were four legal powerful armed groupings (including Kaitseliit) which were competing for leadership in re-establishment of Estonian Army. Moreover, some political forces tried to use these armed formations to assume power in Estonia.⁴

3 SÕJAAJA RIIGIKAITSE SEADUS [War-Time National Defence Act]. RTI 1994, 69, 1194. Adopted 28. 09. 1994, entered 31.10.1994.

4 Переворот отменяется [Coup is Cancelled]. Interview with J. Kadak // Molodjzh Estonii, 26.02.1999, 02.03.1999, 05.03.1999, 09.03.1999, 12.03.1999, 16.03.1999.

In comparison with previous historic periods, the Defence Forces were created not my means of reorganization of previously existed units, but as a new entity. At the same time, Estonia got part of weaponry and military facilities of Soviet Army. The officers of Soviet Army who had a right to be treated as Estonian citizens („hereditary citizens“) could continue service in the Defence Forces. 60 of 432 identified Estonians with officer experience were opted into newly emerged Army⁵ (among them – the current Commander of Defense Forces Ants Laaneots). As the experts note, new Estonian – mostly former Soviet officers enjoyed quite limited trust from politicians, at least initially, as well as tried to apply old Soviet patterns of military organization.⁶

The attitude to other officers and Soviet military pensioners (about 10000)⁷ and members of their families (about 30000) residing in Estonia was quite rigid. By different means they were encouraged to leave Estonia, even if they had tough humanitarian link to Estonia (e.g. families there). *Inter alia*, this group of people still cannot apply for permanent residence permit (naturalization procedure for them is not allowed). The units of former Soviet army were entirely withdrawn from Estonia by August 31, 1994, though the Treaties on Withdrawing Troops and Guarantees to Military Pensioners were ratified by Russia and Estonia only in 1995-1996.

In June 1992 the Consitution of Estonia was approved on referenda. Its Preamble emphasizes that this document is adopted according to Article 1 of the Constitution of 1938 and is based on the state proclaimed in 1918. These provisions aimed at establishing continuity of the Estonian state. At the same time it was absolutely clear, that legal background of pre-war Estonia did dot correspond to new realities.

The Constitution outlines basic provisions of the State Defense in its Chapter X. It states that Estonian military servisemen cannot be members of political parties or be elected to representative bodies. Besides, it establishes that State Defense is headed by President of the Pepublic, and defines the list of laws to be adopted for management of the Army (Peace-Time National Defence Act, War-Time National Defense Act and others). Many of necessary documents were lacking for a long period. For example, the Peace-Time National Defence Act was passed by Riigikogu only in 1995. The Justice Counsellor criticized the Riigikogu as late as in 2000 that the Law on Organization of Defence Forces had not been adopted (and it is still absent).

5 Cottey A., Edmunds T., Forster A., Civil-Military Relations and Defence Planning: Challenges for Eastern and Central Europe in the New Era. ESRC Working Paper 09/00. Sussex, 2000. P. 22. <http://www.one-europe.ac.uk/pdf/w9cottey.pdf>

6 Kask A., Muurumets M., Young T. Approaching the Need for Defence Reform. Background and Outline of Suggested Estonian Defence Planning System. Proceeding of the Estonian National Defence College 1-2003. Tartu: 2003. P. 5.

7 Россия и Прибалтика. Доклад СВОП [Russia and the Baltic States. Council on Foreign and Security Policy Report]// Nezavisimaya gazeta, 28.10.1997.

2 Key Principles of the Civilian Control and Leadership in Estonian Defence Forces

Establishing democratic civilian control has not passed without difficulties. Some of them were rooted in history. As marked by M. Meigre, “the particular interpretation of the Soviet occupation in 1939-1940 suggests that some high-level officers may distrust the politicians and their capability to defend Estonia’s independence. The distrust originates from a belief that the military saved the young Estonian republic in the War of Independence, while the politicians sold it out to the Soviet Union by signing the mutual assistance act in 1939.”⁸

The other obstacles refer to instable relationship between state institutions in newly emerged state. In this context, the role of charismatic and respected first (post-Soviet) President of Estonia Lennart Meri (1992-2001) was much higher, than the spirit of Constitution and legal base stipulated. He preferred having the military under his control. For example, in 2000 he resigned the Commander of Defense Forces General J. Kert without explanation of reasons, just claiming that the management system of the General Staff had to be reorganized and improved. The opposition People Party accused Meri of provoking the constitutional crisis, reminding that “the Constitution explicitly states that the Commander of Defense Forces shall be appointed and resigned by the Parliament by suggestion of President, and double interpretation is impossible”.⁹ It was a normal during Meri’s presidency that National Defense Council was not called for years. The European Center for Security Studies report (2001) indicated that “division of roles between the President and Government is unclear”, while “the relationship between the Ministry of Defense and the General Staff are affected by a struggle over roles”.¹⁰ Besides, there was a problem of duplication between these two structures in a number of areas, like mobilization. This report referring to local experts expressed hope that under new President Ruutel the situation with division of power and establishing clear subordination of the military to Ministry of Defense providing for relevant civilian control over Army would improve.

National Military Strategy of Estonia makes a distinction between “the political and the military decision-making levels” and outlines three main principles of civilian control: subordination of military personnel to the constitutionally elected leaders of the state; high level of professionalism within the military and the recognition of the limits of their competence; competence in military issues of the state’s political leadership and state agencies, and their recognition of the need for professional military competence and of the

8 Maigre M. Gender Issue and National Defence in Post-Communist Societies. Presentation in Columbia University, SIPA, Harriman Institute. 12 April, 2007. <http://www.harrimaninstitute.org/MEDIA/00822.pdf>

9 BNS, 5 July 2000. Cit. from: Pribaltika. Information Bulletin of the CIS Institute. No. 10. 15.07.2000. <http://www.zatulin.ru/institute/sbornik/010/05.shtml>

10 Organizing National Defences for NATO Membership. CESS Report. Harmonie Paper 15. 2001. P. 24.

particular nature of the military sphere”.¹¹ In spite of these declarations, the issue of professional expertise is still subject to criticism.

First, the Ministry of Defense staffed almost exclusively of the civil servants, “which is clearly a misconception of civilian control over the military.”¹² The staff is mostly young, though due to available education opportunities its proficiency tends to grow up. In Soviet Union (like in all other countries of the Warsaw Pact) civilians were almost entirely excluded from military related expertise (this is still a matter of fact in Russia), while military and civic education systems were mostly separated except some technical specialties. Currently, the elements of civic military education appeared in Estonia, offering to students such courses as political science. Military institutes (like Baltic Defense College in Tartu) have opened their doors for civil servants. Besides, studies abroad are available as well. First of all, Defense Forces cooperates with Finnish military institutions and training centers (more than 200 graduates from Estonia). It is necessary to mark, that re-establishment of Estonian military formations starting from the Border Guard Service took place with support of Finland. This fact should be severely taken into account for better understanding of Estonian public discourse on military affairs.

Second, especially in 1990-ies, there was a clear shortage of trust to opinion of Estonian officers on the part of politicians. Than Chief of Staff Ants Laaneots complained to mass media that “many politicians think that it is better if some former British prison guard comes and gives advice but not their own soldiers.”¹³ Besides, some repatriated Estonians took important positions in military. For instance, former US Colonel Alexander Einseln became a General and Commander of Defense Forces (1992-1995).

Third, among members of the Parliament practically there are no people with military experience. Besides, MPs are subject to changing as a result of elections. On the one hand, they have opportunities to obtain knowledge through short-term courses, as well as through membership in Defense League. On the other hand, the expertise of (independent) think tanks is valuable, though due to objective resources their range is limited. In 2006 the specialized International Centre for Defense Studies was established. It is stuffed of former civil servants of MoD, as well as journalists, sociologists and experts in international relations. Besides, there is an Institute of International and Social Sciences at Tallinn University, the oldest related expert body on international relation and security in Estonia. In this circumstances, the expertise of foreign think tanks was valuable.

The process of integration into NATO which among other accession criterion included democratic civilian control over the military accelerated the process of institutionalization of

11 National Military Strategy. Annex to the Government of the Republic Regulation No. 10 from 18 January 2005 on Implementation of the National Military Strategy.

12 Organizing National Defences for NATO Membership. P. 25.

13 Cit. from: Herd G. Civil-Military Relations in Estonia, Latvia and Lithuania // Civil-Military Relations in Post-Cold War Europe. Sandhurst, UK: Conflict Studies Research Centre, December 2001. P. 62.

civil-military relations in Estonia. Though no changes in the Constitution were necessary, a number of legal acts were adopted or amended. Among them Peace-Time National Defense Act (new edition, passed June 12, 2002), The Act Concerning the Use of Defense Forces in Complying with the Estonian's State International Obligations, Defense Forces Service Act and National Defense Forces Development Plan by 2010. After accession new National Security Concept and Military Concept were adopted (2004-2005).

The highest leader (Supreme Commander) of the national defense is the President of the Republic advised in national defense matters by the National Defense Council comprised of the Chairman of the Parliament, the Prime Minister, the Commander of the Defense Forces (the Commander-in-Chief of the Defense Forces in wartime), the Defense Minister, the Minister of Internal Affairs, the Minister of Foreign Affairs and the Chairman of the Parliamentary National Defense Committee.

The President shall: "make proposals to the Riigikogu to declare a state of war, to order mobilisation and demobilisation, and to declare a state of emergency; declare a state of war in the case of aggression against the Republic of Estonia, shall order mobilisation, and appoint the Commander-in-Chief of the Defence Forces without waiting for a Riigikogu resolution; make a proposal to the Riigikogu, after hearing the opinion of the National Defence Council, for appointment to office of the Commander or Commander-in-Chief of the Defence Forces; appoint to and release from office, on the proposal of the Government of the Republic and the Commander of the Defence Forces, the leadership of the Defence Forces; bestow the military rank of officer pursuant to the procedure provided by law; call the National Defence Council; perform other tasks upon organisation of national defence assigned to him or her by other Acts. The President of the Republic has the right to request information on national security and national defence from all state and local government agencies and from the National Defence League. Such inquiry submitted by the President of the Republic must be responded to without delay."¹⁴

Executive power in the leadership of the national defense is executed by the Government of the Republic. Among the main duties, the Government shall submit the bases of security policy to the Riigikogu for approval; establish, by a regulation, the national military strategy on the proposal of the Minister of Defence; make a proposal, together with the Commander of the Defence Forces, to the President of the Republic for appointment of leadership of Defence Forces to office and release from office; establish, by a regulation, the procedure for preparation and carrying out of mobilisation.

Some defence related issues are to be resolved by the Security Committee of the Government, which shall consist of the Prime Minister, the Minister of Justice, the Minister

14 Peace-Time National Defence Act. (RT I 2002, 57, 354). Passed 12 June 2002.
<http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>

of Defence, the Minister of Finance, the Minister of Internal Affairs and the Minister of Foreign Affairs.

The Minister of Defence shall exercise supervisory control over the legality and expediency of the operation of the Defence Forces and where necessary, assign to the Commander of the Defence Forces the exercise of supervisory control over the legality and expediency of the activity of those who are subordinated to the Commander of the Defence Forces.

In peacetime the Estonian Defense Forces and the national defense organizations are led by the Commander of the Defense Forces, in wartime by the Commander-in-Chief of the Defense Forces (whose authorities might exceed the military staff only).

The parliamentary oversight is carried out through the Commission on State Defense. In different convocations of the Parliament the representatives of opposition were heads or deputy heads of this body, confirming transparency of military matters and certain degree of political consolidation on these issues.

The Commander of the Defense Forces and the Commander-in-Chief of the Defense Forces are appointed and released from office by the Parliament on the proposal of the President of the Republic (according to the acting edition of the Constitution and Peace-Time National Defense Act).

The General Staff of the Defense Forces is the working body of the Commander of the Defense Forces. The General Staff is a joint staff engaged with operational leadership, training and development of the Defense Forces. The General Staff of the Defense Forces is headed by the Chief of the General Staff.

The President of Estonia T.-H. Ilves on May 15, 2007 submitted to the Parliament the draft Act of Amendment of the Constitution “in order to regulate the command of national defense and to strengthen civilian control”.¹⁵ The essence of the initiative is to withdraw the procedure of appointment of the Commander of the Defense Forces and the Commander-in-Chief of the Defense Forces from the constitutional regulation (currently Chapter X, Article 127), in order the Parliament could adopt respective legal acts (The Law on Defense Forces and amendments into Peacetime Defense Act), delegating this authority to the Government. According to the President, the current order is based on the provisions of pre-war presidential Constitution (1937), which does not fit to contemporary parliamentary order, where President plays rather ceremonial and balancing role, having no sufficient staff to conduct a day-to-day control of military affairs. In his speech to the Parliament Ilves emphasized the fact, that such controversy has prevented civil control over the military and bred clashes between civil and military heads of the army.

15 Statement of the President of the Republic at the Session of the Riigikogu, 15 May, 2007.
<http://www.president.ee/print.dokument.php?gid=94302>

Earlier the system of command in the Estonian Army was criticized by the Chancellor of Law Allar Joks, according to whom it had led to violation of subordination and conflicts over command of Estonian mission in Afghanistan. According to Joks, this happened due to inability of the Minister of Defense to carry out civil control over Defense Forces effectively.¹⁶ One more recent scandal related to relations between civil and military management of the army was related to the discovered facts of illegal activities of military intelligence, which was involved into entrapment of officials from the Ministry of Defense.¹⁷ The aforementioned tensions between the General Staff of Defense Forces and Ministry of Defense were aggravated by tense personal relations between heads of these institutions, which to a substantial extent were caused by politicization of the military in Estonia.

The threat of politicization has been recognized by newly appointed Minister of Defense Jaak Aviksoo¹⁸ as well as former Chief of Defense Forces – current Member of Riigikogu Tarmo Kouts. The later stated that “if Defense Forces would be governed by a Minister, the situation may occur when a Defense Minister would start implementing its own understanding of the Army, which could contradict the Constitution”.¹⁹ One more point of concern expressed by Kouts refers to the threat of diminishing the role and status of military after deleting its mentioning from the Constitution.

It is worth mentioning that many leading positions in Estonia *de facto* are political. For instance, the positions of directors of hospitals and schools, as well as appointment of other state and municipal servicemen are subject to political motivation. At the same time, this is unclear whether the newly introduced order would help to get rid of politicization of military sphere.

3 Conscription Principles and the Issue of National Minorities

The Estonian Army is recruited on compulsory military service principle for males from 18 to 27. The duration of the service varies between 8 and 11 month depending on education and position provided by the Headquarters. 8 month term prevails, providing basic and specialty soldier training course. 11 months service is applicable to sergeants and reserve officer candidates, as well as to those conscripts who assigned to the Navy or IT/communication units. It worth mentioning, that since recently the conscripts are drafted exclusively to Defense Forces. Earlier Border Guard Service and Rescue Department (branches of Interior Ministry) as well hosted conscripts.

16 Канцлер права критикует командование сил обороны [Justice Counselor to Criticize the Command of Defence Forces] // Postimees Online, 23.01.2007.

17 Kuimet P. Joks: sojavealuurajate tegevus oli ebaseaduslik // Postimees, 05.04.2007.

18 Kuimet P. Jaak Aviksoo: eestlastel on kaitsetahtega problem // Postimees, 04.04.2007.

19 Куймет П. Закон расширит полномочия министра [Kuimet P. The Law Will Widen Plenipotentiaries of the Minister] // Postimees Online, 08.02.2007.

The average size of regular forces reaches 3800 persons, of whom about 40 % are conscripts. The drafts are announced four times a year. In January and June are conscripted those who will serve 11 months, in April and October – 8 months. Each year about 2500 recruits are conscripted to the Defense Forces. At the same time, according to the acting military staff, the current system of conscription does not ensure providing the army with competitive staff, while substantial part of well prepared youth prefer entering universities rather than enrolling for 11-months service to become commanders in the future. It is discussed to set up an equal service term for all conscripts in order to motivate to stay on command positions, as well as select junior commanders after the first two months of service.²⁰ The Coalition Agreement contains a commitment to consider opportunity of decreasing minimal term of military service. In practice it could mean, that 6-months term could be introduced.

The decision to change over from conscription to professional army has not been finally adopted. According to the acting Prime-Minister Andrus Ansip, it was going to happen by 2011. The issue has become a matter of political dispute between the Ministry of Defense and the General Staff of Defense Forces, supported by the right-wing nationalistic bloc of “Res Publica” and Isamaaliit (Fatherland’s Union) as well as by moderate former President of Estonia Arnold Ruutel. The latter are against of exclusively voluntary enlistment principle and creating relatively small professional army, specialized mostly on overseas peace-keeping operations, proposed by the Minister (before April 2007) Jurgen Ligi and advocated by NATO. The supporters of the conscription argue that it is of vital importance for sustaining a patriotic spirit of Estonian youth, underpinning the background for total territorial defense.

Public opinion seems to have been divided on the issue of professional Army. According to the results of “Faktum” Company public poll (February 2003), 65 % of respondents supported conscription, 30 % were in favor of voluntary army and 5 % did not define their preferences. There was a strong difference between ethnic Estonians and non-Estonians. Among the former 67 % were for conscription army, among Russian-speaking population only 45 %.²¹ By 2005 the shift to professional army was supported already by 44 % or respondents according to one of the surveys.²² Seemingly, the increase in support of voluntary army was caused by the revitalized public discussion on the issue. According to the data available on MOD homepage, in July 2007 23 % supported transition to professional army, while 71 % were in favor of preserving the current combined way of recruitment.²³

20 Kiumet P. Kaitsevagi keskendum edaspidi tarkade jaoulemate otsimisele // Postimees, 02.04.2007.

21 Kivirahk J. Avalikkuse suhtumisest elukutselisse sojaveetenistuse // Sodur, No. 3, 2003.

22 Estonia Today. Fact Sheet. December 2005.

http://web-static.vm.ee/static/failid/289/NATO_Support_October2005.pdf

23 Ormisson T. Public Opinion and National Defence. Ministry of Defence, AS Turu-uuringute, July 2007.
http://www.mod.gov.ee/static/sisu/files/ENG_NATO_report_2007_06-summary.pdf

In the new Coalition Agreement (April 2007) the transfer to voluntary army is not stipulated, though the Minister of Defense Jaak Aviksoo has not rejected such opportunity, which will depend on development of the state and its security policy in context of NATO membership.²⁴ Among the arguments against abolition of conscription the pattern of Finland, having a large border with Russia, is used. The mass media witnessed the discussion where desirability of voluntary military enlistment to Finnish Army for school graduates of Estonian nationality was stressed. It was backed by historic experience of 1943-44, and aimed at preserving the trained reserve for purposes of territorial defense. Financial calculations are playing against professional army as well. According to the calculations of the General Staff, professional army would need a budget of 8,75 bn EEK, while now it is about 4 bn EEK, while expenditures for personnel are going to increase four times.²⁵ Against conscription could serve such factors as NATO pressure, example of the neighboring Latvia, which has refused from the compulsory army, as well its clear ineffectiveness in operating with modernizing weaponry. The President of Estonia T.-H. Ilves drew attention to the fact that the military readiness of prepared reserve is limited, because reservists are used not to pass regular military training: "We have to understand that when the boys complete compulsory military service, but thereafter are forgotten by the state, we do not actually have a functioning reserve army."²⁶ Besides, the quality of recruited reportedly is very poor. According to one of the reports published by newspapers, of 228 conscripts arrived to one of the Training Battalions, 22 were immediately returned due to health conditions, 9 were punished by criminal court, 23 did not speak state language, 36 had only basic education.²⁷

The draft evasion has been typical for Estonia. About 1/6 of conscripts are used to avoid their obligations. Besides, the health and education deferments are used by the potential conscripts. In 2006 38 % of conscripts have been condemned as unserviceable. But approximately 15 % of the recruited joined the Defense Forces voluntarily, more than have of them constitute the 1st year students of universities. Besides, the available number of conscripts reportedly even exceeded the mobilization plans of the Army (before 2007). Since 2007 it is intended to increase substantially the allowances to soldiers and sergeants up to 2,000 – 4,000 EEK (average salary according to the official statistics in 2007 exceeded 10,000 EEK or 750 Euro). It is worthwhile to be mentioned, that Russian-speakers are eager to serve much more than representatives of the title nation. This fact was recognized by Commander of Defense Forces General Ants Laaneots, who in one of the public statements said: "Russians, in principal, have a long-lasting tradition of military service. It has rooted in mentality, the gays are aware of it from family, because almost all men served. While

24 Kuimet P. Jaak Aviksoo: eestlastel on kaitsetahtega problem // Postimees, 04.04.2007.

25 "Быть эгоистами или мазохистами?" Эстония за неделю. [To be Egoists or Masochists?] IA "REGNUM", 12.01.2007. <http://www.regnum.ru/news/766150.html>

26 President of the Republic: Estonia's defence is based on collective defence and an initial defence capability. http://www.president.ee/en/duties/press_releases.php?gid=102025

27 Листая эстонские газеты. Кто в армию, кто в лес [Reading Estonian Newspapers. Some to the Army, Some to the Forest] // Den' za dnem. 07.08.2006 <http://rus.delfi.ee/archive/article.php?id=13476957>

Estonians used to evade military service in Soviet time and unfortunately transferred this mentality to independence time”.²⁸ At the same time, there are fears whether Russian-speakers are sufficiently loyal to Estonia, what was exacerbated by the events around Bronze Soldier in April 2007.

The problems of ethnic integration/segregation in Estonia have numerous controversial implications for the military. First, for more than 30 % of population Russian language is mother tongue, while the degree of literacy in state language as rule is middle or low – according to the population census (2000), approximately 20 % of Estonian residents noted that they cannot speak Estonian. Russian-speaking population is compactly concentrated in the largest industrialized urban areas (Tallinn – 46.5 %, Narva (3rd largest city) – 95.1 %, Sillamae – 95.8 %, Kohtla-Jarve (4th by population – 82.2 %))²⁹. The conscription is used to be considered as a national integration instrument in political discourse. Many recruits as well view the Army as a field of improving their state language proficiency (though very often this is questionable). In general, the language record is getting better, though only 10 years ago 296 out of 388 conscripts ethnic non-Estonians did not speak the state language.³⁰ The special language courses were organized in the Army.

Potentially, a number of Russian-speakers in the Defense Forces is going to increase, because nowadays the citizens of Estonia constitute only about 80 % of total population (totally 1,350 thousand). The rest residents have not naturalized and divided into two groups – “non-citizens” of Estonia (130,000) and citizens of other states, first and foremost, of Russia (by different data, 93,000 – 111,000) as well Ukraine, Belarus, Kazakhstan etc. The representatives of the last two groups are not enlisted. It is remarkable, that among stateless people about 40 % are in draft age (among Russian citizens – about 15 %). Provisional threats deriving from the problem of national integration in Estonia and Latvia was emphasized by the then NATO Secretary General Lord Robertson during his visits to these Baltic States before accession.

Third, the issue of loyalty matters. Some proposals were made by nationalistic politicians to conscript all citizens of respective age without Estonian citizenship to auxiliary services, like Rescue Department to develop their loyalty to Estonian state and language proficiency. Loyalty of Russian-speakers in case of imaginable conflict with a potential enemy (i.e. Russia) was questioned by sociologists, who suggested that at the best the Russians would

28 Лаанеотс: русскоязычные солдаты – не угроза для Эстонии [Laaneots: Russian-speaking Soldiers are not a Threat to Estonia]// Postimees Online, 22.06.2007.

29 Poleschuk, V. Non-citizens in Estonia. Report. Tallinn: Legal Information Center for Human Rights, 2004.

30 Языковая политика в Эстонии – прошлое и будущее. Доклад Генерального директора Языковой инспекции Ильмара Томуска на конференции по языковой политике государств Прибалтики, ноябрь 1998, Вильнюс. [Language Policy in Estonia – the Past and the Future. Report of the General Director of the Language Inspection Ilmar Tomusk on the conference on language policies of the Baltic States, Vilnius, November 1998] .
<http://www.keeleinsp.ee/index.php3?id=81&lng=2&news=77&s=menu&ss=content>

not fight against their compatriots³¹. It is supposed that Russian youth is under strong indoctrination of Russian mass media, which are adversarial to Estonia. This was reflected by mostly negative stance of Russian-speakers on NATO accession of Estonia, when a number of protest actions were organized by young people on the eve of enlargement.

Forth, the Russian-speakers as rule have worse living level and limited opportunities for career development. So, already now some of them use the military service a starting point for the career and improving financial situation, e.g. through continuing service in the peace-keeping missions. The share of Russian-speakers among conscripts according to some estimations (there is no open information on this issue) reaches 35-40 %, while the ratio of Estonians and non-Estonians among citizens is 85:15. In case of conscription cancellation it may happen as well that majority of enlisted young people would be of Russian ethnic origin. Some factors may encourage this process. First, the army still cannot offer competitive allowances in comparison with civil sector. Estonians have a greater chance to find respective job opportunity which is paid twice and more higher. Second, though there are language restrictions for different levels of military service (“average” proficiency for junior officers and “higher” for senior staff), the language level of Russian youth is getting better, thus opening legal opportunity for them to occupy a number of command positions in the Army.

This is an argument in hands of those who oppose voluntary army. From their point of view, in this situation strengthening of Defense League (Kaitseliit) is getting of utmost importance. The events preceding and following demolition of the Monument to Soviet Soldier in Tallinn (Spring 2007) may contribute to increase in the role of the Defense League. The Coalition Agreement of the new Government expresses intention to increase financing of the Defense League as well as its contribution to carrying out both military and civil functions, including participation in peace-keeping operations.³² It worthwhile mentioning, that members of the Defense League were involved into coping with mass disorders on April 26-28, when they were formally registered as “assistant policemen”. It is clear, that Defense League is almost mono-ethnic structure.

4 Missions and Tasks

The tasks of the Estonian Defense Forces (EDF) are divided into three groups of situation: peaceful time, crisis and warfare. In peaceful time EDF should provide for surveillance and control of air and sea space, to maintain combat readiness, to train conscripts, to participate in missions under aegis of NATO and other international organizations and to provide for assistance to civilian authorities in case of emergency situations. In peaceful time EDF reaches 3800 staff and additionally 8000 in Defense League.

31 Павлов В. Казарменная интеграция. (Pavlov V. A Garrison Integration) // Molodjzh Estonii, 17.04. 1999.

32 Programme of the Coalition of the Estonian Reform Party, Union of Pro Patria and Res Publica and Estonian Social Democratic Party for 2007-2011. <http://www.valitsus.ee/?id=1468>

In transition crisis stage EDF are to increase readiness levels of units as required, to prepare for the wartime structure and to begin partial or total mobilization as ordered, to integrate units from other ministries and to prepare for assistance from and reception of friendly forces.

In wartime the main tasks of EDF are to defend the territorial integrity of the state, to facilitate the arrival and deployment of forces from other countries and co-operate with them, to maintain control over national airspace and facilitate the air defense of strategic assets in co-operation with forces from other countries. The provisional size of wartime personnel is 16,000 servicemen.

The Estonian military doctrine after the accession to NATO has been gradually evolving from domination of territorial defense principles to higher reliance on guarantees by 5th Article of the Washington Treaty and indivisibility of security. The National Security Strategy approved in 2005 recognized that “any military activity aimed at countering a military attack against Estonia is, in essence, a collective defense operation”³³. The principle of territorial defense was as well claimed in the document, but ranked as the fourth priority after “indivisibility of security”, “solidarity & cooperation”, “credible military deterrence”. The National Security Concept (2004), revisited after the enlargement, states that “Estonia’s defense is primarily based upon membership in NATO, which creates a sufficient deterrent and restraint for preventing aggression”³⁴. In general, this is very similar to Lithuanian “blend of national and cooperative security”.

The territorial (total) defense stipulates occupying and defending the most important strategic areas with support of local military units. Nevertheless, the territory of Estonia is relatively small and compact, thus complicating the task of deterring provisional aggression. One of the rationales of territorial defense is based on high probability that centralized command can be disrupted soon after the invasion. In this case territorial units should provide for independent resistance, including guerilla activities.

At the same time it is clear that the only more or less achievable task could be short-time combating invasion before the forces of allies could join the operation. According to the estimates, the fighters from the nearest Russia’s air site may reach Tallinn for 17 minutes. The Pskov paratroopers division dislocated on the border with Estonia reportedly may occupy Estonia for 48 hours. From this perspective the question about how long time EDF should deter aggression is open.

The National Security Concept states, that “Estonia will defend itself in any circumstance and against an enemy of any superiority”³⁵. It is necessary that Estonia to be able to

33 National Military Strategy. Ibid.

34 National Security Concept of the Republic of Estonia (2004). P. 14.

http://web-static.vm.ee/static/failid/067/National_Security_Concept_2004.pdf

35 National Security Concept. P. 23.

demonstrate resistance to possible invasion. The historic legacies have important implications: in 1940 no resistance to Soviet annexation was maintained, thus giving background to allege that Estonia entered the Soviet Union on its own free will.

Fortunately, as reinforced by the National Military Doctrine, “a direct military threat to Estonia is unlikely”, while Russia “participates in co-operative activities aimed at guaranteeing security and stability”.³⁶ So, the main purpose of Estonia in this situation is to enhance the stability of this favorable international security environment, which is threatened by “uncontrollable developments in the world, and international crises”. It can be achieved through active participation in international missions, first and foremost, in framework of NATO activities.

Participation in out-of-country missions and integration into NATO collective defense system *inter alia* means that Estonia should take its niche though developing specialization in the most competitive areas. This is strongly encouraged by NATO. The need of scarce resource concentration on priority fields may result in weakening other units, thus further undermining viability of territorial defense. Though opposed by representatives of the military, Estonian Government tends to pursue more realistic policy. Prime-Minister Ansip outlined, that “Estonia’s defense policy choices, the so-called defense planning has gradually become...more consistent with actual needs. We no longer build big territorial defense units on paper, but develop actual military capacities, which can be used both in international operations outside Estonia and at home, if necessary, and which are sustainable and mobile”³⁷.

Though according to the Annual National Program (2001) Estonia committed to have an infantry brigade and rapid reaction battalion by 2005, in reality only the Scout Battalion as a core of the infantry brigade represents an operational force. Other territorial battalions according to this plan were reorganized into training centers for conscripts. According to newly appointed Commander of Defense Forces Ants Laaneots, this led to decreasing defensive capabilities of the army.³⁸ The task of organizing territorial defense through formation of four infantry battalions was assigned to Defense League. The new plans which are currently under elaboration would stipulate returning to county-based principle of organizing Defense League and increasing its role in resolving domestic security and emergency situations problems, as well as in international missions. Simultaneously, battalions are to be reorganized into real combat units and four defense districts founded.

36 National Military Strategy. Ibid.

37 Prime-Minister A. Ansip Speech at the opening of the XIV Higher National Defence Courses in Roosta. April 24, 2006. <http://www.valitsus.ee/brf/index.php?id=33576&tpl=1007&external=&search=&aasta=>

38 Куймет П. Изменения в армии снизили боеготовность страны [Kuimet P. The Changes in the Army Have Decreased Combat Readiness of the State] // Postimees Online, 21.06.2007.

5 Participation in International Missions

The use of Estonian Defense Forces in international missions should have a mandate of the Parliament (Riigikogu). Estonia participates in NATO missions in Afghanistan and Kosovo, as well as in EU's mission in Bosnia and "coalition of desired" in Iraq. Estonia strives for raising the ratio of participation in international missions from 5 % of peaceful strength of the land forces in 2005 to 9 % by 2010. Then EDF will be able to deploy and sustain a contingent of up to 350 people. This would exceed the requirements of the NATO Istanbul commitments, establishing norms of 8 % deployed and 40 % deployable forces. In August 2006 about 180 peacekeepers from Estonia were deployed abroad.

At the same time, Estonia already now is suffering from shortage of regular military staff for international operations. According to recent publication, the number of servicemen in 2007 has decreased from 2892 to 2688. This is reasoned mostly by uncompetitive salaries, especially of junior ranks. As a result, the share of young soldiers, who concluded regular contracts just after finishing conscription service, among Estonian peacekeepers is growing up.³⁹ Formally, participation in foreign missions is voluntary. But it is clear that often this is the only way to earn for young man, because salaries differ a lot in Estonia and military missions abroad. And military command has certain leverages to persuade servicemen to positively decide on joining these missions.

The areas of Estonian specialization in crisis-management operations are: light infantry, military police and intelligence, staff officers, physicians, Explosive Ordinance Disposal, air movement control, etc. Besides, Estonia will be ready to offer one mine countermeasures vessel. The list of specializations looks quite excessive evidencing that the problem of specialization has not been finally settled.

The necessity of not only functional but as well territorial concentration with account of limited available resources instead of dispersion of forces has been as well realized in Estonia. So, it is going to widen its presence in Afghanistan and the Balkans. It is planned to deploy up to 120 personnel in Afghanistan by 2007. In Kosovo two platoons and two staff officers deployed. In Bosnia Estonia has four officers in various staff bodies and 28-persons unit of the voluntary Defense League, what became the first case of involvement of the League into international missions. It is specialized on guarding of Tuzla air base (similar functions are assigned to the League in Estonia). Besides, two observers from Estonia participate in the mission on Lebanon/Israel border.

During the operations four Estonian troopers were killed, much more were wounded. The public opinion polls demonstrate quite skeptical attitude of population towards Estonia's participation in international missions, first of all in Iraq⁴⁰. Only 44 % completely or mostly

39 Rohtla K. Eesti riik saadab sotta jarjest nooremaid mehi // SL Ohtuleht, 24.10.2007

<http://www.sloleht.ee/index.aspx?id=251311>

40 Made, Vahur. Estonia and Iraqi Crisis.

support participation in international military missions abroad, while majority of residents call for withdrawing troops from abroad.⁴¹ Negative psychological implications are strengthened by the experience of USSR invasion to Afghanistan in 1979-89, where about 90 people from Estonia lost their lives.

There is a certain divide between opinions of Estonians and non-Estonians towards out-of-country military operations and NATO. According to the public poll of November 2005, 74 % of total Estonian population support membership in NATO, including 88 % of Estonians and only 44 % of non-Estonians⁴². After the unrest of April 2007 in Tallinn the support of NATO membership among Estonians increased (89 %), while among Russian-speakers substantially decreased (33 %).⁴³

The parliamentary parties should hear the opinion of their voters. So, for examples, People Union and Centrist Party (which are in opposition) in their rhetoric doubted whether participation in peacekeeping missions contribute to Estonian security. At the same time, there is a certain foreign policy consensus, and parties vote for extension of mandates almost unanimously.

6 Images and Imaging of the Army

The army in Estonia enjoys quite high public support. In 2001 the Army took the forth rank by popularity after President, Border Guard and Church (According to NATO MAP Public Opinion Survey). According to the most recent Eurobarometer (2006)⁴⁴ national poll, Army takes the second place after television by level of trust - 74 % in comparison with 72 % in 2005.⁴⁵ The image of the Defense Forces has substantially improved after beginning of 1990-ies, when public opinion was strongly affected by negative perception stereotypes of the Soviet Army.

The popularity of Defense League is traditionally lower than of the Defense Forces even among Estonian citizens. It is possible to guess that non-citizens and citizens of other countries residing in Estonia have even more cautious attitude to Defense Leagues, because it is used to be treated as a outpost of the right nationalistic political forces. With total share of trust 62 %, among Russian-speakers it is trusted only by 33 %.⁴⁶ The image of Defense League was harmed especially much in the first half of 1990-ies, when its members were

http://www.edk.edu.ee/default.asp?object_id=6&id=18&site_id=1

41 Ormisson T. Public Opinion and National Defence. Ministry of Defence, AS Turu-uuringute, July 2007. http://www.mod.gov.ee/static/sisu/files/ENG_NATO_report_2007_06-summary.pdf

42 Ministry of Defence, Republic of Estonia. <http://www.mod.gov.ee/?op=body&id=378>

43 Ormisson T. Ibid.

44 The public poll included only citizens of Estonia.

45 Eurobarometer 66.1. Eesti 2006. http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_ee_nat.pdf

46 Ormisson T. Ibid.

glorious with lack of discipline, misuse of weapons and even criminal cases, which lead to serious purges in its structure.

The leadership of the Ministry of Defense and Defense Forces as well as of the state in general seems to realize the necessity to form positive image of the Army. In particular, there is a tradition to conduct annual Military Parades in different county centers of Estonia. Besides, annual full-fledged maneuvers are organized in different regions of Estonia. As a representative of the infantry emphasized, one of the reasons of doing it is to “show our activities to as much people as possible”.⁴⁷ Besides, he noted the fact that large by large it is getting easier to conclude agreements with landlords, which can be viewed as an indirect indicator of loyalty to the Army.

The Commander of the Defense Forces Ants Laaneots as well as some nationalist politicians representing “Fatherland Union” Party called in favor of including obligatorily special “state defense” course into school curricula. The Ministry of Defense has published a special textbook “State Defense” for gymnasiums.⁴⁸ The system of the initial military training existed in Soviet Union and survived only in a few (Estonian-language) schools in Estonia. In many cases, members of Defense League work as teachers of State defense discipline in schools. But this proposal (on obligatory military course) has very narrow support in society: 2/3 of schoolchildren expressed their negative attitude to such perspective.⁴⁹

Though majority of population has a general positive attitude to Defense Forces, the image of the conscripts is quite ambiguous. There were a lot of materials in mass media, which identified such problems as alcoholism and low discipline. The recent scandal related to dissemination of video record with conscript soldiers drinking alcohol, shooting and fighting with each other (January 2007) led to dispute between Minister of Defense and parliamentary opposition. The former claimed for abolishment of conscription, while representatives of right forces accused him of inability to control situation in the army. According to some authors, the main reason why these negative things are flourishing in army – idleness.⁵⁰

Evolution of civil-military relations, including growing professionalization of army officers, would have positive implications for image of the military. According to the special program (which is based on the Defense Forces Service Act⁵¹), by September 1, 2008 all

47 Романович Г. «Весенний шторм» начался в Авинурме [Romanovich G. “Winter Storm” Has Started in Avinurme] // Молодежь Эстонии, 11.05.2006.

48 Riigikaitse. Textbook. Tallinn: Kaitseministerium, 2006. 189 l.

49 IA “REGNUM”, 28.01.2006.

50 В эстонской армии нечего делать [There is nothing to do in the Estonian Army]. DELFI Portal. 31.01.2007. <http://rus.delfi.ee/archive/article.php?id=14957557>

51 „A member of the Defence Forces who serves in the position of a commanding officer shall have undergone military training which corresponds to the requirements for the position and shall have completed military secondary education or military higher education. A member of the Defence Forces who serves in a specialised position shall have undergone military training which corresponds to the requirements for the

Estonian officers are obliged to obtain higher education. Currently, about 1/7 of 964 Estonian officers have no university degrees and graduated only various training courses.⁵²

Changing international environment and the character of threats and tasks lead to certain feminization of military affairs, since a modern ideal soldier's main strength is professionalism, organizational skills rather than mere physical conditions. Currently, 52 % of staff in the Ministry of Defense are females, 60 % of them between 21 and 30.⁵³ Besides, a growing number of women serve in Defense Forces. By February 1, 2005, 984 females worked in Defense Forces, 414 of them as professional soldiers (16 % of total staff). 65 had officer ranks, 265 – non-commissioned officers, 82 – privates.⁵⁴ Besides, Defense League has a women branch (Women's Home Defense) which encounters about 1000 reservists, and youth female organization "Home Daughters" (3600 members). It worthwhile mentioning, that on Military Parade 2007 ceremony President T.-X. Ilves personally welcomed representatives of these two female formations from all Defense League districts.

The Estonian legislation establishes equal treatment of males and females, based on their skills and physical readiness to serve in Defense Forces: "A citizen of Estonia may be employed in contractual service as a regular member of the Defence Forces if: he or she has attained at least 18 years of age; he or she has required qualifications, education and military training; he or she is proficient in Estonian to the extent required of a regular soldier, a regular non-commissioned officer or a regular officer; his or her state of health enables him or her to perform his or her duties."⁵⁵

7 Modeling Estonian Soldier

7.1 Expectations of Loyalty

According to the law, the priority loyalty of a soldier is expected in relation to national democratic constitution: „Upon entry into active service for the first time, every member of the Defence Forces shall swear the following oath of a member of the Defence Forces of Estonia: I, (given name and surname), swear to remain faithful to the democratic Republic of Estonia and its constitutional order, to defend the Republic of Estonia against enemies with all my reason and strength, to be ready to sacrifice my life for the fatherland, to observe the

position and shall have completed secondary vocational education or higher education in an appropriate field.“
Defence Forces Service Act. Passed March 14, 2000. RT I 2000, 28, 167. Article 15 (4,5).

52 Эстонским офицерам не хватает образования [Estonian Officers are Short of Education]. ETV News Portal. 26.05.2007. <http://www.etv24.ee/index.php?2576067>

53 Maigre M. Gender Issue. Ibid.

54 DELFI Portal, 09.03.2005.

55 Defence Forces Service Act. § 9.

discipline of the Defence Forces, and to perform all my duties precisely and unquestioningly, bearing in mind that otherwise I will be strictly punished by law.”⁵⁶

7.2 Soldiers Rights and Duties

The activities of political parties are prohibited and regular members of Defence Forces cannot be members of political parties. Taking into consideration practical precedents of abusing power in the military in favor of this or that political party, the law specially outlines that „A member of the Defence Forces shall not use his or her command or disciplinary authority in the interests of a political party.”⁵⁷ Besides, regular members of Defence Forces should not stand as candidates on elections into municipal or republican legislatures, as well as into the European Parliament and for position of the President of Estonia.

A servicemen of Defence Forces should not perform the order which contradicts to legislation of the state and othe legal acts (in comparison with Lithuania, the reference to international law and basic rights has not been identified in Estonian legislation). In this case, refusal to obey a command should be notified to a commander or his superior.

In some cases, the servicement has a right to complain into the civil administrative court (e.g. in case of unlawful punishment). The control over fulfillment of legal acts is authorised to the General Inspector of Defence Forces. Each servicemen has a right to appeal to him directly.

The conscripts has a right to elect a spokesman who represent their interests. „The spokesperson is not required to disclose the name of the person who makes a proposal, except in the cases provided by law in the interests of criminal, disciplinary or administrative proceedings.”⁵⁸

The elements of civil organization affect the Defense Forces. For instance, working time of regular staff is not unlimited. According to the Law, “the number of working hours (uninterrupted performance of duties) of a regular member of the Defense Forces shall not exceed 12 hours per day. If permitted by the conditions of service, the standard working time of regular members of the Defense Forces shall be eight hours per day and forty hours per five-day working week.”⁵⁹

56 Defence Forces Service Act. § 8.

57 Defence Forces Service Act. § 181.

58 Defence Forces Service Act. § 63.

59 Defence Forces Service Act. § 168.

8 Conclusion

The Estonian Defense Forces pass through the stage of difficult transformation from territorial and total defense to reliance on collective security guarantees and greater integration into NATO defense structure. It meets resistance on the part of the military staff and right nationalistic political forces. They argue that fully professional army for Estonia could jeopardize Estonian statehood, because conscription would be cancelled and will not function anymore as a mechanism of preparing reservists and invigorating loyalty to Estonia among Russian-speakers, while ethnic Russians may become a core of the Army.

The events in April 26-29, 2007 in Tallinn, related to governmental decision on demolishing the Bronze Soldier, resulted in strengthening position of conscription supporters, as well as those who call in favor of increasing the role of Defense League in organizing territorial defense and resolving issues of internal security. One may expect that financing of Defense League in the forthcoming period will grow up. At the same time this is clear that current conscription system needs reforming. That's why the forecast to be done is that development towards professional and specialized army will continue, though formally conscription will be preserved in a voluntary form.

Civil-military relations are gradually developing towards establishing democratic civilian control over military, facilitating superior role of the Government and Ministry of Defense over General Staff, transferring some presidential military-related functions to the Government. This will require respective changes in Constitution and other legal acts. The problem of professional civilian expertise on military issues is still a matter of fact as well as interrelationships between civilian and military structures sometimes cause tensions. The military issues are among the most discussible topics in public discourse. Parliamentary control is well established, and strategic issues of state defense and security policy enjoy consensus of the main parliamentary parties.

There is an objective process of "civilianization" of an Estonian soldier. This assumption is based on the following points: a growing number of military staff is obtaining civil higher education; Estonian Defense Forces are getting more involved into solving civil tasks; military staff is not separated from real civil societal life; civil control over military forces is functioning; issues of military organization are subject to public discussion; the higher degree of involvement of Defense League to military operations alongside with its continuing integration into the structure of Defense Forces.

In general, military policy of the Estonia corresponds to public expectations, except some issues, like participation in international missions abroad. Residents of Estonia model its soldier not as a "warrior" but rather as a "defender" of the Fatherland. This affects the expectation of loyalty predominantly to national democratic constitution and law.

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