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**Military Training, Values, Leadership and Culture of Conflict**  
The Estonian Case

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Research Project „The Image of the Democratic Soldier: Tensions Between the Organisation of Armed Forces and the Principles of Democracy in European Comparison“

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## I. Military Training in Estonia

The system of military education in Estonia includes: “State Defence” course in secondary schools (studied in about 25 % of schools, of them only one with Russian language of instruction), junior NCO training course during compulsory service, as well as 3 special military training institutions – Battle School for Defence Forces (in Võru County, Southern Estonia), United Military Institutions (Estonian National Defence College) and Baltic Defence College in Tartu, which provide for 5 levels of military education.

The general requirements for education of military staff are outlined in the Decree of the Minister of Defence on Educational and Qualification Requirements of Military Staff. They vary for the different levels of staff – starting from soldiers (for conscript soldiers – undefined) through NCO to junior and senior officers. In context of civil issues, at different extent all levels should have knowledge of basic civil rights and freedoms, legal acts regulating state defence and military service, basics of state arrangements. Starting the level of senior NCOs, the knowledge of NATO and EU institutions and structures is implied.<sup>1</sup>

The Battle School for Defence Forces provides for vocational military training for senior NCO, offering one year “Military leadership” (44 studying weeks) and short-time (8-12 weeks) courses. The program outlines such general requirements to graduates as basic knowledge in Law of State, International Law of Warfare, Pedagogy. The personal qualities and capacities of a NCO should include loyalty, patriotism, discipline, initiative and responsibility. General subjects consists of two blocks – Applied Pedagogy (4 weeks) and General Proficiencies (2 weeks). The later includes four parts, one of them can be referred as a civil subject, namely, Basics of Work Law (the translation in Estonian is near to Basics of Labour Law) – 0,5 weeks or 20 hours (about 1 % of total work load). It includes studies of very diverse issues: Constitution of Estonia, state laws related to defence, military statutes, structure and organization of NATO and EU. This course as well involves the basic principles and requirements of international law of war and humanitarian law, used in conflict.<sup>2</sup>

Estonian National Defence College has a status of institution of professional higher education, providing two levels of military education – Basic Officer Training Course (bachelor degree) and Advanced Officer Training course (2 years, masters). These two first levels of military education in Estonia fully correspond to civil regulations of bachelor and master level of education, established by Standard of Higher Education of Estonia and Professional Higher Education Act and are in accordance with Bologna declaration. A

1 Kaitseväelase haridustaseme ja kvalifikatsiooni nõuded [Requirements to Education and Qualification of Members of Defence League]. Adopted 8 February 2001. [http://lex.andmevara.ee/estlex/kehtivad/AktDisplay.jsp?id=40173&akt\\_id=40173](http://lex.andmevara.ee/estlex/kehtivad/AktDisplay.jsp?id=40173&akt_id=40173)

2 Sõjaväelise juhtmise eriala vanemallohvitseridele õppekava. Kaitseväe Võru Lahingukool [Military Leadership Specialty NCO Curriculum, Battle School of Defence Forces], Meegomäe, 2006.

homepage of the National Defence College claims, that two of three parts of the curricula (Basic and Designated Studies) are aimed at “providing the officers with a contemporary and comprehensive master’s level academic education to reflect and respond to the current requirements and needs of the Estonian Defence Forces and the Republic of Estonia.” It is emphasized, that “some of the teaching is carried out by the teaching staff of the University of Tartu, Tallinn Technical University and other institutions of higher education in Estonia.”<sup>3</sup>

The mission of military education on the levels of bachelor and master are related to professionalism and patriotism<sup>4</sup> (actually, these values are perceived to be the point of pride in the Army). Basic Studies Module of the Master Studies includes such obligatory disciplines as “Civil-Military Relations” (2 CP), “The Individual and Organization” (3 CP), International Law and Law of the Armed Conflicts (2 CP). Totally social and humanitarian subjects can exceed 15 % of the total study load (about 15 CP of total 80 CP on Master level).

The Bachelor level contains more general courses like “Social and Political Thought of Contemporary World” (1.5 CP), Political Philosophy and Religion (1.5 CP) in framework of more general course “A Human Being and Society” (4.5 CP totally). Besides, there is a course “Fundamentals of Public Law” (2 CP), which is aimed at studying basics of Estonian State Law, including the provisions, regulating state defence. The special attention is granted to basic principles and norms of International Law, “regulating behavior of states, combatants and civilians in international and domestic conflicts.”<sup>5</sup> There is a course of “Applied Army Psychology” (4.0 CP), which includes the module of Army Pedagogy. All these civil subjects encounter about 10 CP, which is about 10% of total study load on bachelor studies.

The conclusion which might be drawn from analysis of three curricula provided by National Defence Academy and Battle School for Defence Forces gives a clear sign, that attention to civil sciences is differentiated by level of military training, thus providing greater civil background for senior officers and only general introduction into these matters on the level of NCO’s. Proportion is about 1 % for NCO (without Applied Pedagogy), up to 10 % for junior officers and 15 % for senior officers who obtain a master degree.

The next level of post-graduate education for senior military staff is provided by the Baltic Defence College (BALTDEFCOL) as an educational institution established by Latvia, Lithuania and Estonia with financial and human assistance from “core” NATO countries. BALTDEFCOL views itself as a “civil-military institution...aspiring to educate students as

3 Homepage of the National Defence College. [www.ksk.edu.ee](http://www.ksk.edu.ee)

4 Curriculum. Advanced Officer Training Course, level 2 of military higher education – Master’s studies. <http://www.ksk.edu.ee/eng/education/haridus/KVUOAcriculum>

5 Sõjaväelise juhtimise rakenduskõrgharidusõppe õppekava (reg nr 80045) [Military Leadership Applied Higher Education Curriculum]. <http://www.ksk.edu.ee/est/korgharidus/oppekava>

personalities.”<sup>6</sup> The mission of the institution draws attention to preparing military staff to participate in international military operations, contribute to necessary army transformations and bringing military education into correspondence with NATO standards and Western values. The focus of BALTDEFCOL shifted from initial battalion level/territorial defence in 1998-2002 to brigade/operational level when the perspective of NATO membership became clear.

BALTDEFCOL has already established partnership relations with some Baltic universities, including one private Estonian university “Audentes” and has plans to sign agreement with the leading university in Estonia – Tartu University as well. The purposes of such cooperation are outlined as “creating academic atmosphere necessary for the intellectual development of the students as well as professional development of the faculty.”<sup>7</sup> There is one more practical purpose – to provide opportunities for the graduates to continue of master degree in other institutions of higher education. As an example, such scheme already in action with Lithuania, where credits obtained in BALTDEFCOL are recognized as a part of Master Program on Military Diplomacy. The staff includes 8 academics (of about 34 directing staff), which employ such positions as Dean (the main person is Commandant), Department of Political Studies and Higher Command Studies Course. Prominent civil teachers, politicians and officials are attracted for teaching courses in BALTDEFCOL.

The following courses are offered by BALTDEFCOL. *The Army Intermediate Command and Staff Course* (5 months) includes even higher portion of civil subjects. Three of four learning areas are related to civil issues and conducted by Department of Political Studies and Officership: “Small State National Security” (Area 2), “Project Management” (Area 3), “Leadership and Military Ethics”(Area 4). So, the civil and civil-military content prevails in the given course. The Area 2 among others includes a module “Democratic Civil-Military Relations”, consisting of two parts: “Military and Society” and “Democratic Control of Armed Forces”, which are aimed to “develop understanding of the importance of societal values to the military” and “ability to employ the main principles of democratic control of armed forces in addressing the challenges of civil-military decision-making”. As claimed by the curricula, changes of the society and adaptation of the military to this change are reviewed.<sup>8</sup>

*Joint Command and General Staff Course* (11 months) is an advanced course providing tactical operational level for military staff with at ranks of captains/majors. It contains developed civil-military curricula, divided into some areas, modules and sub-modules.

6 Course Plan for the Joint Command and General Staff Course. Tartu: Baltic Defence Academy, 2007. P 7. [http://www.bdcoll.ee/fileadmin/docs/courseplans/JCGSC/Course\\_Plan\\_JCGSC\\_07-08\\_Revised\\_Aug\\_2007.pdf](http://www.bdcoll.ee/fileadmin/docs/courseplans/JCGSC/Course_Plan_JCGSC_07-08_Revised_Aug_2007.pdf)

7 White Book 2007. Baltic Defence College. Tartu, 2008. P. 16. <http://www.bdcoll.ee/fileadmin/docs/documents/WhiteBook2007.pdf>

8 The Army Intermediate Command and Staff Course 2007. Tartu: Baltic Defence Academy, 2007. <http://www.bdcoll.ee/index.php?id=198>

Learning Area 2 “International Security and Strategy” offers 5 modules (Contemporary International relations, Euro-Atlantic Security, Armed Conflict in 21<sup>st</sup> Century, International Law, Academic Writing) with total volume of 19 % (455 hours). The Learning Area 4 “Officership” (14% - 336 hours) is dealing with modules Leadership, Non-operational Staff-Work, Military Ethics and Negotiation, Military Command and Leadership, Media in Democracy and International Operations. These modules *inter alia* pay attention to leadership theories, leadership models and leaders types.

*The Higher Command Studies Course* (5 months) is a senior level course (formerly Colonels Course). Its target is to prepare officers to deal better with transformation issues in context of participation in international operations under aegis of NATO and the EU. The course consists of three parts: “The Need for Change”, “The Response” and “The Tools for Change”. The Phase 1 is devoted to surveying the main trends in contemporary international relations and security. *Inter alia*, the interrelationship of societal changes and the military, developments in international law, environmental and demographic challenges of globalization, civil-military relations and cooperation strategic leadership and as an aspect of operations are concerned.<sup>9</sup>

Besides, it should be mentioned the opportunity of getting post-graduate education and short-term courses in institutions of military education abroad. The largest number of Estonian military got foreign diplomas from Finland.

## Values and Presentation

To study the categories of prestige, the iconographic materials of military self-presentation like recruitment advertisements could be relevant. So, the slogan used for attracting people into infantry Scouts Battalion sounds: “Respect. The skills which cannot be obtained in other place”<sup>10</sup>, what can be interpreted as appreciation of **professionalism** as a category of prestige. The opportunities of vocational studies are among the main elements of military job offers. So, Estonian Navy offers “military and specialized courses in Estonia and abroad”, “participation in international and NATO trainings”, “English language courses if necessary”. S. Huntington was writing that professionalism is a source of respect, rather than money or influence.<sup>11</sup>

The meaning of respect is often presented to domestic public with international or foreign point of reference. For example, the official homepage of the Scouts Battalion states that high

9 The Higher Command Studies Course Plan 2007. Tartu: Baltic Defence College, 2007. [http://www.bdc.col.ee/fileadmin/docs/courseplans/HCSC/20070806\\_HCSC\\_2007\\_Course\\_Plan\\_draft.pdf](http://www.bdc.col.ee/fileadmin/docs/courseplans/HCSC/20070806_HCSC_2007_Course_Plan_draft.pdf)

10 <http://vk.kra.ee/>

11 Samuel P. Huntington. *The soldier and the State: the Theory and Politics of Civil-Military Relations*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1957. P. 7-18.

qualification of Estonian soldiers demonstrated in foreign operations deserved respect from soldiers of other countries.<sup>12</sup>

The next important attraction is *social security*, having in mind that Estonia is a typical example of consumption post-modern society where prosperity is a meaningful source of prestige. If look into advertisement, one may find that is offered “competitive salary”, “salary higher than average”. Finally, one more element is used to be advertised – 5 days / 40 hours working week. Nevertheless, military service is still insufficiently attractive on the labour market. It results in high staff turnover among junior military staff.

The other identified values used in military propaganda – *patriotism* and *honour*. The posters advertising service had such headings as: “Conscription Service is an Honour”, “Defence Forces – Defend Yourselves”.

There is an eventual convertibility of military gains into civil ones, as it seen from military advertisement and self-presentation. This can be explained by the fact, that for propaganda, advertisement and recruitment the authorized military agencies tend to operate with attractive values of civic society, and this approach vary from the real system of values, present among military staff.

The attempt to investigate into the system of values was made by capelin of Estonian Defence Forces Gustav Kutsar in Master Paper (political science), defended in Tartu University. He identified the set of terminal and instrumental values, deriving from basic documents of Estonian Defence (National Defence Concept) and value system codifying documents (Ethical Code for Civil Servants and Ethical Code of Defence Forces<sup>13</sup>), and investigated into their importance for target groups, (potentially) involved into state defence issues. The results are based on survey of almost 200 respondents, representing military staff as well as civil personnel from Estonia, Latvia and Lithuania. In general, it is concluded that actual value assessments made by representatives of the military in general correspond to the current ethical code, provided by the documents. So, no revision in this area is of necessity.

So, the first three general values for Estonian military are: justice (1), honour (2) and discipline (3). Noteworthy, all these three values are common (though in various order) for all the Balts. Among other values were mentioned braveness, patriotism, personal freedom, individual rights, civic duty, self-sacrifice, democracy, European ideals, religion.

The importance of the aforementioned values is not homogeneous among different groups of military staff. For senior officers the triad looks as: honour, justice, individual rights; for professional soldiers and NCO: justice, honour, patriotism; the previous is true for officers as

12 Scoutspataljoni sõdurid on tänu eeskujulikule väljaõppele ja kõrgele sõdurivaimule kõrgelt respektieritud ka teiste riikide sõjaväelaste seas [The Soldiers of the Scout Battalion due to High Preparedness and Military Spirit are Highly Appreciated among the Military of Other States]. Cf.: <http://www.scoutspataljon.ee/work/>

13 Kaitseväge eetikakoodeks [Ethical Code of Defence Forces] (validated 09.03.2004 by Chief of Defence). Tallinn : Kaitsejõudude Peastaap, 2007. 16 p.

well except the last point – patriotism is substituted by discipline. The greatest difference is expectedly vivid between all groups of professionals and conscripts, who more appreciate justice, individual rights and personal freedoms.

The terminal (general) values of military group were compared with those of civil group. The latter consisted of politicians involved into state defence decision-making, advisors, civil officials from the Ministry of Defence and General Staff of Defence Forces, conscripts, as well as students of the Estonian Maritime Academy and schoolchildren of an elite secondary school. Such comparison identified, that *justice* and *honour* are equally worthy both for military and civil groups, while importance of other markers seriously differ. So, while patriotism, civic duty and discipline (3<sup>rd</sup> to 5<sup>th</sup> ranks) are the next values by importance for the military group, the civil group expressed adherence to personal freedom, individual rights and democracy. Patriotism in civil group deserved only 6<sup>th</sup> position.<sup>14</sup>

From the perspective of instrumental values, Estonian officers indicate the following triad: “national independence and defence of territorial integrity”, “social protection” (health care, retirement benefits) and “development of education and culture”. This is remarkable that for Estonian officers “the international law and order” is comparatively of lower significance than for Latvians and Lithuanians (10<sup>th</sup> place instead of 5-6<sup>th</sup>). Partially, it can be explained by the fact that in Latvian and Lithuanian legal base (laws and military statutes) the loyalty to international law are much more developed, while it is almost absent in Estonian ones (see Reports on Stage 1 of Estonia and Lithuania).

The “face cut” through the military staff of different levels gives some remarkable results. First, the value of “national independence” is unquestionable for all ranks inside the military group. Second, “democratic institutions” and “international law and order” very highly appreciated by senior officers, while for others (officers, Defence League junior officers, professional soldiers and conscripts) these values are of secondary importance (with the exception of students of military college, for whom international law is the second important value). In general, the respect of international law decreases from students of military college and senior officers through junior officers, professional soldiers and conscripts (ranks 2 to 8), which can correlate with the share of civic education, required for each level. But there is an explicit exclusion from this logic, where officers give only 10<sup>th</sup> rank to international law. The hypothesis of such a special case could be that the meaning of international law in proportion to real practice seem to be very low or that limitations inflicted by international law pose problems in practical course.

Comparison between the civil and military groups of respondents expectedly shows that for the former more important international law, democratic institutions and defence of

14 Kutsar, Gustav. Väärtuste ja väärtussüsteemide analüüs tsiviil-militaar suhetes Eesti näide [Values and Value Systems Analysis in Civil-Military Relations: Estonia's Sample]. Master Thesis. Tartu University: Tartu, 2007. P. 76.



peace, while for the latter military defence of state interests in the world and social protection are valuable, while national independence and development of education and culture are equally important for both groups.

## II. Leadership Concept

Though no specific documented leadership guidelines have been identified, some conclusions might be drawn. *On the one hand*, the leadership style still preserves hierarchical elements. First of all, it applies to conscripts, which are often subject to torture like excessive physical exercise used for penalty. Mostly, it refers to the scope of civic element of military education, which seems to be small (in absolute terms as well as in relative terms in comparison with officers and especially senior officers) for the level of junior commanders – non-commissioned officers, as well as low attractiveness of military service, which often bring insufficiently educated and cultural staff into Defence Forces. The leadership, including General Inspector, rather tends to justify hierarchical order both by reasons of tradition and necessity to answer new challenges, e.g. training teamwork for participating in real battle operations overseas.

The story with violation of subordination in Afghanistan (cf. next chapter, though complicated by political context of rivalry between civil and military officials) showed that traditional hierarchies do not necessarily suite well for rapidly changing operational environment. The elements of flat hierarchies appear, ensuring the decision is made on the lowest level possible, while operational level divided from administrative/supply function: “The increase in small unit capabilities and compression of reaction time will seriously overload any sort of centralized command system. A command and control structure based on directive control and using horizontal or flat hierarchies will have the speed and flexibility to deploy units in an effective fashion”.<sup>15</sup>

At the same time, the development of flat hierarchies is hindered by gaps in legislation, which forced the Commander of Defence Forces to change subordination at his own responsibility. The expected constitutional Law on Organization of Defence Forces, which is currently under consideration of the State Defence Committee of the Riigikogu (Parliament of Estonia) is to clarify this issue. The Article 27 of the draft law stipulates, that a leader of a unit can transfer the right of order from one to another its subordinate. This is done according to the regulation, established and supervised by the Minister of Defence.<sup>16</sup> The Comment to

15 Majoor, Arthur. Changing Structures to Tomorrow Leaders // The Army Doctrine and Training Bulletin. Vol. 3, No. 2, 2000. P. 27.

16 KAITSEVÄE KORRALDUSE SEADUS [The Law on Organization of Defence Forces]. 202 SE I. Draft. [http://www.riigikogu.ee/?page=pub\\_file&op=emsplain&content\\_type=application/msword&file\\_id=249261](http://www.riigikogu.ee/?page=pub_file&op=emsplain&content_type=application/msword&file_id=249261). 20.05.2008.

the draft law specially emphasizes, that as rule the necessity of changing operational subordination is taking place in international missions.<sup>17</sup>

*On the other hand*, a number of factors contribute to blurring elements of hierarchy. *First*, such values as individual rights and personal freedoms are among the most respected among the military staff. Second, the issue of rights of soldiers are under civil control of the Chancellor of Justice, courts, mass media as well as of Ministry of Defence. Recent developments in clarification of and amendments to legislation can be interpreted as a move towards greater “soldier in uniform” concept, stipulating that he (she) is “an active member of the political community, who puts his efforts at the service of the community because his political rights include the right to bear arms”.<sup>18</sup> So, the rights of soldiers in what concerns public expression or labour conditions guarantees are getting better articulated. Even representatives of the military (General Inspector) called in favour of soldiers-citizens, rather than professional warriors (“mutants”). At the same time, the shortage of trust in between civil and military staff is still an objective reason, limiting political activism of the military. *Second*, the volume of civic components in military education has increased substantially (especially on officer level), and the voice of Ministry of Defence is getting stronger and more competent in setting military related agenda. *Third*, the growing role of Defence League as an entity, which simultaneously is a part of the Defence Forces and voluntary organization, potentially can facilitate “civilianization” of Estonian military and its leadership style.

One may argue that the main tools of inculcation of leadership concept are conscript service, military education and civic-military cooperation instrument enhanced by Defence League. The role of Defence League is meaningful in propaganda of a will to defence, which is perceived insufficiently high among Estonians. As the author in “Kaitse Kodu” (journal of Defence League) journal writes, while the Army cannot fulfil a function of propaganda, Defence League can do that. According to the Law on Defence League, the main goal of the organization is to “contribute to raising people’s readiness to defend independence and Constitution”.<sup>19</sup>

The members of Defence League are used to be teachers of “State Defence” course in schools, as well as work with youth through its children and woman divisions, which account more than 7500 members together.<sup>20</sup> The course of “State Defence” for schools is based on

17 Kaitseväe korralduse seaduse eelnõu. Seletuskiri [The Law on Organization of Defence Forces. A Letter of Explanation]. [http://www.riigikogu.ee/?page=pub\\_file&op=emsplain&content\\_type=application/msword&file\\_id=249262](http://www.riigikogu.ee/?page=pub_file&op=emsplain&content_type=application/msword&file_id=249262). 20.05.2008.

18 Jaques van Doorn, “Continuity and Discontinuity in Civil-Military Relations,” in Michel L. Martin and Ellen S. McCrate, eds., *The Military, Militarism, and the Polity: Essays in Honor of Morris Janowitz* (New York, NY: MacMillan Inc., 1984) 37.

19 Kaitseleidu seadus [The Law of Defence League]. Adopted 8 February 1999. Paragraph 4. [http://lex.andmevara.ee/estlex/kehtivad/AktDisplay.jsp?id=29182&akt\\_id=29182](http://lex.andmevara.ee/estlex/kehtivad/AktDisplay.jsp?id=29182&akt_id=29182)

20 Alekand A., *Pandilikult ja paljulubavalt Kaitseleidu noorteorganisatsioonide arengust* [Flexible and Promising Development of Youth Organization of Defence League]// *Kaitse kodu*, No. 7, 2007. p. 46-47.

the guidebook “Riigikaitse” and includes both theoretical and practical aspects of military service and military organisation of Estonia. It includes such topics as Military History of Estonia, Contemporary Crises and Conflicts, Estonian State Defence on Current Stage. The Ministry of Defence regularly organize special up-grade courses for teachers of State Defence, which among others include the lectures on civil-military relations.<sup>21</sup>

### III. Culture of Conflict

Estonia, still preserving the conscript army, preserves the problems related to violation of rights of conscripts. According to the advise given to a conscript on the homepage of one of the units, in case of problems he has an opportunity to address complaint either to General Inspector, or to head of unit (as prescribed by Internal Statute), or commanders of platoon or company, as well as get advise from physiologist, staff lawyer or capelin.<sup>22</sup>

At the same time, in practical life one may find it difficult to use the right to complaint because of patterns of conduct which are often intolerable to such behaviour. For example, the popular page [www.sodur.ee](http://www.sodur.ee) (“Soldier”) recommends the following: “Do not hurry to complain about a leader. Those who complain early or later will be identified and will lose morally. If you complain, you should know the statutes better than a leader and to be indeed innocent...Do not rebel against a leader – by that you only complicate your life. The final say will always be enjoyed by a leader, who will anyway stay your leader.”<sup>23</sup> So, the patterns of hierarchical conduct are strongly imbedded into the traditions of military organization. While the mechanisms of military control (office of the General Inspector) seem to be insufficiently effective, the role of Estonian ombudsmen (Chancellor of Law) is active in revealing the problems in military units.

#### Chancellor of Justice

The positive role in ensuring constitutional rights of conscripts is played by the Chancellor of Justice, which has a right to control the state of affairs in military units, because Defence Forces are viewed as a state service institution. It might be done either as a response to petition or by own initiative of the Chancellor. For the purposes of this paper, the exemplary control conclusions of the Separate Security Battalion, employed *inter alia* as a presidential guard as well as a training unit, is used.

In the conclusion document, the Chancellor of Justice pays attention to unsatisfactory utility conditions (dwellings, utility and study rooms, sport facilities) and discipline in the

21 Interview with M. Maigre, Tallinn, 18 April, 2008.

22 AJATEENIJA ÕIGUSED [The Rights of a Conscript]. <http://www.vahipataljon.ee/?menuID=261&ids=261>

23 <http://www.sodur.com/?id=323>

unit. It was identified that irrelevant methods of providing discipline were employed, like collective excessive physical exercises, punishment drill practice, seizure of mobile phones from entire unit (platoon). The reasons for that could be: talking in formation, unkempt appearance, inexcusable delay, etc.

The Chancellor of Justice emphasises the difference between physical training and punishment and insists that physical punishment is unacceptable, because it concerns basic individual rights and can result in humiliating attitude to personal dignity, which is prohibited by the Constitution.<sup>24</sup>

One equally important issue is collective character of punishment, imposed on conscripts. Such facts are recognized in the circular issued by the Chief of Staff of Defence Forces, signed 12.11.2001. It admits that internal investigation identified the facts of illegal punishments like extensive physical exercises assigned to entire unit.<sup>25</sup> The comprehensive list of the disciplinary punishments is outlined by the Defence Forces Disciplinary Law, which stipulates such punishments as reprimand or severe reprimand, extra duty, barrack arrest, disciplinary arrest, fine, decrease in position or in rank, decrease in salary, warning about insufficient correspondence to the position.<sup>26</sup>

In 2005 the confinement to quarter (home arrest) was cancelled as violating the inviolability of private life. To provide for sexual equal treatment by demand of the Chancellor of Justice the disciplinary arrest was expanded to female members of Defence Forces except pregnant ones. As outlined in the Annual Report 2005, there is a problem of contestation of the punishment, which did not work in practice in the units checked in 2005 (Kuperjanov Battalion and Võru Battle School).<sup>27</sup>

There was a telling public scandal related to problems with management of Estonian troops in Afghanistan. The commander of the Estonian expedition group Raivo Tamm ignored the order issued by the Commander of the Army (Land Forces) Alari Saega to organize an office hour for resolving personal problems of soldiers. Instead of that, he tried to address the issue to the higher command levels as well as involve mass media. As a result, Tamm was punished by Saega, but higher military preferred to support the former.

According to the Chancellor of Justice, the main reason why the conflicts in the General Staff exploded was the gaps in legal base. It is mentioned that both the Minister of Defence and Commander of Defence Forces applied to the Chancellor of Justice for legal expertise. In

24 õiguskantsleri kontrollkäik JVõK üksik-vahipataljoni [Control Visit of the Chancellor of Justice to Infantry Separate Battalion] 08.02.2008 // [www.oiguskantsler.ee/public/resources/editor/File/02\\_Kontrollk\\_ik\\_...\\_ksik\\_vahipataljoni\\_\\_veebuar\\_2008.pdf](http://www.oiguskantsler.ee/public/resources/editor/File/02_Kontrollk_ik_..._ksik_vahipataljoni__veebuar_2008.pdf)

25 JK-19/11048, Cit. by: õiguskantsleri kontrollkäik JVõK üksik-vahipataljoni 08.02.2008

26 KAITSEVÄE DISTSIPLINAARSEADUS [Disciplinary Law of the Defence Forces], came into force 01.01.1998, § 15. <http://wlex.lc.ee/list/KDS.htm#p8>

27 Annual Report 2005 of the Chancellor of Justice. Tallinn, 2006. <http://www.oiguskantsler.ee/.files/183.pdf>

2006 the Commander of Defence Forces changed the lines of order subordination in what concerns the management of Estonian mission in Afghanistan, claiming that according to the Law (Peace-Time National Defence Act) it is a competence of leadership of Defence Forces to establish the lines of subordination.

The Minister of Defence was of different opinion and assigned a procedure of observation, and finally cancelled the order of Commander of Defence Forces. The Chancellor of Justice concludes that neither Minister of Defence nor the Commander of Defence Forces are authorized to change the subordination lines, established by the Law. At the same time, the existing documents (like the Regulations of Defence Forces Management) gives a confusing interpretation of power division between operative and administrative structures of the Defence Forces, and does not meet the requirements of NATO and a number of doctrinal documents approved by the Government. Besides, the Law of Organization of Defence Forces (constitutional) has not been yet adopted. In these conditions the Commander of the Defence Forces had to fill up the legal gap by himself, while the Minister of Defence bears responsibility for the lack of necessary legal environment.<sup>28</sup>

In Annual Report 2006 the Chancellor of Justice emphasized one more problem, related to unconstitutional limitation of rights. Namely, the Constitutional Court abandoned the provisions of the Regulations of Defence League, approved by the governmental decree, which *inter alia* limited freedom of speech for members of the Defence League. It was stressed, that such restrictions can be imposed only by a statute.

Mentioning this problem in Annual Report of the Chancellor of Justice was an explicit continuation of the story which happened in 2004. Then the officer of the General Staff expressed his personal opinion to mass media in favour of preserving total territorial defence in military strategy. The Minister of Defence treated it as an interference of military staff into politics.<sup>29</sup> The General Inspector of Defence Forces asked the Chancellor of Justice to clarify situation. The later concluded that any member of the Defence Forces can express its opinions on political issues, because the right of will expression is secured by the Constitution. Moreover, such conduct is proper, because it demonstrates adherence to the Constitution and readiness to defend independence of Estonia.<sup>30</sup>

Some other cases were raised by the Chancellor of Justice as a result of control visits of the military units. So, during such visit to Kuperjanov Battalion one servicemen complained that is was forced to take night duties in spite of having a child under 12 years old. The opinion was expressed that special regulation should be introduced, which would require a

28 Jõks, Alar. Kaitseväe korralduse õiguslikud probleemid [Legal Problems of Organization of Defence Forces] // Sõdur, No. 5, 2007, p. 4-11.

29 As mentioned in the Report I (Estonia), according to the law military staff does not have a right to participate in activities of political parties.

30 Ohvitseridel õigus avaldada arvamust [Officers Have a Right for Will Expression] // Postimees Online, 05.01.2004.

consent of a regular member of Defence Forces who rear a child before 12 years old each time before assignment a night duty to guarantee the rights of a child.

The national factor of the soldiers rights' violations cannot be neglected as well as exaggerated. According to the survey conducted in summer 2007 by the Tallinn International Centre for Defence Studies, 36 % of Russian-speaking conscripts faced humiliations on national basis.<sup>31</sup>

## General Inspector

According to the Statute of the General Staff, the main duty of the Office of the General Inspector is to organize inspections of training and control over internal order, procession of complaints from military and civil personnel of the Defence Forces and problem resolution in accordance with law. The office activities are regulated by the Commander of Defence Forces<sup>32</sup>.

The activities of the General Inspector are less subject to public access than those of the Chancellor of Justice. As rule, this post is occupied by a high-ranked military servicemen. For instance, current Commander of the Defence Forces Ants Laaneots served as a General Inspector in 1997-1999.

One of the largest national weeklies "Eesti Express" was interviewing General Inspector Einar Laigna (1999-2005) on the issue of using excessive physical exercises as a punishment (the interview is forwarded by the exemplary list of possible punishments of this type, which are used to be imposed for smoking, talking or dropping a weapon<sup>33</sup>). The General Inspector recognized, that using exercises as a punishment is a well known phenomenon, caused by low level of culture and education, as well as a fear of young commanders to lose respect, their inexperience and immaturity. But it is necessary to be cautious in human resource politics (i.e. impose a penalty upon an officer) – there is a great risk to make a wrong decision.

Commenting on the ideal features of punishment, Laigna thinks that the punishment should not be public and regular, because this provokes a personal hostility. At the same time, General Inspector assumes a collective punishment to be tolerable, because it contribute to teamwork in emergency cases: there is a solid connection between individual and collective responsibility in combat operations. Besides, the explicit humiliation should be excluded. At the same time, verbal obscene language sometimes helps to mobilize a team (the positive experience from the Soviet Army is referred to).

31 Leitmaa, Dannar. Ajateenijad ei näe kaitseväes rahvuskonflikte [Conscripts Do Not Have Ethnic-based Problems] // Eesti Paevaleht, 06.02.2008.

32 Kaitsejõudude Peastaabi põhimäärus [The Order of General Staff of Defence Forces], adopted by the Government of Estonia, May 19, 2005. No. 102.

33 Püttsepp, Juhani. Las pumpavad! [Drop down and give me some push ups] // Eesti Express, 05.12.2002.

Simultaneously, he thinks that robust fashion of conduct in professional army does not fit to Estonian soil: “We should not grow up the mutants but soldiers-citizens”. Commenting on obliging force of the military statutes (e.g., how punishment can coincide with the right of 8 hours sleeping time), he de facto admitted that legal regulations are often subject to violation, because “the statute is practicing in the context of general culture”.

Laigna recognized that soldiers are not used to complain to him to resolve the problems. Sometimes he picks up soldiers when driving a car to ask them about their problems, but soldiers usually answer that they do not whimper and make a mountain of a molehill.<sup>34</sup> In this context, the telling story happened in 1999 deserves attention. One of the soldiers demonstrated his holes boots bind by rope to the journalist of the newspaper SL Õhtuleht (known as yellow). He was punished for that by reprimand, because the Internal Statute of Defence Forces gives only two opportunities to complain: either to commander of a unit or to the General Inspector. The General Inspector factually approved this punishment, regretting that the soldier did not complain to him directly.<sup>35</sup>

### **Other Forms of Civil Control**

Some types of military punishment are subject to control of civil courts. The Article 55 of the Disciplinary Law of the Defence Forces requires immediate information of the Administrative Court on imposing administrative arrest on a soldier/officer. The Court should check justification for such a penalty and is authorised to cancel it in case of legislation violation. If the penalty order is found illegal, a serviceman has a right to demand compensation for the time spent in the arrest house.<sup>36</sup>

The well-known scandal when military intelligence was spying over civilian staff of the Ministry of Defence, forced the former vice-counsellor of the Defence Ministry to address a complaint to the Prosecutor’s General Office, which initiated an investigation. In May 2008 it was closed. The General Prosecutor argued that those who organized the shadowing did not realize illegality of their activities. The conclusion stated that military personnel should fulfil the orders which are not explicitly criminal. Moreover, the military staff is admitted as having neither right or opportunity to analyze the orders of commanders.<sup>37</sup>

34 Hvostov, Andrei. Interview with General Inspector of Defence Forces Einar Laigna // Eesti Express, 05.12.2002.

35 Noorsõdur sai saapad ja noomida [A Young Soldier Got Boots and Reprimand] // SL õhtuleht, 05.08.1999.

36 KAITSEVÄE DISTSIPLINAARSEADUS [Disciplinary Law of Defence Forces], came into force 01.01.1998, § 55. <http://wlex.lc.ee/list/KDS.htm#p8>

37 Roonemaa, Holger. Luureskandaal: prokuratuur ei rahuldanud Kolga protesti [The Shadowing Scandal: Prosecutor’s Office Has not Satisfied the Complaint of Kolga] // Eesti Päevaleht Online, 02.06.2008.

## Conclusions

The system of military education in Estonia alongside with the conscription service might be viewed as the main mechanisms of military value system inculcation. In comparison with Soviet military education system, the Estonian one is much more incorporated into society by criterion of compatibility with civil education, participation of civil staff in training and the share of civic component. At the same time, the volume of the latter is not equal through different educational levels, decreasing from post-graduate courses for senior officers to NCO. Seemingly, the civil component in conscript Basic Course is even lower, partly compensated by the discipline of “State Defence” in Secondary School.

The elements of hierarchy are strongly embedded into military organization, which correlate with the culture of conflict. On the level of conscript soldiering it results in illegal excessive and collective punishment, discouraging the right of complaint and temptation to uniformity. On higher levels there are problems with violation of subordination and interpretation of legality of orders. But the civil control over military affairs, including the violation of rights, is getting stronger, and the meaning of such values as personal freedom and individual rights is quite high (though different through various levels of the military and lower in comparison with civil group). The value systems of servicemen in general correspond to the expectations, laid down by the state. They reflect priority of nationally oriented values (national independence) over international law or defence of peace worldwide.



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