

CREATING ADVANCE OF THE ARMED FORCES OF THE SLOVAK REPUBLIC

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ABSTRACT

The system of creating of advances for the Armed Forces of the Slovak republic from the citizens of the Slovak Republic has not been supplemented for more than 10 years. With regard to changes in the security environment as well as potential threats of a non-military nature, the issue of deplorability of armed forces advances becomes a question of the most up-to-date. The fact that, for a long time, there was no exchange and, in particular, the training of advances, the back-ups of the armed forces became unusable for practical deployment. For these reasons, the political leadership of the state has also begun to re-educate and refill the process. The process of renewing training is linked to the adoption of the necessary legislative changes. As shown by the results of the first pilot training project on voluntary training and the forthcoming second year, in addition to an adequate incentive contribution, the issue of national pride and patriotism will also need to be addressed in the future.

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INTRODUCTION

Thanks to the Adoption of the law number 321/2001 about the armed forces of the slovak republic, which has become effective on 01. July 2002,

the armed forces of the Slovak republic {the AFSR} have been formed. The AFSR was built on the earlier Army of the Slovak republic, the army of the Department of Interior and the railway army. Right after the formation of the AFSR people started discussing and preparing their full on professionalism. The personal compilation of the AFSR, shortly after the formation, was made of the professional soldiers, mainly the officer's and the warrant's choir. The conscripts were the largest group. At the beginning, the Compulsory military service {the CMS} lasted two years but was gradually lowered down to six months. The pressure of the sociality concerning the canceling of the CMS raised and this subject became a political question. The mentioned changes culminated in the year 2005 when the law number 346/2005 about the state service of the professional soldiers of the AFSR, effective on 01.october 2005, was adopted. In this context several other changes were reported, mainly the cancel of the then obligated military service. On 01.january 2006 the CMS was definitely canceled and the professional soldiers from that year only form the AFSR. This step, in addition with other consequences, reflected on the creation of advance, which has been since year 2006 nearly stopped. From year 2006 the backups of the AFSR have been regularly completed with absolvents of the CMS. With the time passing, today almost eleven years, we can say that the condition of the variation of the backups isn't very good. Since year 2006 there hasn't been any source for completing the backups with exception of these who left the service of the AFSR or the armed safety choirs. The constantly changing safety of the nature, growth of the extremism, illegal immigration, and also the change of the climate reflected on the global warming and the natural disasters such as flood, fires or earthquakes related with that, force the competent to think about using the AFSR also for issues not related with the army. The opportunity of using them is also closely tied with the backups.

1. THE LEGAL FRAMEWORK FOR THE ADVANCEMENT OF ARMED FORCES

The important legal framework from the point of view of the legal force is the Constitutional law number 227/2002 Z. z. about the safety Intoduction. Thanks to the Adoption of the law number 321/2001 about the armed forces of the slovak republic, which has become effective on 01. July 2002, the armed forces of the Slovak republic {the AFSR} have been formed. The AFSR was built on the earlier Army of the Slovak republic, the army of the Department of Interior and the railway army. Right after the for-

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1. THE LEGAL FRAMEWORK FOR THE ADVANCEMENT OF ARMED FORCES

The important legal framework from the point of view of the legal force is the Constitutional law number 227/2002 Z. z. about the safety of the country during war, war status, exceptional state and emergency state¹. The Constitutional law defines

the stricter of the armed forces, which are made of: professional soldiers, solders of the preparation unit, soldiers od the CMS, soldiers in backup called for the performance of the improvement service.

¹ Constitutional Act no. 227/2002 Coll. On state security in time of war, state of war, state of emergency and state of emergency.

Provision of article 2, paragraph 6 quoting the Constitutional law “just” says, the armed forces are made of the soldier in backup, but the Constitutional law doesn’t exactly define them. Further the Constitutional law, concerning the soldiers in backup, regulates the competency and conditions of occupation and deployment of soldiers in backup.

Nowadays, the state service of the professional soldiers of the armed forces is adjusted with the law number 281/2015 Z.z. about the state service of the professional soldiers², which has been effective since 01. January 2015. This law doesn’t effect the soldiers in backup. It deals only with the creation, duration and with the end of the state ratio of the professional soldiers.

For the advances of the AFSR the important law is law number 570/2005 Z.z. about the military duty. The law contains the area of military duty, her creation,extinction, the voluntery take-over of military duty, national registration, levies, etc. The §13 is dedicated to the backups. It exhaustively defines that the backups are made for addition to the armed forces. With this the legal framework is made and also the factual definition, activities and subject matter of advances. Further it gives, which makes the advance of the armed forces³:

- *people, who ended their state ratio as a professional soldier and the military duty still goes on for them*
- *people called for performance of the extraordinary service after it is completed and their military duty still goes on for them*
- *people, who ended their state ratio in other armed safety choirs and their military duty still goes on for them (for example police officers)*

The law further divides the advances to:

The active advances, which in state security⁴, based on the agreement on classification to the active advances, are preparing for the performance of emergency service and Fulfills the tasks of armed forces

Other advances, aren’t preparing themselves while state security for performance of emergency service and don’t fulfill the tasks of armed forces⁵.

In other paragraphs concerning the backups, the conditions are explained. The fulfilling of these conditions is necessary for being classified for the advances⁶:

² Act č. 281/2015 Coll. On state service of professional soldiers.

³ § 13 of Act no. 570/2005 Coll. On Arbitration Obligation.

⁴ Art. 1 par. 3 of the Constitutional.

⁵ Act no. 227/2002 Z.z.

⁶ § 13 par. 5 of Act no. 570/2005 on the Arbitration Obligation Section.

- Fulfilling the classification assumptions considering the function, for which the advance is used
- Reaching the planed military rank
- Health and psychological fitness, Integrity, Reliability
- Permanent residence in Slovak republic and the citizenship of Slovak republic
- Necessity of signing the written agreement, which includes the conditions, right and duties of the person to be taken to the advance of the AFSR⁷.

The material substrate of the soldier placed in advance is the contribution determined by the law in amount 600,- euro for each calendar year in the active advance⁸. The conditions of the determined contribution are discussed in details in the law. In the area of the Equipment and personal requirements the law makes space the issue of secondary law – Implementing regulation, which is worked on by the Department of defense of the Slovak republic. This prescription is given as a service order of the Department of defense of the Slovak republic number 37/2016 as amended in its changes 18/2017⁹.

Further, the law of military duty in relation with the advances, regulates also the preparation and the use. The preparation of the active advance for the performance of emergency service in the armed forces is performed in training which regularly happen within 30 calendar days maximum for a calendar year after the first signed deal of classification: within other years and after repeating the closure of the deal about classification the training is regularly performed while 15 calendar day of the year concerned. The appointment of a soldier placed in an active advance in a state of security 4 for fulfilling the tasks of the armed forces of the Slovak Republic may be carried out only on the basis of a decision of the Government of the Slovak Republic upon a proposal of the Minister (not for regular exercises). The Government of the Slovak Republic will determine in the decision the number of soldiers in the active reserve and the time during which they will perform the tasks of the armed forces. Proposals

⁷ § 14 of Act no. 570/2005 Coll. About military duty.

⁸ Section 14c of Act no. 570/2005 Z.z.

⁹ Details on the inclusion of the soldier in the reserve to active advances, regular exercises, fulfillment of the tasks of the armed forces of the Slovak Republic, and professional requirements for the performance of the function in which the soldier is to be included in the reserve.

shall be made by the district office at the headquarters of the county in which the soldier enrolled in active advances is permanently resident.

On 28 September 2016, the Security Council of the Slovak Republic and the Government of the Slovak Republic approved a new White Paper on the Defense of the Slovak Republic, which provides a political-strategic and resource framework for the long-term development of state defense. It is a strategic vision and comprehensive starting point for increasing the defense capacity of the Slovak Republic. At the same time, it is an important part of fulfilling the Program Declaration of the Government of the Slovak Republic.

The approved White Paper on Defense of the SR summarizes the results of the implementation of the previous version of 2013 and updates the development plans in accordance with the priorities of the Program Declaration of the Government of the Slovak Republic. Taken into consideration and incorporated are the fundamental changes of the security environment and related measures adopted by the Government of the Slovak Republic as well as within NATO and the EU. The document was completed after a wide public discussion. In the debate on the White Paper, the Defense Department involved members of the National Council of the Slovak Republic for Defense and Security, several former ministers, former state secretaries and former Chiefs of Staff, representatives of the non-governmental sector, including interest associations with professional relations with the armed forces, as well as representatives of selected trade unions Organizations and the Association of the Security and Defense Industry of the Slovak Republic.

The White Paper on the Defense of the Slovak Republic will be used to prepare further strategic, conceptual and planning documents, as well as proposals for adjusting the legal framework for guaranteeing state defense. Last but not least, the ambition is to contribute to the wider public knowledge of state defense and to provide foreign partners with a basic picture of the readiness and determination of the Slovak Republic to fulfill its allied and other international obligations.

Because of the need to complement and “rejuvenate”, in accordance with the programme declaration of the Government of the Slovak republic, was legislative in progress and at the end of year 2015 adopted law no 387/2015 Coll. on the voluntary military training (hereinafter the “law on DVP”), which is effective from 2.1.2016. This year (2016), a pilot

program of voluntary military training was launched. The idea of introducing voluntary military training for citizens has arisen from the need to complement the armed forces with new advances that would be ready for deployment if necessary. The purpose of the DVT Act is above all to meet the objective of making advances from a range of citizens who are interested in volunteering in military training. In connection with the significant decline of the troops deployed in advance and the development of the security environment in the world, the aim of the law is to create conditions for voluntary military preparation of citizens for the defense of their homeland in a state of safety.

The law established that after successfully completing the training, was a soldier of the voluntary military training promoted to the military rank of “soldier 2. instance“ and subsequently included in the backups of the armed forces¹⁰. Backup as regulated by the law No. 570/2005 Coll. on conscription and on amendments to certain laws, as amended by later regulations (hereinafter referred to as the “military duty Act”), which was the adoption of the Act on voluntary military training revised along with other related 16 regulations.

Relevant existing legislation has been amended to modify conditions for citizens who have an active interest in solving the defense and security issues of the Slovak Republic so that they will not be negatively punished in related personal or working aspects by not conducting volunteer training, exercising regular exercises or performing the tasks of the armed forces.

2. PROTECTION OF DEFENSE FROM THE VIEW OF THE ADVANCE OF THE ARMED FORCES

One of the basic tasks of the state is to ensure comprehensive security, including defense. This is achieved, in particular, by building and maintaining adequately large armed forces and by preparing the territory of the state, infrastructure and the population for defense. To safeguard the defense, the state spends its human, material and financial resources. This process directly affects the economy of the state, puts high demands on it and, to a certain extent, is out of the market mechanism. Unbalanced relationships between defense requirements and state economy opportunities can lead to disproportions in sectoral development and, eventually, to severe economic crises.

¹⁰ Act no. 570/2005 Coll. About military duty.

In today's complex international political, security, and economic situation, defense views are very different. One way to increase the defenses of the countryside could be to restore the model of basic military service to the population. Basically, there are two opinion streams on this topic. One opinion stream is the view of an older generation that points to military service as an integral part of adolescence. The second opinion stream points to the military service as a means to realistically increase the defense potential of the country. Both opinion streams can be evaluated as equivalent, since they will both shape the decisions of competent politicians. Even the time of professional armies is not compulsory for military service. We meet with close neighbors in Austria and Switzerland, the Scandinavian countries of Finland and Norway. It should be noted at this point that the introduction of compulsory military service in the form that has been introduced in the past or in the form it operates in the above mentioned countries is purely hypothetical and difficult to imagine in the current financial and political situation. On the other hand, there are efforts, in the Czech Republic, earlier, as well as at home in the Slovak Republic, to provide basic military skills to a broader population based on volunteering. In the Czech republic there is a system of "active advance", which shows us the right way of restocking the professional units.

Public opinion prevails that after 2006, following the abolition of the basic military service, military service ceased to exist, which is a mistake. Brannary duty is regulated in the Constitution of the Slovak Republic and elaborated in detail by Act no. 570/2005 Coll about military duty. According to the cited law, the military duty is created for a Slovakian citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic on the first day of the calendar year in which he completed the age of nineteen.

What is to be emphasized, however, and what has been one of the many ideas behind the introduction of DVP, is that the abolition of compulsory military service has almost halted the supply of armed advances that can be called up in time, in accordance with valid legislation, State. The fact that from 2006 less trained personal gets classified into the advance has reflected on our system and our advance have "grown old". According to the statistics, is in the materials, files included about 600 thousand "advance men and their average age is more than 41 years and from year to year increases, which for the defence is not good. Said reason can be also considered as

one of the main reasons for which it was necessary to proceed to a legislative step and take effective measures to improve the situation in the field of creation and updating of the advances of the armed forces.

The security council of the Slovak republic and the Government of the Slovak republic approved the 28.09.2016 a new White paper on defense, which provides the politico-strategic and source framework of the long-term development of the defense of the state. Is a strategic vision and a comprehensive baseline measure to increase immunity system of the Slovak republic. At the same time is an important part of the fulfillment of the Programme declaration of the government of the Slovak republic. In chapter 6.3 the White paper is the generally aim of creating backups of the armed forces. Declares that the preparation of soldiers in active waiting, which puts the focus, ensuring organizational, personnel, material and training venues of capacities of the armed forces. The professional part of the training will be carried out in the framework of regular exercise and will take place in the services for which it is active the backup will prepare. She will assess the quality of training and its contribution to the amendment of the relevant services, setting the conditions for the preparation of soldiers in active reserve pursuant to the relevant generally binding legal regulation and its perception by the public. Backups of the armed forces will be produced through a voluntary military training. Voluntary military training will periodically and the multi-rate, including its contribution to the creation of the backups. On the basis of an evaluation of the effectiveness and efficiency of the preparation of active backups, and the contribution of the voluntary military training in the creation of backups of the OS of the SLOVAK republic will be prepared measures for their development, or another tool to create backups of the OS of the SLOVAK republic and to increase their readiness¹¹.

ENDING

On the basis of the assessment of the state of the advance of the armed forces, the state management decided to start rebuilding the advances of the armed forces. Newly built backups will provide support for profes-

¹¹ White Paper on Defense 2016.

sional troops, a resource for staffing into professional forces, and a resource to provide specialized functions that do not pay for professional armed forces, but in some cases these forces can be crucial in supporting organic units. Advances will also serve as a link between armed forces and civil society. The possibilities of using the advances are in the defense of the republic as well as in the assistance activities in crisis situations.

The newly built legislative environment, which has provided the basis for completing the advances of the armed forces, will need to be amended to extend the relationship between the defense sector on the one hand and the future members of the advance and their employers on the other.

The advance of the armed forces is an irreplaceable and irreplaceable role in the process of securing the defense and territorial integrity of the state. It is therefore a priority not to reduce and continue to build backups and the entire support system. In the future, it will be necessary to thoroughly evaluate the first and second year of the DVT Act and its implementation in practice. It will also be necessary to evaluate the first year of active advances training. After assessing the knowledge, take action and take effective measures to smoothly advance the back-up of the armed forces.

REFERENCES:

1. Constitutional Act no. 227/2002 Coll. On State security in time of war, state of war, state of emergency and emergency state
2. Act no. 281/2015 Coll. About the state service of professional soldiers
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4. Art. 1 par. 3 of the Constitutional Act no. 227/2002 Z.z.
5. § 13 par. 5 of Act no. 570/2005 on Military Obligation
6. Section 14 of Act no. 570/2005 Coll. On Military Obligation
7. Section 14c of Act no. 570/2005 Z.z. About military duty
8. service order MO SR no. 37/2016 on the details of the inclusion of a soldier in advance to active advances, on a regular exercise, on fulfilling the tasks of the armed forces of the Slovak Republic and on the professional requirements for the performance of the function to which the soldier should be included in the enrolment
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