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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**BRIEF OVERVIEW OF THE CONSTITUTIONAL RULES
ON DEMOCRATIC CONTROL OF ARMED FORCES
IN COUNCIL OF EUROPE MEMBERS STATES**

by

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Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees	oversight Issues and acts under control	Executive oversight	Judicial oversight
Albania	<ul style="list-style-type: none"> - Mission (Art. 12) - Subjected to civilian control (Art. 12) - Military service and composition of armed forces (Arts. 166-169). 	National Security Committee	<ul style="list-style-type: none"> - no Albanian military force may be sent abroad, except by a law approved by a majority of all members of the Assembly (Art. 12 N°3) - intervention in state of emergency requires decision of the Assembly and impossibility of police to restore internal order (Art. 173) - ratification and denunciation of international agreements about peace and military issues (Art. 121 N°1 (a)) 	<ul style="list-style-type: none"> - The President of the Republic is the General Commander of the Armed Forces, and he exercises this command through the Prime Minister and Minister of Defence (Art. 168-169) - Existence of a National Security Council (Art. 168 N°3) 	
Andorra	The defence of Andorra is responsibility of France and Spain (Treaties of 3 rd June, 1992).				
Armenia	Defense of the Republic (Art. 47)	Committee on Defence, National Security and Internal Affairs	<ul style="list-style-type: none"> - The National Assembly may declare war (Art. 81N°3) - Implementation of defense by law 	<ul style="list-style-type: none"> - The President of the Republic decides the use of armed forces and declares a state of martial law (Art. 55, N°13) - ensures the implementation of the defense, national security and foreign policies of the Republic (Art. 89 N°6)) 	Military Courts established by law (Art. 92)
Austria	<ul style="list-style-type: none"> - Universal national defense (Art. 9a) - Functions of the Federal Army (Arts. 79-81) 	<ul style="list-style-type: none"> - National Defence Committee - Standing Subcommittee of the National Defence Committee 	<ul style="list-style-type: none"> - The Federation has powers of legislation and execution in military affairs (Art. 10 N°1, 15) - Declaration of war (Art. 38) - Two standing sub-committees of inquiry to review intelligence measures to secure the country's military defence: they can require from the competent Federal Ministers all relevant 	Commander-in-Chief of the Federal Army is the Federal President (Art. 80 N°1)	Military jurisdiction – except in time of war – is repealed (Art. 84.)

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			information and insight into the relevant materials, except those about sources, whose disclosure would endanger national security or the safety of individuals. (Art. 52a)		
Azerbaijan	Military Forces (Art. 9)		<p>- The Parliament [Milli Majlis] of the Azerbaijan Republic establishes general rules concerning state of emergency and martial law; and defence and military service (Art. 94 N°1, 8 and 18);</p> <p>- based on recommendation by the President of the Azerbaijan Republic, approves military doctrine of the Azerbaijan Republic; gives consent for enlistment of Military Forces of the Azerbaijan Republic to operations other than their normal duties; and gives consent for announcement of war and conclusion of peace treaty (Art. 95 N°7, 16, 17)</p>	<p>- The President of the Azerbaijan Republic is the Supreme Commander-in-Chief of Military Forces of the Azerbaijan Republic (Art. 9 N°3)</p> <p>- submits recommendation to the Parliament [Milli Majlis] about consent for use of Military Forces of the Azerbaijan Republic in implementation of duties other than their normal duties (Art. 109 N°28)</p>	
Belgium	Army recruitment (Arts. 182)	Commission of Foreign Affairs and Defence	The law establish military quotas, valid for one year if they are not renewed (Art. 183)	<p>The King may give military orders within the limits prescribed by law (Art. 114)</p> <p>The King commands the armed forces, and determines the state of war and the cessation of hostilities (Art. 167(1.2))</p>	Specific laws cover the organization of military courts (Art. 157 (1))
Bosnia and Herzegovina		Joint Committee for Defence and Security of the Parliamentary Assembly		<p>- Each member of the Presidency shall have civilian command authority over armed forces.</p> <p>- Neither Entity shall threaten or use force against the other Entity,</p>	

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				nor enter or stay in the others territory (Art. V.5.a) - Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina (Art. V.5.b)	
Bulgaria	Armed forces (Art. 9) Military Service (Art. 59)	- Defence Committee	- The National Assembly approves any deployment and use of Bulgarian armed forces outside the country's borders, and the deployment of foreign troops on the territory of the country or their crossing of that territory; and, on a motion from the President or the Council of Ministers, introduces martial law or a state of emergency on all or part of the country's territory (Art. 84 N° 11, 12) - The National Assembly shall ratify or denounce by law all international instruments of military nature (Art. 85 N°1, 1)	- The President is the Supreme Commander-in-Chief of the Armed Forces of the Republic of Bulgaria; appoints and dismisses the higher command of the Armed Forces; proclaims general or partial mobilization on a motion from the Council of Ministers in accordance with the law; proclaims state of war (Art. 100) - The Council of Ministers shall ensure the public order and national security and shall exercise overall guidance over the state administration and the Armed Forces (Art.105 (2))	Possibility of setting martial courts by law (Art. 119)
Chile	Military Service (Art. 22) Armed Forces (Art. 101)	National defence Commission	- Armed Forces must be regulated by law (Art. 63 N°13) - Sending troops abroad must be regulated by law - Authorization of a war declaration proposed by the President of the Republic must be made by law (Art. 63 N°15)	- The President of the Republic have the power to approve and dismiss higher commands of Armed Forces (Art. 32 N°16, and Art. 104) - organises and distributes Armed Forces; assumes, in case of war, the supreme command of Armed Forces (Art. 32 N° 17-19) - powers related to emergency	Military Jurisdiction

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				constitutional states (arts. 39-45) - The Ministry of National Defence is in charge of supervising and controlling Armed Forces (Art. 90) - National Security Council (Art 106)	
Croatia	- Armed Forces (Art.7) - Military Service (Art. 47) - The office of the People's Ombudsman shall provide protection of the constitutional and legal rights of citizens in the proceedings before the Ministry of Defense, the armed forces and security services (Art. 92)	- Foreign Policy Committee - Domestic Policy and National Security Committee	- a prior decision of de Croatian Parliament is required so that armed forces may cross or act over its borders (Art. 7) - this decision is not require when they operate within international defense organizations which the Republic of Croatia has joined or joins, and in order to offer humanitarian aid (Art. 7) - organization of defense, command, administration and democratic control over the armed forces of the Republic of Croatia shall be regulated by the Constitution and law (Art. 7) -the Croatian Parliament shall realize civil control over the armed forces and the security services of the Republic of Croatia (Art. 80) - International agreements of military nature shall be ratified by the Parliament (Art. 139)	- The President is commander in chief of the armed forces - He appoints and relieves of duty military commanders - He may declare the war and conclude peace on the basis of a decision of Parliament - In case of an immediate threat to the independence, unity and existence of the State, the President of the Republic may, with the counter signature of the Prime Minister, order the employment of the armed forces even if the state of war has not been declared (Art. 99)	
Cyprus	Forces of the Republic (Arts. 129-132)	Committee on Defence Affairs		The President and the Vice-President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof	

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				concerning questions of defence and security (Art. 50 (1) b-c)	
Czech Republic		Committee on Foreign Affairs, Defence and Security	<ul style="list-style-type: none"> - Parliament decides on a declaration of the state of war in the event that the Czech Republic is attacked - Decides also the participation of Czech Republic in defense systems of an international organization - Armed forces can be sent outside the territory of the Czech Republic only with the consent of both Chambers (Art. 43 N°1-3) - in all these cases, special quorum is required (Art. 39 N°3) 	<ul style="list-style-type: none"> - The government shall decide on a dispatch of Czech military forces outside the territory of the Czech Republic and on the presence of foreign military forces on the territory of the Czech Republic for up to 60 days at most when they concern: a) fulfillment of international contractual obligations concerning common defence against aggression, b) participation in peace operations pursuant to a decision of an international organization of which the Czech Republic is a member, and providing there is an approval of the receiving state; - The government shall also decide: a) on the passage or fly of foreign military forces through/over the territory of the Czech Republic; b) on the participation of Czech military forces in military exercises outside the territory of the Czech Republic and on the participation of foreign military forces in military exercises on the territory of the Czech Republic (Art. 43 N°4-5) 	Until 31 Dec 1993, the judiciary included military courts (Art. 110)

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		Committees	Issues and acts under control		
				- in these cases, the government shall inform both Chambers of the Parliament, which can revoke such a decision (Art. 43 N°6) - The President of the Republic is commander in chief of the armed forces (Art.63 (1)c)	
Denmark	- Military Duty (Section 81) - Exemptions for Military Forces (Section 85)	Defence Committee	- the Parliament must consent the use of force against foreign states (Section 19 (2)) - control of military administration corresponds to one or two persons, appointed by the Parliament but not within its members (Section 55) -Foreign Affairs Committee (Section 19 (3))	- the King can only use military force without the consent of the parliament in case of armed attack upon the Realm or Danish forces, and must immediately submitted to the Parliament (Section 19 (2))	
Estonia	- Duty to participate in national defence (Art. 124) - National Defence (Arts. 124 -131)	- National Defence Committee - Foreign Affairs Committee	- The organisation of national defence shall be provided by the Peace-Time National Defence Act and the War-Time National Defence Act. - The organisation of the Estonian Defence Forces and national defence organisations shall be provided by law. (Art. 126) - The Commander and the Commander-in-Chief of the Defence Forces shall be appointed to and released from office by the Riigikogu, on the proposal of the President of the Republic (Art. 127) - The Parliament shall ratify and denounce treaties of the Republic of Estonia by which the Republic of Estonia assumes military or assets obligations (Art. 121 (4))	- The supreme commander of national defence is the President of the Republic - The National Defence Council is an advisory body to the President of the Republic, and its membership and tasks shall be provided by law (Art. 127)	
Finland	National Defense	- Defence	- an Act shall	- The President of	

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	Obligation (Section 127)	Committee - Foreign Affairs Committee	regulate decisions of the President about military affairs (Section 58)	the Republic is the commander-in-chief of the defence forces (Section 128) - On the proposal of the Government, the President of the Republic decides on the mobilisation of the defence forces. If the Parliament is not in session at that moment, it shall be convened at once (Art. 129) - The President makes decisions on matters relating to military orders in conjunction with a Minister - The President makes decisions on military appointments and matters pertaining to the Office of the President of the Republic (Section 58)	
France		National Defence and Armed Forces Parliamentary Committee	- Statutes shall determine the rules concerning the general organization of national defence (Art. 34) - A declaration of war shall be authorized by Parliament (Art. 35)	- The President of the Republic shall make appointments to military posts (Art. 13) - The President shall be commander-in-chief of the armed forces. He shall preside over the higher national defence councils and committees (Art. 15) - The Government shall have at its disposal the civil service and the armed forces (Art. 20) - The Prime Minister shall be responsible for national defence, and has power to make regulations and appointments to military posts	

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		Committees	Issues and acts under control		
				(Art.21) - Martial law shall be decreed in the Council of Ministers. Its extension beyond twelve days may be authorized only by Parliament (Art. 36)	
Georgia	- Defensive war and armed forces (Art. 98). - Military Service (Art. 101)	- Defense and Security Committee - Foreign Relations Committee	- reinforced quorum for approving of war and peace (Art. 62) - The Parliament has to ratify international treaties or agreements of a military character (Art. 65 N°2 b)) - The types and the composition of the armed forces shall be determined by law (Art. 98 N°3) - the use of the armed forces for the honouring international obligations shall be impermissible without the consent of the Parliament of Georgia (Art. 100 N°1)	- It is an exclusive competence of higher state bodies of Georgia the state defence and security, armed forces, military industry and trade in arms; and the issues of war and peace, the determination of a legal regime of the state of emergency and the martial law (Art. 3 c-d)) - Council of National Security (Art.99) - The President of Georgia shall adopt a decision on the use of the armed forces and submit it to the Parliament within 48 hours for approval (art. 100 N°1)	- Introduction of a court martial shall be permissible at war and exclusively within the system of the courts of general jurisdiction (Art. 83 N°3)
Germany	- Military Service (Art. 12a)) - State of Defence (Arts. 115a)-115 l)) - Apart from defence, the Armed Forces may only be used insofar as explicitly permitted by this Constitution (Art. 87 a) (2))	- Defence Committee - Committee of International affairs - Parliamentary Control Panel	- Military laws also have to take into account the division of the Federation into States [Länder] and the regional ties of their populations (Art. 36 (2)) - Defence shall be regulated by Federal Statutes (Art. 87b (2)) - The Federation establishes Armed Forces for defence purposes. Their numerical strength and general organizational structure must be shown in the budget (Art. 87a (1))	- Power of command in respect of the Armed Forces is be vested in the Minister of Defence (Art. 65a)) - The Federal Armed Forces Administration is conducted as a direct federal administration with its own administrative substructure (Art. 87b(1))	- The Federation may establish military criminal courts for the Armed Forces as federal courts. They may only exercise criminal jurisdiction while a state of defence exists, and otherwise only over members of the Armed Forces serving abroad or on board warships (Art. 96 (2))
Greece	- Defence	Parliamentary	- A parliamentary	- The President of	- Special statutes

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	<p>obligation (Art. 4 N°6)</p> <p>- Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of publication which discloses information on the composition, equipment and set-up of the armed forces or the fortifications of the country, or which aims at the violent overthrow of the regime or is directed against the territorial integrity of the State (Art. 14 N°3 c))</p> <p>- Foreign military services (Art. 2 N°2)</p>	Committee on Armed Forces	<p>resolution adopted by an absolute majority of the total number of members shall be required in order to set up investigation committees on matters related to foreign policy and national defence (Art. 68 N°2)</p> <p>- The Parliament introduces bills related to military and security corps officers (Art. 73(4))</p>	<p>the Republic shall represent the State internationally, declare war, conclude treaties of peace (Art. 36 N°1)</p> <p>- The President of the Republic is the commander in chief of the Nation's Armed Forces, the command of which shall be exercised by the Government, as specified by law (Art. 45)</p>	<p>provide for Military, naval and air force courts which shall have no jurisdiction over civilians (Art. 95 N°4 a))</p> <p>- The jurisdiction of the Court of Auditors pertains mainly to the trial of cases related to liability of military servants of the State, for any loss incurred, through malicious intent or negligence, upon the State, the local government agencies or other legal entities of public law (Art. 98 N°1 g))</p>
Hungary	Armed Forces (Art. 40/A and B)	Parliamentary Defense Committee	<p>- The Parliament shall, with the exceptions laid down in the Constitution, rule on the use of the Hungarian Armed Forces both abroad and within the country, the deployment of foreign armed forces in Hungary or in other countries from the territory of Hungary, the participation of the Hungarian Armed Forces in peacekeeping missions, humanitarian operations in foreign theaters, and the stationing of the Hungarian Armed Forces abroad or of foreign armed forces in Hungary (Art. 19(3) j))</p> <p>- the decisions over these issues on a state of martial law will be competence of the National Defence</p>	<p>- The National Defense Council is chaired by the President of the Republic (Art. 19/B (2))</p> <p>- In the event that the territory of Hungary is subject to an unexpected attack by foreign armed units, immediate action shall, in accordance with the defense plan approved by the Government and the President of the Republic, be taken (Art. 19/E (1))</p> <p>- The President of the Republic is the Commander in Chief of the Hungarian Armed Forces (Art. 29 (2))</p> <p>- The President of the Republic shall appoint and promote Generals of the armed forces (Art. 30/A (1) i))</p> <p>-The Government</p>	

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			<p>Council, established by the Parliament (Art. 19/B)</p> <ul style="list-style-type: none"> - National referendum may not be held on the use of the Hungarian Armed Forces abroad or within the country (Art. 28/C (5) h)) - A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the Hungarian Armed Forces and its duties (Art. 40/A (4)) 	<p>shall supervise the operation of the Hungarian Armed Forces; and have powers, in the event of a state of preventive defense emergency, to introduce measures by way of derogation from the acts governing the administrative system and the operation of the Hungarian Armed Forces measure that will remain in force until Parliament's decision and will not exceed 60 days (Art. 35 (1) h) and m)).</p> <ul style="list-style-type: none"> - Art. 40/C (1) The Government shall have powers to authorize a) the use of Hungarian Armed Forces and foreign armed units by decision of the North Atlantic Council, or b) deployment of troops by decision of the North Atlantic Treaty Organization. The Government shall forthwith notify the Parliament and the President of the Republic concurrently of this decisions (Art. 40/C). 	
Iceland	<ul style="list-style-type: none"> - No standing army - Defence agreement with the U.S. (that has a military base from 1951 until September 2006) - Expeditionary peacekeeping forces, Coast Guard, Police, Islandic crisis response unit 				
Ireland		Joint Committee on	- The exercise of the	- The supreme	- Military tribunals

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		Foreign Affairs	supreme command of the Defence Forces shall be regulated by law (Art. 13 N°5.1°) - The right to raise and maintain military or armed forces is vested exclusively in the Oireachtas. (Art. 15 N°6.1°)	command of the Defence Forces is hereby vested in the President (Art. 13 N°4)	may be established for the trial of offences against military law alleged to have been committed by persons while subject to military law and also to deal with a state of war or armed rebellion. (Art. 38 N°4.1°)
Italy	Military service (Art. 52)	Defence Commission	- The rules about armed forces must conform to the democratic spirit of the republic (Art. 52 (3)) - The state has exclusive legislative power in matters of defense and armed forces; state security; weapons, ammunitions and explosives (Art. 117 (2) d))	The President of the Republic is the commander of the armed forces and chairman of the supreme defense council constituted by law; he declares war according to the decision of the parliament (Art. 87 (9))	Military courts in time of war have jurisdiction according to the law. In time of peace they only have jurisdiction over military offences committed by members of the armed forces (Art. 103 (3))
Korea	- Armed forces and defence Political neutrality (Art. 5) - Duty to Military Service (Art. 39)	National Defence Committee	- The National Assembly has the right to consent to the declaration of war, the dispatch of armed forces to foreign states, and the stationing of alien forces in the territory of the Republic of Korea (Art. 60 (2)) - The organization and formation of the Armed Forces is determined by law (Art. 74 (2))	- The President is Commander-in-Chief of the Armed Forces under the conditions as prescribed by the Constitution and law (Art. 74 (1)) - The following matters are referred to the State Council for deliberation: emergency orders and emergency financial and economic actions or orders by the President, and declaration and termination of martial law; and important military affairs (Art. 89 (5) and (6)) - The National Security Council is established to advise the President on the formulation of foreign, military, and domestic policies related to national security	- Courts martial may be established as special courts to exercise jurisdiction over military trials - Organization and authority of courts martial, and the qualifications of their judges are determined by law (Art. 110)

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				prior to their deliberation by the State Council (Art. 91)	
Kyrgyzstan	<ul style="list-style-type: none"> - The Kyrgyz Republic rejects militarization of state life, the subordination of the state and its activity to purposes of war. The Armed Forces of the Kyrgyz Republic shall be formed in accordance with principles of self-defense and defensive sufficiency - The use of Armed Forces to resolve internal State political issues is prohibited. - The Kyrgyz Republic strives toward universal and just peace mutually beneficial cooperation, resolution of global and regional problems by peaceful means, and shall observe the universally recognized principles of international law (Art. 9) - Right and duty to defend the Motherland (Art. 24) 		<ul style="list-style-type: none"> - Permission for military units of the Armed Forces to cross the borders of the Kyrgyz Republic shall be granted by decision of the Legislative Assembly to be adopted by no less than by two thirds of the total number of deputies (Art. 9 (2)) - The work of the Legislative Assembly of the Jogorku Kenesh includes deciding matters of war and peace; introducing the state of war; and authorization or annulment of decrees of the President of the Kyrgyz Republic about these issues (Art. 58 K)) - Decides matters about the possibility of using the Armed Forces of the Kyrgyz Republic beyond its borders when necessary to fulfil International treaty obligations in support of peace and security; (Art. 58 L)) 	<ul style="list-style-type: none"> - The President of the Kyrgyz Republic appoints, with the consent of the Assembly of People's Representatives, the military procurator of the Kyrgyz Republic; and relieves them of office (Art. 46 N°2 A)) - The President of the Kyrgyz Republic is the Commander in Chief of the Armed Forces, and appoints and dismisses commanders of the Armed Forces of the Kyrgyz Republic (Art. 46 N°9) 	Military Courts (Art. 79 (2))
Latvia		<ul style="list-style-type: none"> - Defence and Internal Affairs Committee - Foreign Affairs Committee 	<ul style="list-style-type: none"> - The Saeima shall determine the size of the armed forces of the State during peacetime (Art. 67) - The Budget and Laws concerning military conscription, declaration and commencement of war, peace treaties, declaration of a state of emergency and its termination, mobilisation and demobilisation, as 	<ul style="list-style-type: none"> - The President shall be the Commander-in-Chief of the armed forces of Latvia. During wartime, the President shall appoint a Supreme Commander (Art. 42) - The President has the right to take whatever steps are necessary for the military defence of the State should 	<ul style="list-style-type: none"> - in the event of war or a state of emergency, court cases shall be heard by military courts (Art. 82) - Military courts shall act on the basis of a specific law (Art. 86)

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			well as agreements with other nations may not be submitted to national referendum (Art. 73)	another state declare war on Latvia or an enemy invade its borders. Concurrently and without delay, the President shall convene the Saeima, which shall decide as to the declaration and commencement of war (Art. 44)	
Liechtenstein	- There is no standing army in peace time (it was abolished on 1868) - Art. 44		- the law will regulate exceptional armed unites for cases of emergency or so far as may be necessary for the provision of the police service and the preservation of internal order (Art. 44 N°2))		
Lithuania	- Foreign Policy and National Defence (Arts. 135-146) - Defence of Lithuania is a right and duty of citizens (Art. 139)	Committee on National Security and Defence	- The Seimas shall impose direct rule, martial law, and a state of emergency, declare mobilisation, and adopt a decision to use the armed forces (Art. 67N° 20) - The Seimas shall ratify or denounce the following international treaties of the Republic of Lithuania: 2) on political co-operation with foreign states, mutual assistance treaties as well as treaties of defensive nature related to the defence of the State; 3) on the renunciation of the use of force or threatening by force as well as peace treaties; 4) on the presence and status of the armed forces of the Republic of Lithuania on the territories of foreign states (Art. 138 N°2, 3, 4) - The organisation of national defence shall be established by laws (Art. 139) - The Government,	- The President of the Republic shall appoint and dismiss, upon the assent of the Seimas, the Commander of the Armed Forces and the Head of the Security Service (Art. 84 N°14) - The main issues of State defence shall be considered and co-ordinated by the State Defence Council (Art. 140) - The President of the Republic shall be the Commander-in-Chief of the Armed Forces of the State (Art. 142) - In the event of an armed attack which threatens the sovereignty of the State or its territorial integrity, the President of the Republic shall immediately adopt a decision on the defence against the armed aggression, impose martial law throughout the	

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			the Minister of National Defence, and the Commander of the Armed Forces shall be responsible to the Seimas for the administration and command of the armed forces of the State. The Minister of National Defence may not be a serviceman who has not yet retired to the reserve (Art. 140) - The Seimas shall impose martial law, announce mobilisation or demobilisation, adopt a decision to use the armed forces when a need arises to defend the Homeland or to fulfil the international obligations of the State of Lithuania (Art. 142)	State or in its separate part, announce mobilisation, and submit these decisions to the next sitting of the Seimas, that will approve or overrule it (Art. 142)	
Luxembourg		Commission of foreign and European affairs, of defence, cooperation and immigration	All matters connected with the armed forces are regulated by the law (Art. 96)	- The Grand Duke appoints to civil and military posts, in compliance with and subject to any exceptions made by the law (Art. 35 (1)) - The Grand Duke confers civil and military orders, while complying with the provisions of the law (Art. 41)	Special laws regulate the organization of military tribunals, their duties, and the rights, obligations, and terms of office of their members (Art. 94 (1))
“The former Yugoslav Republic of Macedonia”	Defence of the Republic and States of War and Emergency (Arts. 122-128)	- Committee on Defence and Security - Foreign Policy Committee	- The Assembly of the Republic of Macedonia decides on war and peace (Art. 66) - The defence of the Republic is regulated by a law adopted by a two-thirds majority vote to the total number of Representatives (Art. 122) - A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of	The President of the Republic is Commander-in-Chief of the Armed Forces of Macedonia (Art. 79)	The types of courts, their spheres of competence, their establishment, abrogation, organisation and composition, as well as the procedure they follow are regulated by a law adopted by a majority vote of two-thirds of the total number of Representatives (Art. 99)

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			the Assembly, on the proposal of the President of the Republic, the Government or at least 30 Representatives (Art. 124)		
Malta	<p>- Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance. (Art.1 N°3)</p> <p>- "disciplined force" means -</p> <p>(a) a naval, military or air force of the Government of Malta; (Art. 47 (1) a))</p>	Standing Committee on Foreign and European Affairs	- Armed Forces Act		<p>- collective punishments may be imposed upon the members of a disciplined force in accordance with the law regulating the discipline of that force (Art. 36 (3) (b))</p> <p>- court-martials</p>
Moldova	<p>- The national armed forces constitute the framework for performing military services, for national defense, guarding the borders, and maintaining public order under the law (Art. 57 (2))</p> <p>- The armed forces are subordinated solely to the will of the nation, and their purpose is to safeguard the sovereignty, independence, unity and territorial integrity of the country, as well as the constitutional democracy (Art. 108 (1))</p>	<p>- Committee for National Security, Defense and Public Order</p> <p>- Committee for Foreign Policy and European Integration</p>	<p>- Parliament has the basic powers to declare partial or general mobilization of the armed forces; and to declare the states of national emergency, martial law, and war (Art. 66 (1) m))</p> <p>- The structure of the national defense system will be determined by organic law (Art. 108 (2))</p>	<p>- The President of the Republic of Moldova is the Commander-in-Chief of the armed forces.</p> <p>- the President of the Republic of Moldova can declare partial or general mobilization armed forces, on prior approval from Parliament.</p> <p>- In the event of armed aggression against the country, the President of the Republic of Moldova takes the steps required to repel aggression, and to declare a state of war, and informs Parliament without delay on the situation.</p> <p>- In order to ensure national security and public order the President of the Republic of Moldova can under</p>	To hear certain categories of cases, special courts may be set up under the law (Art. 115 (2))

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight		Executive oversight	Judicial oversight
		Committees	Issues and acts under control		
				the rule of law also take other steps (Art. 87)	
Monaco	Defence is responsibility of France				
Montenegro	Before the independence from Serbia, they had a joint corps: Serbia and Montenegro Armed Forces (VSCG)				
Netherlands	Defence and protection of the interests of the Kingdom (Art. 97-98)	- Defence Committee - Foreign Affairs Committee	- Compulsory military service and the power to defer the call-up to active service shall be regulated by Act of Parliament (Art. 98 N°2)	- The Government shall have supreme authority over the armed forces (Art. 92 N°2) - The Government shall inform the States General in advance if the armed forces are to be deployed or made available to maintain or promote the international legal order. This shall include the provision of humanitarian aid in the event of armed conflict. - This provisions shall not apply if compelling reasons exist to prevent the provision of information in advance. In this event, information shall be supplied as soon as possible (Art. 100)	- Different rules may be established by Act of Parliament for martial law (Art 113(4))
Norway	Defence, Military Service (Art. 109)	- Standing Committee on Defence - There is also an Ombudsman for the Armed Forces in Norway	- The territorial army and the other troops which cannot be classed as troops of the line must never, without the consent of the Parliament [Storting], be employed outside the borders of the Realm (Art. 25 (2))	- The King is Commander-in-Chief of the land and naval forces of the Realm. These forces may not be increased or reduced without the consent of the Parliament [Storting] (Art. 25 (1)) - The King has the right to call up troops, to engage in hostilities in	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
				defence of the Realm and to make peace (Art. 26 (1)). - The King shall choose and appoint, after consultation with his Council of State, all military officials (Art. 21) - The King can dismiss commanders of regiments and other military formations (Art. 22)	
Poland	- Political neutrality of Armed Forces, and subjected to civil and democratic control (Art. 26) - Duty to defend the Homeland (Art. 85)	National Defence Committee	- Ratification of an international agreement by the Republic of Poland, as well as denunciation thereof, shall require prior consent granted by statute if such agreement concerns peace, alliances, political or military treaties (Art. 89 (1) l)) - The principles for deployment of the Armed Forces beyond the borders of the Republic of Poland shall be specified by a ratified international agreement or by statute (Art. 117) - The authority of the President of the Republic, regarding his supreme command of the Armed Forces, shall be specified in detail by statute (Art. 134 (6)) - In situations of particular danger, if ordinary constitutional measures are inadequate, any of the following appropriate extraordinary measures may be introduced: martial law, or a state of emergency (Art. 228	- The President of the Republic shall be the Supreme Commander of the Armed Forces of the Republic of Poland. - he shall, in times of peace, exercise command over the Armed Forces through the Minister of National Defence - he shall appoint the Chief of the General Staff and commanders of branches of the Armed Forces - for a period of war, he shall appoint the Commander-in-Chief of the Armed Forces on request of the Prime Minister. He may dismiss the Commander-in-Chief of the Armed Forces in accordance with the same procedure (Art. 134) - In the event of a direct external threat to the State, the President of the Republic shall, on request of the Prime Minister, order a general or partial mobilization and deployment of the Armed Forces	- military courts (Art. 175 (1)) - for violations of the Constitution or of a statute committed within their office or within its scope, the Commander-in-Chief of the Armed Forces shall be constitutionally accountable to the Tribunal of State (Art. 198 (1))

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
			(1))	in defence of the Republic of Poland (Art. 136) - he can declare a state of martial law in a part of or upon the whole territory of the State (Arts. 229 - 231)	
Portugal	- National defence (Arts. 273-276) - The Armed Forces shall obey the competent bodies that exercise sovereign power, as laid down by this Constitution and the law, and shall be rigorously nonpartisan. (Art. 275 N°3, 4°) - As laid down by law, the Armed Forces shall be charged with fulfilling the Portuguese state's commitments in the military field and taking part in humanitarian and peace missions undertaken by international organisations to which Portugal belongs (Art. 275 N°5)	National Defence Commission	- The Assembly of the Republic shall be responsible for passing treaties, particularly those that entail Portugal's participation in international organisations, friendship, peace, defence, the rectification of borders or military affairs, and authorising the President of the Republic to declare war or to make peace (Art. 161 i), m)) - the Assembly shall be responsible for supervising the involvement of military contingents and security forces abroad (Art. 163 i)) - the Assembly shall possess exclusive responsibility to legislate on the organisation of national defence, the definition of the duties derived therefrom and the basic general elements of the organisation, operation, re-equipping and discipline of the Armed Forces; and restrictions on the exercise of rights by full-time military and militarised personnel on active service and by members of the police forces and security services (Art. 163 d), o)) - The laws that	- The President of the Republic shall be ex officio Commander-in-Chief of the Armed Forces (Art. 120) - In relation to other bodies the President of the Republic shall be responsible for upon a proposal from the Government, appointing the Chief of the General Staff of the Armed Forces and, after consulting the Chief of the General Staff of the Armed Forces, the Deputy Chief of the General Staff of the Armed Forces if any, and the Chiefs of Staff of the three armed services (Art. 133 p)) - The President of the Republic shall be personally responsible for performing the functions of Commander-in-Chief of the Armed Forces (Art.134 a)) - In the exercise of its administrative functions the Government shall be responsible for directing the state's military departments and services and all activities under its direct administration, superintending indirect	- Without prejudice to the provisions concerning courts martial, courts with the exclusive power to try certain categories of crime shall be prohibited (Art. 209 N°4) - The composition of courts of any instance that try crimes of a strictly military nature shall include one or more military judges, as laid down by law (Art. 211 N°3) - During states of war, courts martial with jurisdiction over crimes of a strictly military nature shall be formed (Art. 213)

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees	oversight Issues and acts under control	Executive oversight	Judicial oversight
			regulate the state of siege and the state of emergency shall lay down the terms governing the use of the Armed Forces in such situations (Art. 275 N°7)	administration, and exercising oversight over such indirect administration and over autonomous administration (Art. 199 d))	
Romania	<ul style="list-style-type: none"> - Defence of the Country (Art. 55) - Armed Forces (Art. 118) - The supreme Council of National Defence shall unitarily organize and co-ordinate the activities concerning the country's defence and security, its participation in international security keeping, and in collective defence in military alliance systems, as well as in peace keeping or restoring missions (Art. 119) 	<ul style="list-style-type: none"> - Committee for Defence, public order and national security - Joint Committee for the oversight of the (domestic) Romanian Intelligence service - Joint Committee for the oversight of the foreign intelligence service 	<ul style="list-style-type: none"> - an organic law shall regulate the state of partial or total mobilization of the armed forces and the state of war (Art. 13 (3) f)) - The structure of the national defence system, the preparation of the population, economy and territory for defence, as well as the military shall be regulated by an organic law (Art. 118) (2)) 	<ul style="list-style-type: none"> - The President of Romania shall be Commander-in-Chief of the Armed Forces and preside over the Supreme Council of National Defence - He may declare, with prior approval of Parliament, partial or total mobilization of the Armed Forces. Only in exceptional cases shall the decision of the President be subsequently submitted for approval to Parliament, within five days of the adoption thereof - In the event of an armed aggression against the country, the President of Romania shall take measures to repel the aggression, and he shall promptly bring them to the cognizance of Parliament, by a message. If Parliament does not sit in a session, it shall be convened de jure, within 24 hours of the outbreak of the aggression (Art. 92) - Decisions of a military character shall be conveyed only to the institutions concerned (Art. 108 N°4)) 	<ul style="list-style-type: none"> - It is prohibited to establish extraordinary courts of law. By means of an organic law, courts of law specialized in certain matters may be set up, allowing the participation (Art. 126 (5)) - The judicial control of administrative acts of the public authorities, by way of the contentious business falling within the competence of administrative courts, is guaranteed, except for those regarding relations with the Parliament, as well as the military command acts (Art. 126 (6))
Russian Federation	- Defence and Military service	Council of Federation	- The regime of the martial law shall be	- The President of the Russian	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
	(Art. 59) - The jurisdiction of the Russian Federation includes defence and security; military production; determination of rules of selling and purchasing weapons, ammunition, military equipment and other military property; production of poisonous substances, narcotic substances and rules of their use (Art. 71 (l))	Committee on Defence and Security	defined by the federal constitutional law (Art. 87 N°3) - The jurisdiction of the Council of the Federation includes approval of the decree of the President of the Russian Federation on the introduction of a martial law; and deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation (Art. 102 b), d))	Federation shall approve the military doctrine of the Russian Federation; and appoint and dismiss the supreme command of the Armed Forces of the Russian Federation (Art. 83 h), k)) - The President of the Russian Federation shall be the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation (Art. 87 N°1)	
San Marino	There is no standing armed force. There is a ceremonial guard, police, and a border force				
Serbia	Defence of the Republic (Art. 51)	Committee on Defence and Security	- The following shall be regulated and provided by the Republic of Serbia defense and security of the Republic of Serbia and of its citizens (Art. 72 N°3) - The National Assembly shall decide on war and peace (Art. 73 N°6)	The President of the Republic shall command the Armed Forces in peacetime and in war. and the popular resistance in war; order the general and partial mobilization; organize the preparations for defense in accordance with law (Art. 83 N°5)	
Slovakia	Defence and military service (Art. 25)	- Committee on Defence and Security - Special Control Committee for the Control of Activities of the National Security Authority - Special Control Committee for the Control of Activities of the Military Intelligence Service	- The jurisdiction of the National Council of the Slovak Republic comprises deciding on the declaration of war if the Slovak Republic is attacked or as a result of commitments arising from international treaties on common defense against aggression, and expressing consent to sending armed forces outside the territory of the Slovak Republic (Art. 86 k),	- The president acts as supreme commander of the Armed Forces, and k) declares martial law at the recommendation of the Government of the Slovak Republic and declares war on the basis of a decision of the National Council of the Slovak Republic, if the Slovak Republic is attacked or as a result of	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
			l)	commitments arising from international treaties on common defense against aggression (Art.102 j), k)) - If no president is elected, the supreme command of the armed forces is also transferred to the prime minister in this period (Art. 105 (l))	
Slovenia	- Duty to Participate in the National Defence (Art. 123) - Committee on Defence	- Commission for Supervision of the Intelligence and Security Services - Committee on Defence	- The declaration of war or state of emergency, urgent measures and their repeal shall be decided upon by the National Assembly on the proposal of the Government. - The National Assembly decides on the use of the defence forces (Art. 92) - The form, extent and organisation of the defence of the inviolability and integrity of the national territory shall be regulated by a law adopted by the National Assembly by a two-thirds majority vote of deputies present (Art. 124) - The conducting of defence is supervised by the National Assembly (Art. 124)	- In the event that the National Assembly is unable to convene, the President of the Republic shall decide on state of emergency or war, decisions must be submitted for confirmation to the National Assembly immediately upon its next convening (Art. 92) - The President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces (Art. 102)	Extraordinary courts may not be established, nor may military courts be established in peacetime (Art. 126)
Spain	- Armed Forces mission (Section 8 N°1) (2) - Right and duty to defend Spain (Section 30 N°1)	- Defence Commission - Foreign Affairs Commission	- The basic structure of military organization shall be regulated by an Organic Act in accordance with the principles of the Constitution - The State shall have exclusive competence over the defence and the Armed Forces (Section 149 (1) iv)) - An organic act shall make provision for	- It is incumbent upon the King, following authorization by the Cortes Generales, to declare war and to make peace (Section 63 (3)) - It is incumbent upon the King to exercise supreme command of the Armed Forces (Section 62 h))	- The principle of jurisdictional unity is the basis of the organization and operation of the courts. The law shall make provision for the exercise of military jurisdiction strictly within military framework and in cases of state of siege (martial law), in accordance with

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
			the states of alarm, emergency and siege (martial law) and the powers and restrictions attached to each of them (Section 116 (1))		the principles of the Constitution (Section 117 (5))
Sweden	War and Danger of War (Chapter 13, Arts. 1-13)	Committee on Defence	<p>- Swedish armed forces may be committed to battle or sent to another country only if: 1) the Parliament has assented thereto; 2) it is permitted under a law which sets out the prerequisites for such action; an obligation to take such action follows from an international agreement or obligation which has been approved by the Parliament (Chapter 10, Art. 9 (1))</p> <p>- No declaration of war may be made without the consent of the Parliament, except in the event of an armed attack against Sweden (Chapter 10, Art. 9 (2))</p> <p>- When adopting a budget under the present article, the Parliament shall take into account the need of funds for the defence of the Realm in time of war danger of war, or other exceptional circumstances (Chapter 9, Art. 3 (3))</p>	<p>- Government business relating to the implementation of statutory instruments or special Government decisions within the armed forces may however be approved by the head of the ministry responsible for such matters, under the supervision of the Prime Minister and to the extent laid down in law (Chapter 7, Art. 3)</p> <p>- The Government may commit the country's defence forces, or any part of them, to battle in order to repel an armed attack upon the Realm (Chapter 10, Art. 9 (1))</p> <p>- The Government may authorize the defence forces to use force in accordance with international law and custom to prevent a violation of Swedish soil in time of peace or during a war between foreign states (Chapter 10, Art. 9 (3))</p>	
Switzerland	<p>- Security, National and Civil Defense (Arts. 57-61)</p> <p>- Switzerland shall have an army. The army shall be organized, in principle, as a militia (Art. 58)</p> <p>- The use of the army is a federal</p>	- Security Police Committee	<p>- Legislation on the military and on the organization, the instruction, and the equipment of the army, is a federal matter (Art. 60 N°1)</p> <p>- Within the limits of federal law, the Cantons shall have the power to form</p>	<p>- The Federal Government shall take measures to secure the external and internal security, the independence, and the neutrality of Switzerland (Art. 185 N° 1, 2)</p> <p>- It may issue</p>	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees	oversight Issues and acts under control	Executive oversight	Judicial oversight
	<p>matter. The Cantons may engage their troops to maintain public order on their territory, if the means of the civil authorities no longer suffice to repel serious threats to inner security (Art. 58 N°3)</p>		<p>cantonal troops, to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment (Art. 60 N°2) - The Confederation shall legislate on the misuse of weapons, associated equipment, and ammunition, and on the production, acquisition, distribution, importation, exportation, and transit of military material. (Art. 170 N° 1, 2) - It shall order active military service, and to this end, shall mobilize all or part of the army (Art. 173 d))</p>	<p>ordinances and orders to obviate existing or imminent great disturbances of the public order, the external or the inner security. Such ordinances shall be limited in time (Art. 185 N° 3) - In urgent cases, it may mobilize troops. If it mobilizes more than 4000 members of the armed forces for active duty, or if the mobilization for active duty is expected to last more than three weeks, the Federal Parliament must be convened without delay (Art. 185 N° 4)</p>	
Turkey	<ul style="list-style-type: none"> - National service is the right and duty of every Turk (Art. 72) - The Armed Forces and all judicial organs are outside the jurisdiction of the State - Supervisory Council (Art.108) - State of Emergency (Arts. 119-121) 	The National Defense Committee	<ul style="list-style-type: none"> - The manner in which national service shall be performed, or considered as performed, either in the Armed Forces or in public service shall be regulated by law (Art. 72) - The Power to authorise the declaration of a state of war in cases deemed legitimate by international law and except where required by international treaties to which Turkey is a party or by the rules of international courtesy to send Turkish Armed Forces to foreign countries and to allow foreign armed forces to be stationed in Turkey, is vested in the Turkish Grand National Assembly (Art. 92) - If the country is 	<ul style="list-style-type: none"> - The President of the Republic represents the Supreme Military Command of the Turkish Armed Forces on behalf of the Turkish Grand National Assembly to decide on the mobilization of the Turkish Armed Forces, and to proclaim martial law or state of emergency, and to issue decrees having the force of law, in accordance with the decisions of the Council of Ministers under his or her chairmanship (Art. 104 B) - The Council of Ministers shall be responsible to the Turkish Grand National Assembly for national security and for the preparation of the 	<ul style="list-style-type: none"> - The acts of the President of the Republic on his or her own competence, and the decisions of the Supreme Military Council are outside the scope of judicial review (Art. 125) - Military justice shall be exercised by military courts and military disciplinary courts (Art. 145) - Military High Court of Appeals is the last instance for reviewing decisions and judgements given by military courts (Art. 156) - High Military Administrative Court of Appeals (Art. 157)

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
			<p>subjected, while the Turkish Grand National Assembly is adjourned or in recess, to sudden armed aggression and it thus becomes imperative to decide immediately on the deployment of the armed forces, the President of the Republic can decide on the mobilization of the Turkish Armed Forces (Art. 92)</p>	<p>Armed Forces for the defence of the country (Art. 117) - The Chief of the General Staff is the commander of the Armed Forces, and, in time of war exercises the duties of Commander-in-Chief on behalf of the President of the Republic (Art. 117) - National Security Council shall submit to the Council of the Ministers its views on the advisory decisions that are taken and ensuring the necessary condition with regard to the formulation, establishment, and implementation of the national security policy of the state (Art. 118) - The Council of Ministers, under the chairmanship of the President of the Republic, after consultation with the National Security Council, may declare martial law in one or more regions or throughout the country (Art. 122)</p>	
<p>Ukraine</p>	<p>Defence (Arts. 17, 65)</p>		<p>- the organisation and operational of procedure military formations is determined by law (Art. 17) - The authority of the Verkhovna Rada of Ukraine comprises declaring war upon the submission of the President of Ukraine and concluding peace, approving the decision of the President of Ukraine on the use of the Armed Forces of</p>	<p>- The President of Ukraine is the Commander-in-Chief of the Armed Forces of Ukraine; appoints to office and dismisses from office the high command of the Armed Forces of Ukraine and other military formations; administers in the spheres of national security and defence of the State (Art. 106 N°17)</p>	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
			<p>Ukraine and other military formations in the event of armed aggression against Ukraine (Art. 85 N°9)</p> <p>- Verkhovna Rada also confirms the general structure and numerical strength, and defining the functions of the Armed Forces of Ukraine, the Security Service of Ukraine and other military formations created in accordance with the laws of Ukraine, and also the Ministry of Internal Affairs of Ukraine (Art. 85 N°22)</p> <p>- Verkhovna Rada decides on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to another state, or on admitting units of armed forces of other states on to the territory of Ukraine (Art. 85 N°23)</p> <p>- the laws of Ukraine will determined the fundamentals of national security, the organisation of the Armed Forces of Ukraine and ensuring public order; and the legal regime of the state border; and martial law (Art. 92, N° 17-19)</p> <p>- the laws of Ukraine establishes the procedure for deploying units of the Armed Forces of Ukraine to other states; the procedure for admitting and the terms for stationing units of armed forces of other states on the territory of Ukraine (Art. 92 N°2))</p>	<p>- he heads the Council of National Security and Defence of Ukraine (Art. 106 N°18)</p> <p>- he forwards the submission to the Verkhovna Rada of Ukraine on the declaration of a state of war, and adopts the decision on the use of the Armed Forces in the event of armed aggression against Ukraine (Art. 106 N°19)</p> <p>- he adopts a decision in accordance with the law on the general or partial mobilisation and the introduction of martial law in Ukraine or in its particular areas, in the event of a threat of aggression, danger to the state independence of Ukraine (Art. 106 N°20)</p>	
United	- no written	- Armed Forces		The Queen is	

Relevant Issues CE Member States	General constitutional rules about armed forces	Parliamentary oversight Committees Issues and acts under control		Executive oversight	Judicial oversight
Kingdom	Constitution - Armed Forces Act 2001 - Armed Forces Discipline Act 2000	Bill Committee - Defence Committee - Foreign Affairs Committee		commander-in-chief of all the Armed Forces of the Crown	