

## Democratic Control of the Estonian Defense Forces

*Jüri Luik*<sup>1</sup>

The creation of the Estonian Defense Forces was a crucial event in establishing Estonian sovereignty in 1991. While the Estonian General Staff was created months before the Defense Ministry, the principles of democratic control were always generally accepted, although perhaps not so smoothly implemented. The Republic of Estonia was restored in 1991 as a parliamentary republic with all the attendant implications for the development of the defense forces. The country was restored as a multiparty democracy with a strong emphasis on the rule of law. The first governmental decisions on the re-establishment of the armed forces in Estonia were issued in 1991 and were focused, quite understandably, on practical matters. These first decrees spoke about establishing a strategic military command, the Peastaap (National Military Headquarters), and of starting the recruitment of troops, rather than about democratic control.<sup>2</sup>

The issue of democratic control was discussed in parallel at another venue, which dealt with drafting a basic law to underline the main principles of Estonian statehood. After the restoration of Estonian independence, a Constitutional Assembly was convened to write the Estonian constitution, as the old one, dating from before World War II, was clearly outdated. The debates over democratic control focused on Paragraph 11 of the draft Estonian Constitution, dealing with leadership and control over the military. In these debates, defense issues were discussed in detail. The President of the Republic was appointed as Supreme Commander, and the right to appoint the military commander of the defense forces (Chief of Defense) was given to the parliament. The debates in the Assembly were clearly focused on the theoretical role of the President and on his executive functions rather than on the practical leadership of the defense forces. There are very few countries, for instance, where the parliament takes a vote on appointing the chief of defense, in effect giving him a political role and a degree of independence from the executive branch. Yet that is precisely what the Assembly wrote into the Estonian Constitution.

The results represented, to a certain degree, a compromise between those who favored a strong President with proper executive powers and those who supported a formulation characterized by a weaker executive. Nowhere is this compromise more visible than in the section dealing with democratic control over the military. While the executive power in all fields of the Estonian system of governance is concentrated in the hands of the government, and this includes defense, the Pres-

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<sup>1</sup> Ambassador Jüri Luik is a former Minister of Defense of the Republic of Estonia.

<sup>2</sup> See Decision of the Estonian Supreme Council, "On the Establishment of the Estonian Defense Forces," September 9, 1991.

ident has been given the rights of a Supreme Commander but no tools to carry them out. The Ministry of Defense (MOD), the classical tool of democratic control of the armed forces, is not under the control of the President. The Minister of Defense has no obligation to follow any presidential orders. There is no doubt that such legal provisions create problems.

The first years of the development of the Estonian Defense Forces (EDF) proved that many solutions of the Assembly were too complicated to be carried out in practice. While the government and the President were settling their scores and trying to position themselves in the leading role, the development of the EDF suffered. Other tools of democratic control were also weak. The MOD, when created, did not receive necessary attention from the political elite, as it was considered a complicated ministry due to its unclear status. The civilian experts both in the MOD and the parliament as well as experts in the media were not of sufficient quality, which led to unprofessional and often unfair handling of the ministry and its affairs.

In general, one must note that the development of the EDF – its direction, aims, and policies – is intimately linked with the establishment of democratic control. Very few issues in establishing such control are of a purely technical or military-technical character. Everything, starting with the structure, personnel, policy, training, and command is also related to issues of democratic control. That is why the history of establishing proper democratic control of the armed forces in Estonia is linked to their build-up. The Soviet armed forces obviously had little to do with democratic control. Classically, in an authoritarian society the armed forces were a closed structure with an antagonistic attitude toward the surrounding society. The relationship between the society and the men behind the green fence (Soviet army bases were usually surrounded with a high green fence) was minimal, and everything on the other side of the barrier was cloaked in mystery. Military men represented a secretive order and their dealings were unknown to outsiders. Therefore, changing the public perception of the military as well as the self-perception of the military was an important task that confronted the first Estonian governments.

The debate about democratic control in Estonia also had long-standing historical connotations. Estonia, as is well known, was occupied by the Soviet Union in 1940. A year before that, the USSR demanded the establishment of Soviet bases on Estonian soil, which essentially precluded any other options but surrender in 1940. A historical debate emerged after the re-establishment of Estonian independence over who made that final decision. Since the issue was not debated in the parliament, the only ones who could have made it were the President and the members of the government. Apparently, President Konstantin Päts bore the formal responsibility for the decision. Therefore the general view in contemporary Estonia is that the politicians “sold out” Estonia, while the military was ready to do the right thing and offer resistance to the invading Soviet army. But such

a view is not actually supported by the facts. The Commander of the Estonian Forces in 1939, Lt. Gen. Johannes Laidoner, participated in the decision-making process when Estonia was swallowed by the Soviets. In fact, his gloomy assessments of the state of the Estonian armed forces prompted the politicians to sign the infamous treaty of military co-operation with the USSR, which ensued from the Soviet ultimatum, without any serious consideration of military resistance. In the case of Finland, for instance, serious resistance was mustered, which resulted in the Winter War. Consequently, the country maintained its sovereignty, if not full decision-making powers.

The biggest obstacle to proper democratic control was intellectual. In fact, the armed forces' first military officers emerged from their three-month training course, commenced in December 1991, with nothing more than very superficial training built on the initial enthusiasm for independence. Establishing a proper education model was therefore of crucial importance in the development of the armed forces as well as in the development of democratic control. The school where the short courses were run was quite appropriately based on the civil security-training establishment, where the police, customs, and correction specialists were trained. On March 17, 1998, the government established a proper military educational center, the Joint Military Educational Institution (JMEI, or Estonian Defense College as it is known currently), in Tartu. It maintained a strong link with the most important civilian higher education institution in Tartu, namely Tartu University. A number of civilian professors hold lectures at the JMEI. The quality of officers and NCOs, their level of education, and their understanding of world affairs are crucial in creating awareness within the military of civil society and their role in a democratic country.

Things improved visibly when the first legislation was passed in the Estonian Parliament toward a serious attempt to organize the structure of the EDF in more efficient ways. The Peacetime Defense Law and the Wartime Defense Law were passed by the parliament in 1996. Some existential questions were given an answer in those two important documents. The President's authority regarding defense was clearly limited to symbolic functions, with the exception of submitting to the parliament the appointment and resignation of the Military Commander (Chief of Defense). The new defense law, which took effect in August 15, 2002, is helping to develop the tools of democratic control even further by trying to establish precise areas of responsibility for different state institutions involved in defense matters.

### **Challenges of Military Transition**

The EDF, like the defense forces of other NATO candidate countries, have quickly undergone a process of transition. The tasks of the defense forces of the three Baltic states have been somewhat different from those of their Central and Eastern European colleagues. While the Central Europeans faced the need to have

their large armed forces reduced and streamlined, the Baltic states started with a (largely) blank slate. In both instances, either in reductions or in drawing up entirely new structures, the problems confronted have been essentially political. The solutions depend on the willingness of the society to trust and support their armed forces. They also depend on the availability of financial resources. And they depend on the quality of strategic commanders, who are appointed by the politicians. Only if all the political preconditions work in unison with the military requirements can the transition to modern armed forces be successful.

Problems with democratic control in Estonia quickly translated themselves into problems in transitional development. Many issues that were to be decided in the speediest fashion to allow the transition to go forward piled up because no relevant mechanism existed to solve them. Some of these issues were personnel issues, while others were issues of the strategic choice of a model for the EDF, decisions to purchase necessary equipment, and so on. One of the most important issues was the appropriate model for force development. The Soviet model, highly irrelevant for small Estonia, but familiar to the forces due to the presence of former Soviet officers, was initially used. However, a Finnish model, reinforced by numerous Finnish advisers and by the fact that Finland provided both officer and NCO training for the largest number of Estonian servicemen trained abroad, was also developed in parallel. The Soviet-style model placed a heavy emphasis on big formations and the training of large amounts of reserves with little attention to reaction time or to the actual ability to operate big formations in a theater, education, technological development, and interoperability with forces of other democratic countries. Full application of the Finnish model, while much more suitable for Estonia, also was problematic due to its origin in a different political and social landscape and to the financial and political constraints under which Estonia operated.

This situation fed a desire to develop a staff structure, which at this stage would essentially have been a mobilization and civil defense structure without actual ability to carry out any coherent war plan. It was also in contradiction to the declared desire of successive Estonian governments to join the North Atlantic Treaty Organization. Only when democratic control gained a strong foothold in Estonia and interface between the political and military layers became more active did it become possible to develop a comprehensive long-term development plan that gave sufficient political guidance to the armed forces to build upon.

The chosen model was a logical compromise between the current needs of Estonian defense and the country's ability to support them. It had a serious territorial defense layer carpeting the country with operational land, naval, and air-surveillance forces giving sufficient flexibility. The security and military strategies, approved by the parliament and the government respectively, provide a political and strategic framework for the development of the EDF. The mid-term development plan serves as a necessary blueprint for the build-up of specific structures

both in command and control down to the unit level and also provides a coherent plan for the development of infrastructure. The plan has been developed in conjunction with NATO authorities and constitutes a logical roadmap for further development.

These developments would have been impossible without the healthy, constructive interaction and debate between the political and military layers. The political authorities worked in unison and made some key decisions that constructed a clear political framework for military planners. For instance, the government made a drastic decision to raise the defense budget to 2 % of the GDP, increasing it by 0.2% of the GDP every year. It also made a decision to develop a quality army instead of a quantity army by concentrating money on fewer but better prepared infrastructure objects and on fewer units with clearer tasks and a higher level of preparation. From the initially proposed number of 60,000 troops the Government decided to go down to 25,000 troops, plus non-committed reserves. It was also decided to create at least some operational units, which was especially new in infantry development. These units were a rapid reaction battalion with a professional staff and a fully equipped manoeuvre brigade with higher readiness reserve and higher numbers of professional officers. Only when this political-military framework was finally in place did the military start drawing up detailed implementation plans and launching specific projects. The plans received a full public airing, with the exclusion of confidential parts, which allowed the public to understand what their military was all about.

### **The Kurkse Disaster**

One of the more difficult questions of democratic control was raised by the Kurkse accident. On 11 September 1997, 24 young trainees from the inter-Baltic peace-keeping battalion BALTBAT, together with their trainer, a junior lieutenant named Jaanus Karm, were carrying out a survival course. Part of that course involved crossing, on foot, a shallow bay (the Kurkse) separating a small island (Pakri), from the mainland. A storm caught the men halfway across the bay and moved them off-course so that they were not able to reach safe shores. Half of the team—thirteen men—died in the icy autumn waters. This training exercise gone sour became a major political and public relations disaster involving public feuds between the President and Prime Minister as well as the defense minister and the Chief of General Staff. There were several major questions to be debated. One was the question of who held major political authority over the armed forces and who ultimately bore political responsibility for the disaster. While usually different parties were quick to claim supremacy in various defense matters, this time they kept a low profile and tried to pin the blame on one another.

Another important issue was the responsibility of the individual command leader and the knowledge of his superior military commanders about this particular mission. The proper registration of the manoeuvre schedules and parameters

was an issue. The whole matter was made even more complex since the unit in question was part of the BALTBAT, an international unit consisting of Estonian, Latvian, and Lithuanian companies. Therefore, the chain of command and responsibility became even more blurred than it would have been in a case with a typical Estonian battalion. The responsibility of the government for passing appropriate legislation and signing appropriate agreements to guarantee the chain of command was also discussed in detail. The entire situation was made additionally bitter by the loss of lives. International military co-operation, traditionally very popular in Estonia, became subject to some serious questions as a result. While the Kurkse accident opened a lot of wounds and was a landmark in Estonian political infighting, it did not actually help to solve many problems of democratic control over the armed forces. An examination of documents from the time makes evident how little knowledge the debaters had about the principles of democratic control. Especially the precedents in the Western community were completely unknown to the politicians and military alike. That is why it took some time and healing of the wounds before all parties involved could move past the crisis. The only person who was actually punished was the leader of the company. He received a prison sentence and was later pardoned by President Lennart Meri. Nevertheless, the incident left lasting scars in the Estonian security policy establishment.

### **Train and Educate**

The training and education of the military as well as civilians was seen as the key to establishing working democratic control. The MOD is involved in the training groups of civilians who will be involved in developing the armed forces from the political side. These are the staff members of the ministry as well as parliament members and journalists. There are a couple of important tools in place to do that, like special high-level courses on defense policy. These courses, organized twice a year, are used explain defense policy to the members of parliament (of all committees and all parties), journalists, as well as people who do not work directly with defense issues (like representatives from other ministries) through a series of lectures from key members of the Estonian security community as well as through visits to various EDF units.

There are other crucial steps that the Estonian government has taken to support democratic control. There are a number of high-level documents enabling the President and the government to give political guidance to the armed forces. These are the Security Policy Strategy and the Estonian Military Strategy, which are designed to create a conceptual basis for the armed forces. They provide the framework for development, which will help the EDF to hew to the general direction and parliament to allocate the appropriate resources. Deliberations on those documents have been stimulating a general discussion over the direction the EDF should be taking.

Another important component of democratic control is something one could call civil awareness. A well-developed information strategy of the MOD has taken up the task of explaining to the public the needs, roles, and missions of the EDF, emphasizing the democratic practices applied in their build-up and functioning. The media were also carefully educated, as journalists specializing in defense matters joined the minister on various trips inside the country and abroad. Journalists were also given a chance to study at schools and courses of NATO-related programs, like the Canadian Military Language School, and other important incentives for journalists to develop their knowledge of the armed forces were provided as well. Other crucial elements of democratic control were also developed as a national debate about the meaning of democratic control of the armed forces was begun in the Estonian newspapers. While some of its participants emphasized that soldiering should be left to the soldiers and that civilians should not interfere in this complicated area, the general consensus emerged that in European democracies there was always a civilian at the helm of the armed forces. It also led to a debate about the degree of political and partisan influence that the executive branch was at risk of exerting over the military. Various viewpoints were raised, but the debate cleared the air and helped to frame the general understanding about the needs and limitations of democratic control of the armed forces.

An important aspect of democratic control was the education of high-ranking military officers as well as of the officers who were just beginning to rise through the ranks of the armed forces. A number of senior officers did their training in Western military academies, like the U.S. Army War College or the Swedish National Defense College. Democratic control and civil-military relations were an integral part of that training. Senior staff officers passed their training at the Baltic Defense College, a combined staff college of the Baltic states, where the basic features of democratic society were an important issue of study. Some Estonian officers went to work as interns or liaisons on various NATO staffs and brought back knowledge of decision-making and political oversight as practiced in mature democracies. The Partnership for Peace program, and especially its planning format, the Planning and Review Process (PARP), were important tools in shaping the patterns of democratic control in Estonia. They also played an important role in demystifying defense, and they displayed the strong link between the capabilities of the military and the management of resources, which the civilian society allocates for to the military establishment.

In the process, extensive tables on personnel and equipment requirements were produced, showing a link between the increase of personnel and the increase of real military capability. In addition, transparency and accountability have been enhanced by establishing a unified system of bookkeeping, which allows the ministry to look at all the books of the military, and by developing a unified planning system known as the Planning, Programming, and Budgeting System (PPBS), which will allow a detailed overview of existing military assets down to the last

wheel. Obviously, these programs have other important tasks in addition to democratic control, but the latter is an important aspect of the whole endeavor. In many countries, the military often take comfort in the relative invisibility of their area of activity. There are few criteria to measure their performance in general, or to assess the drawbacks and benefits of a particular choice taken by a particular commander. A transparent model of defense planning has been an important tool in developing Estonia's defense capabilities and demystifying the business of the military in the eyes of society.

### **The New Defense Legislation**

The new Peacetime Defense Law is a modern, fine-tuned variant of the old law that attempts to address some of the problems that the old legislation left vague and unspecified. There have been attempts to change the Constitution, which, as mentioned before, does not always meet the modern requirements of democratic control. But the legislative process of such a change, deliberately complicated by the difficult legislative hurdles required (demanding three-fourths of the members of parliament to vote for a speedy process), has stopped those attempts in their tracks. So far it has only been possible to try for legislative improvement, not constitutional change.

The limitations of the presidential powers are thus further specified in the new defense law. All responsibility for the development of the EDF has been placed squarely with the government. The government and, more specifically, the Minister of Defense, exercise legal as well as functional control (all in all, democratic control) over the armed forces. Specific issues, such as the peacetime use of the EDF in civil search and rescue operations or the use of commander's authority over the air-defense, are both important issues that have been addressed under the new Peacetime Defense Law. The new legislation draws a clear line of responsibilities between the civil authorities in Estonia. The President's role as Supreme Commander has been delimited to certain narrowly defined activities: he can issue orders concerning military decorations and ranks; he chairs the State Security Council; and he operates as an authority to legitimize the use of force when the parliament cannot convene. Fulfilling these limited responsibilities, he has to operate via the government, whose constitutional task is to execute the decisions made by the President. This is not a radically new turn in Estonian defense decision-making. It is rather a formalization of the procedures that were previously in place. But the whole task of peacetime preparations and everyday management of the EDF has been left to the government and, more specifically, to the Minister of Defense.

This piece of legislation has been made possible by the slowly accumulating political experience in Estonia and by the fact that several political parties (Center Party, Isamaa, Coalition Party) have held the post of Defense Minister, after which the need for such legislation eventually became clear to everyone.



Different governments have had different democratic control and public relations disasters (one almost unavoidably follows the other) in dealing with the EDF. A consensus was already emerging inside the political establishment to change the Constitution and to simplify the complicated chain of command described there. Only the fact that one needs a majority of three-fourths of the total votes in parliament to change the Constitution, and that other constitutional issues, such as the direct election of the President (he is now elected by the parliament) also need to be addressed, prompted the search for the consensus across the whole political spectrum. Changes to the Constitution have been prepared by a multi-party commission and are currently waiting for the re-emergence of sufficient political will to push for the amendments.

Obviously, no legislation will solve the issues of democratic control by itself. Only after the adoption of new legislation will it become apparent if the other factors necessary for democratic control, like the educational level of the military, the knowledge and expertise of the civilians in parliament and in the executive branch, the general understanding in the public, and other important factors will take effect and make it possible for the system of democratic control to operate properly. Ideally, one should try to introduce this new mode of behavior at all levels (public, bureaucratic, military) simultaneously in order to ensure a fresh start. Democratic control is one of the most substantive matters in the functioning of civil society (similar, for instance, to freedom of the press), and should therefore be skillfully managed to operate smoothly.

### **The Future of Democratic Control**

The future of democratic control of the armed forces in Estonia should be viewed with an emphasis on understanding the new spirit and the new tasks of democratic control in the contemporary world. Some of these issues are obviously specific to the situation in Estonia, but they have a larger meaning with regard to other PfP countries. A number of countries are participating in international peacekeeping functions, so democratic control in those cases is dual: it is both the knowledge of national parliaments and governments about the roles and missions of their military in a specific operation, which is often handled through various NATO structures, and the readiness to give various political permission as quickly as necessary. Speed is often an issue in modern circumstances of conflict. During the Cold War, many decisions that needed to be made quickly were delegated to the military, which had specific rules of engagement. Today, these decisions are often political and should be handled through political channels. Even writing clear rules of engagement is increasingly difficult in peacekeeping situations, which demand sound political judgment even at minuscule levels of detail. Kosovo is a good example. From a military perspective, one requires in this case both sound political judgment, which brings us back to the issue of military education, and a quick, technically well-established and experienced procedure of democratic

control that enables the military to consult their civilian leadership in a timely manner. One also needs political advisers who are militarily capable and whom one can take along to scenes of conflict such as Afghanistan, Kosovo, and Bosnia.

NATO itself will also need to focus hard on the interoperability of procedures of democratic control. Without a doubt, different countries inside the Alliance, not to speak of the PfP countries, have different rules governing democratic control of their armed forces and different historical and cultural backgrounds to be reckoned with. The issue was less important during the Cold War, since the readiness of the forces depended on a general "act order" of the Alliance. This, luckily, never materialized. Strangely enough, in the wake of the Cold War, the number of actual NATO-led missions has gone up. This fact also calls for a much more realistic approach to the question of military command and control as well as political guidance and oversight.

This is not to say that the question of democratic control was not important during the Cold War. From the complicated resignation of General McArthur to the detailed handling of the Cuban missile crisis by President John F. Kennedy, this issue has long loomed large in security policy. But these were primarily American issues, while in Kosovo this has become a NATO issue. The U.S. Secretary of Defense Donald Rumsfeld and others have labeled the NATO approach as "war by committee." This is a reference to the NATO air campaign against Yugoslavia, where the NATO Military Committee had to approve all the targets, especially in Belgrade. The Americans described such a system as both too complicated and politically divisive. As Rumsfeld said, "The mission must determine the coalition, the coalition must not determine the mission."<sup>3</sup>

Countries that are sending their top diplomats to the NATO table should be ready to equip them with high levels of military and civil-military expertise. Their main task should be to try to see through the complicated language of NATO papers to the core issues and find the means to appropriately guarantee democratic control over their forces in NATO-led operations. It is also important to guarantee the contact of national governments and the leadership of national armed forces with their troops. With smaller countries, Estonia included, there has been an issue of losing touch with troops deployed outside the country, which has a negative impact both on the morale of the troops and on the morale of the country that has sent them.

Another more complex contemporary issue is connected with the fight against terrorism. Deploying military force against terrorist incursions inside the country is sometimes a necessary element of the struggle against terrorism. This is something that present Estonian legislation clearly forbids. However, a voluntary paramilitary organization, called *Kaitseliit*, has been actively involved in disaster relief and the protection of vital state assets. Use of the armed forces inside the

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<sup>3</sup> Donald Rumsfeld, "Riding Into the Future," *Foreign Affairs* (May-June 2002).

country has obviously been a no-go for a long time for security reasons, but circumstances like those in the present sometimes demand the involvement of the armed forces, either separately or, in a more likely scenario, working together with the police or other security forces. In the U.S., armed National Guard units have been actively involved in post-September 11 security duties at airports and other facilities; it is natural that the same issues should be addressed in other countries. How is democratic control ensured under these difficult circumstances? How would the civil authorities, mainly the Ministry of Interior, and the MOD cooperate? How would expenses be shared? Who would take the blame if something happened?

In conclusion, I would like to make the following points. Full-fledged democratic control of the armed forces proves the maturity of a particular society. It goes without saying that democratically elected civil authorities should have a clear and final word in all defense matters. They are the bearers of legitimate democratic powers that constitutionally belong to the nation in all democratic societies. On the other hand, those authorities should be experienced enough to develop a sensible and reasonable division between their own tasks and between the tasks of a purely military nature. There is no clear line here, since all military actions have a political, economic, or financial aspect. The trick is to try and specify a political mandate or directive that would give the military enough freedom to execute their mission. This is sometimes not such an easy thing to do even in peacetime, not to speak of the wartime. Some famous examples come to mind. The first is President Kennedy, leading the U.S. naval forces during the blockade of Cuba to oust Soviet nuclear forces from the island. Kennedy was not ready to delegate control to the U.S. military command, but rather led the troops from his White House office, fearing the possible outbreak of a nuclear war. Another, more contemporary, example is the conduct of the air campaign against Yugoslavia. Several NATO allies demanded prior approval of the targets, especially in Serbia proper (not so much in Kosovo, where targets were seen as military and legitimate) before they were taken down. General Wesley Clark, former SACEUR and the commander of the operation, has explained in detail this kind of civil-military friction in operational decision-making in his lively book *Waging Modern War*.<sup>4</sup>

Such friction and conflict is increasingly possible in peacetime, where countries develop military assets against an imaginary opponent. Defining a possible threat and identifying the necessary assets to counter it is a political decision. Working within planning assumptions, the potential for getting into debates over who is in charge of what is even larger than in times of conflict, when different options are less theoretical and therefore clearer. One should be delicate in trying to draw a line between political decisions and purely military, operational ones. This

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<sup>4</sup> General Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2001).

is a task that is not always as easy as it might seem. One should also understand that conflicts between civil authorities and military leadership happen even in the most stable countries and mature democracies. The well-known conflict between the U.S. President Harry Truman and General McArthur during the Korean War, which led to the abrupt dismissal of the famous war hero, or the bitter conflict between the U.S. Secretary of Defense William Cohen and General Wesley Clark, or even the swift resignation of the Danish Chief of Defense General Christian Hvidt due to his open conflict with the Danish Minister of Defense can serve as vivid examples. But those cases have a common feature: although it is difficult to declare, *post factum*, who was right and who was wrong, the civilians always had the upper hand in the end. This is what distinguishes a true democracy from a false one – democratic leadership always wins. Estonia has gone through a difficult period in establishing its defense forces and democratic control over them. There have been ups and downs on the road, often due to the limited understanding of the altered position that the armed forces have in the newly independent modern society. But after more than ten years of independence, standing in line to be invited to NATO during the Prague Summit in November 2002, with a possibility of membership in 2004, Estonia can be regarded as a country with modern armed forces and with proper democratic control.

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