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# Estonia's Integration into International Organisations — from the Viewpoint of Security

The Republic of Estonia has been a full member state of the North Atlantic Treaty Organisation since 29 March 2004, Estonia is the full member state of the European Union since 1 May 2004. These developments are in testimony of a huge step towards a free, whole and peaceful Europe.<sup>\*1</sup> For the acceding states, accession to both these organisations means supranational integration in security issues, as has also meant the accession to other security organisations, such as the Western European Union (WEU), the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations (UN).

From historical viewpoint — as a small state that has been occupied many times — security guarantees are essential to Estonia. The pursuit of independence, territorial integrity and cultural identity has accompanied the development of the Estonian nation. Although the author sees neither military nor political threats aiming to change Estonia's internal or external policies today or in the near future, she is aware of and understands that the state must be ready to combat such threats as economic, social and environmental risks, international crime, and terrorism.

Considering the previous, the purpose of this article is to estimate whether the accession of the Republic of Estonia to supranational organisations guarantees higher security in the region. Considering this purpose, the author has divided the article into three main sections.

The first section gives an overview about the interrelationship of those security organisations in which Estonia participates. More precisely, about the position of the common foreign and security policy (CFSP) of the European Union within the global security area. Here it is demonstrated that the enlarged European Union embraces the WEU. Such development strengthens the position of the European Union in the global security structures. The author demonstrates the close ties of the CFSP of the European Union with the NATO under the UN umbrella. In the second section, the author discusses why participation in security organisations is important to Estonia and tries to define the main threats to Estonia's security. In the third section, the author addresses the legal implications of Estonia's security-related integration into the NATO and the European Union. With that aim, the author firstly analyses the implications of the European Union

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<sup>1</sup> Remarks made by Kristiina Ojuland, Minister of Foreign Affairs of Estonia, at the signing ceremony of the accession protocols to the NATO, in Prague, on 26 March 2003. Available at: [http://www.vm.ee/est/nato/kat\\_341/3543.html](http://www.vm.ee/est/nato/kat_341/3543.html) (28.03.2003).

membership to the Estonian defence system through the main, consequent to enlargement changes in the CFSP of the European Union, and highlights the three important points related to the new European Union member states: unanimity, sovereignty and participation in the NATO. The author tries to determine the implications of the accession of Estonia to the European Union and the NATO to the state's security system and sovereignty. At the end of the article, the author assesses the balance of powers between the post-enlargement European Union and the NATO as regards the maintenance of security.

## 1. The interrelationship between security organisations

In order to understand Estonia's position and reasons to accede to security organisations, the interrelationship of the security organisations in which Estonia participates is examined below. Although the European Union cannot be considered a purely security organisation, it is developing from an economic union towards also a political one and it is re-examining its CFSP in order to better achieve its political aims. Therefore, especially in the light of the latest developments in the European Union concerning the growing interrelatedness and the proposed merger of its three pillars, in the article the author deals with the elements of the European Union as a security organisation.

As the activities of the security organisations discussed are based on the Charter of the UN<sup>2</sup>, the author considered that the most logical way to examine the relations between the security organisations could be in the light of the Charter of the UN. The UN is the supreme world organisation in security matters. Despite the idea, which arose at the time of the League of Nations, that international order could best be served not only by centralised decision-making in a global organisation, but also by regional bodies, most of the League of Nations leaders favoured a supreme world organisation in security matters.<sup>3</sup> This preference may be explained by the concept that the centralised control over regional activities avoids too large extension of the limits of enforcement action by regional organisations in third countries and guarantees the objectivity of enforcement action.

On the other hand, considering that regional organisations are better informed about the regional conditions and the resources that the UN would need for regional enforcement action, decentralisation was supported in order to solve practical regional problems, but also with regard to external threats. For that reason, regional elements were and are strengthened in the composition of the UN<sup>4</sup>, as well as concerning the organisations, whose work was based on the UN Charter. In the context of this article, such regional organisations as the WEU and the NATO serve as examples alongside the European Union which has even described itself as a regional arrangement under Chapter VIII of the UN Charter.<sup>5</sup> The European Union has strong security relations with the WEU and the NATO, which are mentioned in article 17 of the Treaty on European Union. Namely, the European Union depends on the WEU and the NATO in realising its two primary CFSP goals: to strengthen its own security, and to preserve peace and strengthen international security. Quoting Wessel, the European Union, the WEU and NATO 'today form an institutional triangle with tied security policies under the UN umbrella'.<sup>6</sup> Recognising the need of international organisations to co-operate in order to promote security, these security organisations co-operate under the UN umbrella also with the OSCE, as well as with other regional organisations.

<sup>2</sup> Charter of the UN. 26 June 1945. T.S. 993. Preamble, article 1. The North Atlantic Treaty, 4 April 1949. Washington, D.C., articles 11 and 19. The Treaty on European Union. – OJ [2002] C325/5, Preamble, articles V and VI. The Treaty of Economic, Social, and Cultural Collaboration and Collective Self-Defence (1948 Brussels Treaty). Washington, DC.

<sup>3</sup> About regionalism and universalism see N. D. White. *The Law of International Organizations*. Manchester: Manchester University Press 1996, pp. 157–158, C. Schreuer. *Regionalism v. Universalism*. – *European Journal of International Law* 1995 (6) 3.

<sup>4</sup> The idea of regionalism was proposed by Sir Winston Churchill as early as in 1943. In his concept, the World Council should have rested on three regional councils. He emphasised that 'the last word would remain with the Supreme World Council'. See N. D. White (Note 3), p. 156.

<sup>5</sup> Although it is discussable in the legal theory, whether the European Union can be viewed as a regional arrangement, because the Treaty on EU does not stipulate the status of the European Union as that of a regional arrangement. Because of that, the choice whether or not the European Union should declare itself as a regional arrangement, has been left open. See R. A. Wessel. *The European Union Foreign and Security Policy. A Legal Institutional Perspective*. The Hague, Boston, London: Kluwer Law International 1999, pp. 282–292.

<sup>6</sup> *Ibid.*, p. 325.

## 2. The viewpoint of Estonia — the importance of joining security organisations and the concept of security

In the author's opinion, the primary reason why states belong to international security organisations is the achievement of higher security in the region. For that reason, the full membership of the European Union and the NATO have been Estonia's primary foreign policy goals since regaining independence in 1991. However, when trying to determine the meaning of the concept 'security', one finds that the concept is very broad and has military and civil aspects.

Opening the meaning of the concept 'national security', the former president of the Republic, Lennart Meri, indicated that this did not only mean military or economic security, but should have also been construed as involving 'culture, demographics, linguistics, and education as issues deemed vital to the survival of the Estonian nation'.<sup>7</sup>

Accordingly, it has been determined in the Estonian Republic Basic Security Policy Act that security embraces military and political activities, activities in the economic and social spheres, as well as combating environmental risks, illegal immigration, international organised crime and terrorism.<sup>8</sup> The same Act accordingly determines Estonia's state interests and security policy goals: maintenance of independence and territorial integrity, protection of Estonia's stability and her democratic development, promotion of peoples' welfare and maintenance of cultural heritage, continuity of Estonian nation, language, culture and identity through international globalising co-operation.<sup>9</sup>

Based on the preceding, one may say that Estonia's security can today be threatened by political and economic domination and instability, by international crimes and terrorism, by environmental risks, but also by the high number of non-Estonian national minorities in Estonia, consisting mostly of ethnic Russians. Besides the presumption that this part of the population may, due to its origin, be friendly towards Russia<sup>10</sup> and support Russia in the case of an attack, this part of population also threatens Estonia's identity through cultural influence. As such thinking has been relatively widespread among Estonians, ethnic integration in Estonia has been a major foreign policy issue<sup>11</sup> and was addressed by foreign observers as a necessary condition for Estonia's integration into international security organisations.<sup>12</sup> Therefore, one may say that Estonia's will to preserve her security, part of which forms identity, accompanies her integration into the European Union and the NATO.

## 3. The legal implications of Estonia's security-related international integration

### 3.1. The implications of the membership of the European Union to the Estonian defence system

The membership in the European Union entails membership of the CFSP of the European Union. The CFSP of the European Union was established by the 1992 Treaty on European Union<sup>13</sup>, according to which the aims of the European Union besides economical and social also include political and social co-operation, general regional development and mutual security and defence.<sup>14</sup> The security objectives of the European

<sup>7</sup> As cited in M. Kuus. *European Integration in Identity Narratives in Estonia: A Quest for Security*. – *Journal of Peace Research* 2002 (39) 1, p. 95.

<sup>8</sup> *Eesti Vabariigi Julgeolekupoliitika alused* (The Estonian Republic Basic Security Policy Act). – RT I 2001, 24, 134 (in Estonian).

<sup>9</sup> Estonian Republic Basic Security Policy Act, section 1.2. Unofficial translation.

<sup>10</sup> M. Kuus (Note 7), pp. 97–102.

<sup>11</sup> The Estonian Republic has been monitored by the OSCE since 1993, has received suggestions from NATO and the European Commission, and financial aid from the European Union, Nordic countries, Canada, the United Kingdom and the Open Estonia Foundation, with the aim of liberalising its citizenship and language laws to better integrate non-Estonians into Estonian society. The data has been taken from M. Kuus (Note 7), p. 96.

<sup>12</sup> The President's Academic Council accordingly recommended in 1998 that Estonia should liberalise its citizenship and minority rights laws. M. Kuus (Note 7), pp. 97–102.

<sup>13</sup> Treaty on EU. – OJ [1997] C 340.

<sup>14</sup> Treaty on EU, article 2.

Union are defined in the Treaty on European Union, including the objective to safeguard the common values, fundamental interests, independence and integrity of the Union, and to preserve peace and strengthen international security in conformity with the principles of the UN Charter.<sup>15</sup> The foundations for the common European security and defence policy (ESDP) were created at the 1991 Helsinki European Summit<sup>16</sup> and revised by the Treaty of Amsterdam. During the further summit meetings, at Cologne in June 1999 and at Helsinki in December 1999, the concept of the ESDP was developed and the guidelines required for strengthening European security and defence policy were set out, which means preparation of the European Union to act in response to international crises without prejudice to actions by the NATO.<sup>17</sup> By that, the Helsinki European Council officially recognised the capability of the European Union to conduct crisis management operations. The Council conclusions also allowed participation of the acceding states in the military operations of the European Union. Since the year 2000, the European Union has held regular dialogues with third states on ESDP issues, which means meetings with ministers, high officials and experts with the Political and Security Committee and the Military Committee, to which Estonia appointed representatives. Consequently, the Estonian National Military Defence Strategy stresses integration of Estonian defence forces into the crisis management forces of the European Union.<sup>18</sup>

A declaration on the operational capability of the ESDP was adopted by the European Council at Laeken on 14–15 December 2001.<sup>19</sup> The legal bases of the ESDP lie in 17 of the Treaty on EU, which indicates that the ESDP constitutes an integral part of the CFSP, including all questions relating to the security of the Union, and indicating that the ESDP could lead to a common defence in case the European Council so decides. Further, this article states an important fact — that the ESDP of the European Union respects the constitutional requirements of the member states of the European Union concerning the specific character of the security and defence policy<sup>20</sup>, which means that the European Union respects national independence in security and defence issues. Therefore, the author supports the opinion expressed by the representatives of the Estonian Government in the European Convention that Estonia supports the intergovernmental method of decision-making in the area of the CFSP, as the foreign policy aims and interests of the different states differ greatly<sup>21</sup>, and considering the sensitive nature of the defence policy, which means that it may directly affect the lives of a sovereign state's soldiers and citizens. As amendments have been planned to article 17 of the Treaty on EU, the CFSP of the European Union is now one of the most discussed issues in the European Union.

### 3.2. The legal implications of the membership of the NATO

As a full member of the NATO, Estonia has entered into a new security environment. Since the accession, Estonia is subject to the rights, as well as the duties arising from the North Atlantic Treaty. At the same time, the constitutional basis of Estonian security policy lies in the Preamble to the Constitution of the Republic of Estonia, which sets out the unwavering faith and a steadfast will to strengthen and develop the state<sup>22</sup>, and in chapter X of the Constitution, on 'National Defence', which states the duty of Estonian citizens to participate in national defence<sup>23</sup> and the rules of such participation<sup>24</sup>, the legal basis of the organisation of national defence and of the Estonian Defence Forces and national defence organisations within that framework.<sup>25</sup>

As stipulated in the Constitution of the Republic of Estonia, the legal bases of Estonia's defence are the Peacetime National Defence Act and the Wartime National Defence Act, which regulate defence in peacetime<sup>26</sup> and defence in wartime<sup>27</sup>, respectively.

<sup>15</sup> Treaty on EU, article 11.

<sup>16</sup> European Council Helsinki Summit: <http://presidency.finland.fi/doc/summit/index.asp> (21.03.2003).

<sup>17</sup> The Headline Goal was to create the rapid crisis reaction force of the European Union, in order to provide the Union with the capacity for autonomous action. See also Council Regulation (EC) No. 381/2001 of 26 February 2001 (OJ [2001] L57/5) and The European Convention. Final report of Working Group VIII – Defence.

<sup>18</sup> Eesti sõjalise kaitse strateegia (The National Military Defence Strategy). – RTL 2001, 33, 442 (in Estonian).

<sup>19</sup> The Laeken Declaration: [http://europa.eu.int/futurum/documents/offtext/doc151201\\_en.htm](http://europa.eu.int/futurum/documents/offtext/doc151201_en.htm) (21.03.2004).

<sup>20</sup> Treaty on EU, article 17.

<sup>21</sup> Positions of the Estonian Government on the Future of Europe. Approved by the Government of the Republic of Estonia on 19 November 2002. Available at: [http://european-convention.eu.int/sessplan\\_all.asp?lang=en](http://european-convention.eu.int/sessplan_all.asp?lang=en) (29.04.2003).

<sup>22</sup> Eesti Vabariigi põhiseadus (The Constitution of the Republic of Estonia). – RT 1992, 26, 349 (in Estonian). An English translation is available at: [http://www.legaltext.ee/et/andmebaas/ava.asp?tyyp=SITE\\_ALL&ptyyp=l&m=000&query=p%F5hiseadus](http://www.legaltext.ee/et/andmebaas/ava.asp?tyyp=SITE_ALL&ptyyp=l&m=000&query=p%F5hiseadus) (29.06.2004).

<sup>23</sup> The Constitution of the Republic of Estonia, section 124.

<sup>24</sup> The Constitution of the Republic of Estonia, section 125.

<sup>25</sup> The Constitution of the Republic of Estonia, section 126.

<sup>26</sup> Rahuaja riigikaitse seadus (The Peace-Time National Defence Act). – RT I 2002, 57, 354 (in Estonian).

<sup>27</sup> Sõjaaja riigikaitse seadus (The War-Time National Defence Act). – RT I 1994, 69, 1194 (in Estonian).

Although the NATO membership involves implications to national sovereignty, such as the collective defence clause in article 5 of the North Atlantic Treaty, the use of domestic military forces in another country, the military defence of Estonia as part of the military structure of the NATO, as well as the obligation concerning the expenditure of two per cent of the state budget, which led to constitutional amendments in some other Central and Eastern European states (*e.g.* Hungary, the Czech Republic, Slovakia) or to referenda (Slovenia, Slovakia, Hungary), such implications did not lead to constitutional amendments in the Republic of Estonia. However, amendments to constitutional acts are not always necessary if sovereignty is shared or to some extent abandoned, as the states are not isolated from each other and may not exist independently of the international community. Therefore, today it is impossible to talk about the absolute sovereignty of a state. Probably for that reason the implications of the NATO membership did not lead to constitutional amendments in Estonia, but to the national defence reform, which generally resulted in adoption of the Peace-Time National Defence Act, the Act Concerning the Use of the Defence Force in Complying with the Estonian State's International Obligations, the amendments to the draft Defence Forces Service Act and other acts, and the elaboration of the National Defence Force Development Plan until the year 2010.<sup>\*28</sup>

Examining these acts more closely, one sees that the Peace-Time National Defence Act sets as defence goals the maintenance of Estonian independence, its territorial integrity, constitutional order and national security, stressing the importance of international co-operation for achievement of security aims<sup>\*29</sup> and makes reference to the principal national defence development strategies, such as the Estonian Republic Basic Security Policy Act, the Basic Guidelines of Estonian State Defence Policy, as well as the National Military Defence Strategy.

The Estonian Republic Basic Security Policy Act contains the concept of Estonian security, as well as the state security goals such as the accession to the NATO and the European Union.<sup>\*30</sup> The Basic Guidelines of Estonian State Defence Policy determine the principles on which Estonian defence policy is based, as well as the structure of defence policy, the working principles and tasks of the National Defence League, mobilisation and demobilisation, as well as the basis of military training.<sup>\*31</sup>

The National Military Defence Strategy presents the security risks and the defence concepts forming Estonia's defence policy, the starting points of Estonia's defence planning that include repulsion of armed aggression, and focuses on the country's geopolitical position, its proximity to Russia, and the security policy goals of joining the NATO and the European Union, constituting in structuring and training of the National League with the aim to act with the forces of the NATO and its member states.<sup>\*32</sup>

The International Military Co-operation Act, adopted in 2003, regulates the basis of Estonia's participation in international military co-operation.<sup>\*33</sup> The entry into force of this act rendered invalid the Act Concerning the Use of the Defence Force in Complying with the Estonian State's International Obligations.<sup>\*34</sup>

The documents referred to above formed the basis for Estonia's accession to the NATO, but also indicate the pursuit of effective co-operation with the NATO. Generally, legislative analysis of Estonia's defence-related integration allows for the conclusion that all the previously referred security aspects have been taken into account in the legal acts and the developments that form the basis for Estonia's accession to supranational security organisations.

### 3.3. Debate in the European Union concerning the division of powers between the security policy of the European Union and the North Atlantic Treaty Organisation

As the European Union does not yet play an international role corresponding to its ambitions in foreign affairs, the Union relies on its ESDP growing stronger through enlargement, which means the stronger international military role of the European Union after enlargement. The meaning of the stronger international military role of the European Union could be explained through demonstrating the division of powers between the world's major security organisations.

<sup>28</sup> The list of the acts under amendment is available at: <http://www.mod.gov.ee/?op=body&id=37> (26.03.2004).

<sup>29</sup> The Peace-Time National Defence Act, § 2.

<sup>30</sup> The Estonian Republic Basic Security Policy Act, § 1.2.

<sup>31</sup> Eesti riigi kaitsepoliitika põhisuunad (The Basic Guidelines of Estonian State Defence Policy). – RT I 1996, 33, 684 (in Estonian).

<sup>32</sup> The National Military Defence Strategy, § 1.

<sup>33</sup> Rahvusvahelise sõjalise koostöö seadus (The International Military Co-operation Act). – RT I 2003, 23, 138 (in Estonian).

<sup>34</sup> Eesti riigi rahvusvaheliste kohustuste täitmisel kaitseväge kasutamise seadus (The Act Concerning the Use of the Defence Force in Complying with the Estonian State's International Obligations). – RT I 1995, 20, 299 (in Estonian).

At first, one could say that although the European Union CFSP and the NATO act under the guidance of the UN and have similar aims, an internal tension exists between them, which was notably brought out by the recent Iraq conflict, concerning which the world saw the differences between the major security organisations with regard to the question of whether to use military force in Iraq or not. In order to balance the unilateralism enhanced by the NATO in the world's security decision-making, one military aim of the enlarged European Union is to gain more military independence from the NATO. Nevertheless, and this was the main reason for the acceding states to the European Union to also join the NATO, during the recent years, the NATO has been the sole structure to act effectively during crises in Europe. Therefore, one could say that the CFSP of the European Union has in actuality always depended on the NATO in realising its goals. Additionally, there has existed a problem of almost overlapping membership of the member states of the European Union to the regional defence organisations: the WEU and NATO. For these reasons, discussions are currently under way as to whether the integration of the WEU into the European Union means duplicating the NATO, the zero sum solution in favour of the WEU, or the European Union forces being concurrently answerable to all the three organisations: the NATO, the European Union and the United Nations. In this context, the growing threat of terrorism in the world indicates the importance of co-operation and dialogue between security organisations.<sup>\*35</sup> Therefore, the Republic of Estonia has also expressed her view that the developments concerning the CFSP of the European Union should not lead to the weakening of transatlantic co-operation, but to raise the capacity of European participation in the NATO.<sup>\*36</sup>

Therefore, in the context of growing insecurity in the world, and also considering other security threats, is important to note that the European Union has in the Treaty on European Union confirmed its respect towards the obligations of certain member states, which see their common defence realised through both the ESDP and the NATO.<sup>\*37</sup>

## 4. Conclusions

Conclusively, one could say that the main reasons of the Republic of Estonia to accede to supranational security organisations are similar to those of the other member states of such organisations, *i.e.* to strengthen security, maintain peace, promote international co-operation and develop democracy, one of the primary aims being to strengthen security. Besides achievement of global security, the acceding states wish to achieve higher regional security. The author indicated that today the main threats to Estonia's security besides modern security threats and military and economic threats are the threats against Estonian identity: cultural heritage, nation and language. This allows for the conclusion that the strengthened security in the new millennium, besides military and economic security, implies the creation of good relations with neighbour countries, mutual trust and co-operation. Such are the aims of Estonia's internal and external policies, included in the integration into supranational security organisations.

Concerning the European Union, its enlargement considerably increases its military effectiveness. It was indicated in the article that after the European Union embraces the WEU, its member states would be able to also solve those crises, in which the NATO decides not to participate. In addition, the enlargement of the European Union means respect towards international obligations and national identities, good neighbourly relations and mutual trust. Therefore, one may say that the enlargement of the European Union increases regional as well as external security co-operation. Perhaps keeping that in mind, the previous Estonian foreign minister, Toomas Hendrik Ilves, said about Estonia's participation in the CFSP of the European Union: 'Our perspective on international events will change, our policy will become more global. I believe that the full participation in the CFSP of the European Union will make our national foreign policy stronger.'<sup>\*38</sup>

This does not mean weakening of transatlantic cooperation and consequently Estonia has also acceded to the NATO. Before accession, the Estonian politicians voiced that the developments concerning the European Union CFSP should raise the capacity of European participation in the NATO.

Consequently, one may generalise that Estonia's internal as well as external security will become stronger through her accession to security organisations, but that accession in itself cannot solve all security problems.

<sup>35</sup> The importance of coordinating the efforts of the European Union with the efforts of other international organisations, as concerns the civil and military aspects of crisis management is handled in Rapport de la Présidence, Annex II: Renforcement des capacités de l'Union Européenne dans le domaine des aspects civils de la gestion des crises. The report is important, because by that report the European Union acknowledges the primary responsibility of the UN Security Council for the maintenance of international peace and security.

<sup>36</sup> The official statements of the Republic of Estonia about the security organisations may be seen from the web site of the Ministry of Foreign Affairs of Estonia: <http://www.vm.ee> (26.03.2003).

<sup>37</sup> Treaty on EU, article 17.

<sup>38</sup> Speech of Toomas Hendrik Ilves. Available at the web site of the Foreign Ministry of Estonia: <http://www.vm.ee> (28.03.2003) (in Estonian).