# Appendix 2. Overview on International Missions and the Legal-Constitutional Framework Regarding the Use of Force Abroad

## Romania

In the period 1991-2020, Romanian armed forces served in over 65 international missions, with a total contingent of approx. 50,000 troops. Romania has a semi-presidential political system and as per provisions of the 1991 Constitution, the president is the commander in chief of the armed forces and of the Supreme Council of Defense. Art. 35 of the Law 45/1994 premised troop deployments to international missions on parliamentary approval. The approval procedure has slightly changed in the context of Romania’s accession to NATO. With the adoption of the Law no 42/2004, on the participation of armed forces to missions abroad (in place between 21.03.2004 and 19.06.2011, and replaced on 19.06.2011 by Law no. 121/2011), only missions that are outside a multilateral institutional framework (e. g. the anti-ISIS coalition) to which Romania is member (NATO, UN, OSCE and since 2007 EU), e. g. the anti-ISIS coalition, require formal parliamentary approval (Art. 7.2 of Law 42/2004, respectively Law 121/2011) and are subject to vote during a common session of the Senate and the Chamber of Deputies in the Parliament.

## Denmark

In the period 1991-2020, Danish armed forces served in more than 75 international missions, with a total contingent of approximately 80,000 troops. The wars in former Yugoslavia and Afghanistan were the biggest, but approximately 10,000 Danish troops served in Iraq. Early post-Cold War military operations were primarily embedded in the UN, but NATO and ad hoc coalitions have played a bigger role since the late 1990s. This Danish post-Cold War military activism is a marked contrast to the Cold War when Denmark contributed to the British occupation zone of post-World War II Germany in addition to 12 UN missions.

The Danish Constitution delegates the conduct of foreign policy to the Danish Government. However, with the exception of a direct military attack on Danish territory or Danish armed forces, the government must always seek backing of parliament prior to the use of military force, including the deployment of troops (Danish Constitution, §19(2)). The government must seek the consent of the parliament and must adhere to the conditions for use of military force given by the parliament. Even in the event of a direct military attack, the government is only allowed a first response before it must seek the consent of a majority in parliament. Alliance obligations such as those invoked by NATO’s Article 5 in the event of an attack on an ally do not constitute a direct attack on Denmark, and the government must seek consent from a majority in parliament before responding (Rytter and Henriksen 2019: 644-645). Typically, consent is given in the form of a parliamentary resolution specifying the goal, scope, and scale of the operation. Despite the comprehensive military engagement since the end of the Cold War, parliamentary backing of military operations has typically not been a challenge for Danish governments.

**References**

Rytter, J. E. and A. Henriksen (2019). Notat om de statsretlige og folkeretlige rammer for dansk anvendelse af militær magt i udlandet. In: R. Mariager and Author (eds.), *Hvorfor gik Danmark i krig? Irak og tværgående analyser*. Band 3. Copenhagen: University of Copenhagen.