

The Analysis of national Sovereignty in the military Context of the European Union States on the Example of Romania and Austria

Bachelor Thesis

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Committee in charge:
Col Assoc. Prof. Harald GELL, PhD
Assoc. Prof. Anca DINICU, PhD

by
OCdt Cristina Barbu

Student of the “Nicolae Bălcescu” Land Forces Academy of Sibiu
Romania

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Abstract and Keywords in English Language

Background: The sovereignty is a controversial attribute of the state. The history gives many examples of confrontations for maintaining or gaining the sovereign power. In order to be stronger and to make progress, the states do not act as separate entities in the new international context anymore. Therefore, as a unity, which brings the order of the international system, the state is influenced and undergoes certain transformations, including the right to exercise its sovereignty. The accession to the European Union (EU) causes a reduction of the Member States' sovereignty. In these circumstances, the author considers relevant to analyse the national sovereignty in the military context of two EU Member States – Romania and Austria.

Purpose: This thesis aims to identify the relationship between the national sovereignty and the military systems of Romania and Austria from the perspective of their memberships to the EU. It also seeks to analyse the sovereignty's characteristics of the two states and the way, in which the EU influences the organisation and functioning of the armed forces through the Common Security and Defence Policy (CSDP).

Method: The author realises an extensive research on the legal framework, which supports the sovereignty of Romania and Austria, as well as the military security strategies. To reach a conclusion, the author analyses the constitutions of the two states and the community law. The EU-led military operations involving the Romanian and Austrian Armed Forces are also investigated. The author consults the EU's official homepages, books, journals, legislative documents, and research studies related to the topic.

Conclusion: The both states give some certain competences of their sovereignty to the EU, including the security. The ultimate mission of the armed forces of the two states is maintaining the sovereignty in peacetime and defending it during war. The EU influences the sovereignty of its Member States but does not threaten it.

Keywords: Common institutions, Common Security and Defence Policy, community law, constitution, European Union, military operations, military system, National Security Strategy, political authority, sovereignty.

Abstract und Schlagworte in deutscher Sprache

Hintergrund: Die Souveränität ist eine umstrittene Eigenschaft des Staates. Die Geschichte gibt viele Beispiele für Konfrontationen zur Aufrechterhaltung oder Erlangung der souveränen Macht. Um stärker zu sein und Fortschritte zu erzielen, agieren die Staaten im neuen internationalen Kontext nicht mehr als eigenständige Einheiten. Daher wird der Staat als eine Einheit, die die Ordnung des internationalen Systems bringt, beeinflusst und durchläuft bestimmte Transformationen, einschließlich des Rechts, seine Souveränität auszuüben. Der Beitritt zur Europäischen Union (EU) bewirkt eine Verringerung der Souveränität der Mitgliedstaaten. Unter diesen Umständen hält es der Autor für relevant, die nationale Souveränität im militärischen Kontext zweier EU-Mitgliedstaaten – Rumänien und Österreich – zu untersuchen.

Zielsetzung: Das Ziel dieser Arbeit ist es, die Beziehungen zwischen der nationalen Souveränität und den militärischen Systemen Rumäniens und Österreichs aus der Perspektive ihrer Mitgliedschaft in der EU zu untersuchen. Es soll auch untersucht werden, welche Eigenschaften die Souveränität der beiden Staaten hat und wie die EU die Organisation und das Funktionieren der Streitkräfte durch die Gemeinsame Sicherheits- und Verteidigungspolitik (GSVP) beeinflusst.

Methode: Der Autor realisiert eine umfassende Untersuchung der rechtlichen Rahmenbedingungen, die die Souveränität Rumäniens und Österreichs sowie die militärischen Sicherheitsstrategien unterstützen. Um zu einem Schluss zu kommen, analysiert der Autor die Verfassungen der beiden Staaten sowie das Gemeinschaftsrecht. Die EU-geführten Militäreinsätze der rumänischen und der österreichischen Streitkräfte werden ebenfalls untersucht. Der Autor benutzt die offiziellen Homepages der EU, Bücher, Zeitschriften, Gesetzgebungsdokumente und Forschungsstudien zu diesem Thema.

Ergebnis: Die beiden Staaten geben der EU bestimmte Kompetenzen ihrer Souveränität ab, einschließlich der Sicherheit. Die ultimative Mission der Streitkräfte der beiden Staaten besteht darin, die Souveränität in Friedenszeiten aufrechtzuerhalten und während des Krieges zu verteidigen. Die EU beeinflusst die Souveränität ihrer Mitgliedstaaten, gefährdet sie jedoch nicht.

Schlagworte: Europäische Union, Gemeinsame Institutionen, Gemeinsame Sicherheits- und Verteidigungspolitik, Gemeinschaftsrecht, Militäroperationen, Militärsystem, nationale Sicherheitsstrategie, politische Autorität, Souveränität, Verfassung.

Abstract și Cuvinte Cheie în Limba Română

Cadru: Suveranitatea este un atribut controversat al statului, istoria oferind numeroase exemple de confruntări de menținere sau dobândire a puterii suverane. În noul context internațional, pentru a fi mai puternice și pentru a se dezvolta, statele nu mai acționează ca și entități separate. Prin urmare, ca și unitate care aduce ordinea în sistemul internațional, statul este influențat și suferă anumite transformări, inclusiv dreptul său de a își exercita suveranitatea. Aderarea la Uniunea Europeană (UE) determină o diminuare a suveranității Statelor Membre. În aceste condiții, autorul consideră relevant a analiza suveranitatea națională în contextul militar al statelor membre UE – România și Austria.

Scop: Scopul acestei lucrări este de a identifica relația dintre suveranitatea națională și sistemul militar al României și Austriei, din perspectiva apartenenței acestora la UE. De asemenea, se urmărește analizarea caracteristicilor suveranității celor două state, dar și felul în care UE influențează organizarea și funcționarea forțelor armate prin intermediul Politicii de securitate și apărare comună (PSAC).

Metodă: Autoarea realizează o cercetare amplă privind cadrul juridic care susține suveranitatea României și a Austriei, dar și strategiile militare de securitate. Pentru a ajunge la o concluzie, ea analizează constituțiile celor două state și dreptul comunitar. Mai mult decât atât, sunt cercetate și operațiile militare aflate sub conducerea UE la care participă forțele armate românești și austriece. În procesul de cercetare, autoarea consultă paginile UE oficiale, cărți, jurnale, documente legislative și studii de cercetare relevante pentru tema aleasă.

Concluzie: Ambele țări oferă anumite competențe ale suveranității lor UE, inclusiv în domeniul securității. Forțele armate ale celor două state dețin misiunea supremă de a menține suveranitatea pe timp de pace și de o apăra pe timp de război. UE influențează suveranitatea statelor sale membre, dar nu o supune amenințărilor.

Cuvinte cheie: Autoritate politică, constituție, drept comunitar, Uniunea Europeană, instituții comune, operații externe, Politica de Securitate și apărare comună, sistem militar, strategie de securitate națională, suveranitate.

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2. Preface¹

The present Bachelor Thesis was created during a two months Erasmus+ exchange programme at the Theresan Military Academy in Wiener Neustadt, Austria according to the “*International Cooperation: Regulation No. 24 for authoring Bachelor and Master Theses by International Students.*”² The thesis was written under the guidance of both, Austrian and Romanian tutors.

The author was always interested in European studies, international relations and the impact of the international area on the military, especially the close connection between national sovereignty and military power. The history provides many examples over time that military power has consolidated the basis for creating a new state. The armies were those who conquered territories, but what is needed to be updated and researched is how the sovereignty is gained. Generally, the sovereignty depends on the recognition of international entities, and particularly on the fact that another sovereign state must lose some of its territory. Moreover, the author chose this topic, because it is challenging to analyse the national sovereignty in the military context of a state, which belongs to the EU.

The author would like to show her appreciation, respect and gratitude to her tutor, Col Assoc. Prof. Harald Gell, PhD, Assoc. Prof. Anca Dinicu, and also to all those who have provided her their support in creating this thesis and helped her in the research process.

1 Author’s note: This chapter is based on the ideas of the author.

2 Gell, H. (2015). *International Cooperation: Regulation No. 24 for authoring Bachelor and Master Theses by International Students*. Institute for Basic Officers Training. Fachhochschul-Bachelor Programme Military Leadership. English version as of 17-3-15.

3. Preamble³

During the last decades we have been witnesses of a world which is changing every day. The globalisation is responsible for the multitude of changes which the international system is suffering. This aspect is reflected in the state, which continues to be the unity which is bringing the order of the world, and it is also the target of many transformations. Under these circumstances, powerful political, economic, and military states will dominate the weak and powerless states. This domination determines the international organisations to develop solutions in order to bring the balance and the well-being to all actors of the contemporary world. As Jean Monnet, one of the founding fathers of the EU said: “*Without delegation of power and sovereignty, you have nothing.*”⁴ The statement of Jean Monnet means that in order to create a balance between the EU states, it is necessary to look beyond these states.

How Romania and Austria delegate a part of their sovereignty to the EU? How the EU influences the national sovereignty in the military context of these two states? All these questions will be answered in this thesis and if you continue to read it, you will discover that the sovereignty means not only power but also the lack of power.

3 Author’s note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

4 Gilles, G. (2017). *Shaping Europe: The Path to European Integration according to Jean Monnet*. Lausanne. Jean Monnet Foundation for Europe. Debates and Documents Collection. P. 10.

4. Introduction⁵

The purpose of this chapter is to describe the thesis' concept, the problem solved by writing this thesis, and how the author solves this problem. The author chooses to divide this chapter into two sections. The first part, named "*The Concept of the Thesis*", is for presenting the main issue and the way in which it is solved. The second section, named "*Terms and definitions*", is created to explain some terms and to define some concepts, which are used during the entire thesis.⁶

4.1 The Concept of the Thesis

The sovereignty is a much discussed concept nowadays, but not quite understood. The sovereignty is an attribute of the modern state, which needs to be updated according to the rules imposed by the new international system.

There are many factors that influence the sovereign power of the European states, but the most representative one is the EU. With the integration of a state into the Union, the absolute sovereignty disappeared. However, the attribute of the sovereignty has remained powerful.

The sovereignty has always been a delicate subject at the scene of the international relations. Throughout history the states have fought in bloody wars to win or maintain their sovereignty. Therefore, the military system of the state is still the guarantor of the national sovereignty. The armed forces have the supreme mission of ensuring the sovereignty.

The author starts her thesis from the influence of the EU onto the sovereignty and continues with the connection between the sovereignty and the military field. She analyses the national sovereignty in the military context of the EU member states. Therefore, she chooses to carry out the analysis using two eloquent examples: Romania and the Republic of Austria. She also formulates the main question, which her research will respond to.

5 Author's note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

6 Cf.: Gell, H. (2015). Op. cit. P. 21.

After studying the concept of the sovereignty and its insights over time and from the perspective of several scholars, the author wants to present what the main purpose of her work is. This is to find out how the connection between the national sovereignty and the military system is manifested in Romania and Austria, taking into consideration that they are EU Member States. The starting point is the analysis of the characteristics, which the sovereignty holds in Romania and Austria. Then the author continues to study how the EU influences the sovereignty of the two states, especially in terms of legal supremacy. In order to reach the essential point, the author investigates and presents the connections between the sovereignty and the military field in Romania and Austria, emphasising the constitutional legal framework and the security strategies.

The author answers the main question by closing the research gap and presents the findings of the research at the end of the analysis. This thesis is an informational source that complements the studies made so far. It presents the sovereignty of Romania and Austria in the military context at the European level. The current conditions of this level are different from those of the Treaty of Lisbon and closer to those of the future.

4.2 Terms and definitions

This sub-chapter is created to avoid some possible misunderstandings, which may arise because of the specific terminology or expressions. These terms are used throughout the entire thesis and their understanding is essential.

Sovereignty: *“The full right and power of a governing body over itself, without any interference from outside sources or bodies. In political theory, sovereignty is a substantive term designating supreme authority over some polity.”*⁷

Nation: *“A country, especially when thought of as a large group of people living in one area with their own government, language, traditions etc.”*⁸

7 Homepage of Encyclopedia Britannica. URL: <https://www.britannica.com/topic/sovereignty>. [16-3-19].

8 Homepage of Cambridge Dictionary. URL: <https://dictionary.cambridge.org/dictionary/english/nation>. [20-3-19].

State: *“Group of people which has acquired international recognition as an independent country and which has a population, a common language and a defined and distinct territory.”*⁹

Democracy: *“A system of government in which people choose their rulers by voting for them in elections.”*¹⁰

Federation: *“The action of forming states or organisations into a single group with centralised control.”*¹¹

Constitution: *“The basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it.”*¹²

Member State: *“A country that belongs to a political, economic, or trade organisation such as the European Union.”*¹³

9 Homepage of Duhaime’s Law Dictionary. URL: <http://www.duhaime.org/LegalDictionary/S/State.aspx>. [16-3-19].

10 Homepage of Collins English Dictionary. URL: <https://www.collinsdictionary.com/dictionary/english/democracy>. [17-3-19].

11 Homepage of Oxford English Dictionary. URL: <https://en.oxforddictionaries.com/definition/federation>. [17-3-19].

12 Homepage of Merriam-Webster. URL: <https://www.merriam-webster.com/dictionary/constitution>. [3-4-19].

13 Homepage of Cambridge Dictionary. URL: <http://dictionary.cambridge.org/dictionary/english/member-state>. [3-4-19].

5. Linkage to Scientific Disciplines¹⁴

The purpose of this chapter is to describe the importance of the topic chosen by the author for a specific scientific community, to explain to which scientific communities this topic is addressed, and who may benefit from the results of the theses.¹⁵

According to the author, the main scientific linkage of the present thesis is represented by international relations because of the analysis in the context of the EU.

Firstly, the national sovereignty in the military context is analysed in an EU perspective and, therefore, the scientific linkages are in the military and political services. The military personnel from Romania and Austria can benefit from this thesis by increasing their knowledge about the influence of the EU in the military field. With the moment of joining the European Union, Romania and Austria gave up a part of their sovereignty to the common institutions of the Union. This fact has a powerful impact on the military system and the present thesis provides support to Ministers of National Defence, Ministers of Foreign Affairs, and commanding officers.

Secondly, the topic chosen by the author is important to understand the development of the states, especially Romania and Austria under the influence of the EU. We should be interested in the development of our nation because it depends on our development as individuals. As Ban Ki-moon said: “*Sustainable development is the pathway to the future we want for all. It offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthen governance.*”¹⁶ This is the reason why this bachelor thesis is linked to people who are involved in the development of international organisations, in international relations, and international law systems. Moreover, the topic should help the teaching staff for public international and constitutional law in both, the military and the civilian fields.

Last, but not least, the present thesis is linked to everyone who wants to know more about the national sovereignty, EU’s requirements for its members or about the connection between sovereignty and the military system.

14 Author’s note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

15 Cf.: Gell, H. (2015). Op. cit. P. 21.

16 Homepage of United Nations. Page Meetings Coverage and Press Releases. URL: <https://www.un.org/press/en/2013/sgsm15273.doc.htm>. [15-3-19].

6. Current State of Research¹⁷

The purpose of this chapter is to provide an overall description of the latest developments concerning the thesis' topic.¹⁸ This contains basic information about the national sovereignty within the military context and the main connections between the Member States of the EU and their sovereignty. In this part of the thesis, the author presents the literature review, and for a better understanding of the next chapters, a background information about the way in which the EU influences the state's sovereignty. This chapter required detailed investigations for the purpose of avoiding a repeated research.

Before analysing the transformation of sovereignty in the EU context, the European scholars researched the emergence of the sovereign states at the world stage. The 20th century was the period when the national sovereignty spread geographically very fast. Over a hundred new states were born between 1945 and 1989. A very important factor of this phenomenon was the colonisation movement. Another factor is the collapse of the Soviet Union, which it led to the birth of nearly 20 new countries.¹⁹

The sovereignty is a controversial and difficult to understand notion. The international relations specialists have dedicated decades studying and researching this field. Over time, the notion of sovereignty has gained more meanings. The most representative of these are:

- Real sovereignty.
- International legal sovereignty.
- Domestic sovereignty.
- Westphalian sovereignty.
- Interdependence sovereignty.

17 Author's note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

18 Cf.: Gell, H. (2015). *Op. cit.* P. 22.

19 Cf.: Tokár, A. (2001). *Something Happened. Sovereignty and European Integration.* Vienna. *Extraordinary Times. IWM Junior Visiting Fellows Conferences.* Volume 11. P. 2.

The oldest meaning of the notion of sovereignty is the real sovereignty. This refers to the absolute power of the monarch, in contrary to the limited power of the senate and parliament. The real sovereignty was exercised in the antiquity.²⁰

According to Krasner, the international legal sovereignty means that the state is a recognised international entity by other states, but it is not necessary to be recognised by all the states. The sovereign state is not the subject to any other foreign powers. This country may be a member of international organisations with the right to represent itself diplomatically.²¹

Tokar Adrián, in his article “*Something Happened. Sovereignty and European Integration*” affirms that the external sovereignty is not an absolute one. This is increasingly influenced by the globalisation. The globalisation limits the international legal sovereignty because it creates an economic interdependence and a culture among nations. There are also some legal barriers which interfere with the exercise of external sovereignty. The Briand-Kellogg Pact, also known as the Pact of Paris, is a good example. This pact does not allow the states to wage wars as an instrument of their national policy.²²

The domestic sovereignty represents the existence of a unique, supreme, and stable power within the borders of a state. This cannot be disputed by other political actors. Taking history as an example, the researchers say that a state cannot exercise a complete rule over its territory. In order to maintain the internal sovereignty, the state must be able to secure a public order within its boundaries. The overwhelming majority of the population has to respect the public order.²³

The academics bring into discussion the Peace of Westphalia when the issue of sovereignty was disputed. This treaty is considered an essential part of the modern state's existence. Henry Kissinger states that the Peace of Westphalia is “*the path breaker of a new concept of international order that has spread around the world*”.²⁴ The signing of this treaty in 1648 ended the Thirty Years' War and marked the birth of a new Europe, as

20 Homepage of Political Science. URL: <http://www.politicalsciencenotes.com/articles/5-different-kinds-of-sovereignty/256>. [21-3-19].

21 Cf.: Krasner, S. (1999). *Sovereignty: Organised Hypocrisy*. New Jersey. Princeton University Press. P. 4.

22 Cf.: Tokár, A. (2001). *Op. cit.* P. 2.

23 Cf.: *Ibid.* P. 3.

24 Kissinger, H. (2015). *World Order*. London. Penguin Random House UK. P. 23.

a continent of sovereign states. The Peace of Westphalia recognised the sovereignty's principle.²⁵

The Westphalian sovereignty means that each signatory state undertakes measures to respect the territorial rights of the others and not to involve in their internal affairs.²⁶ Over time, many scholars have disputed that the national sovereignty's roots are the signing of the Westphalian treaty. Janice Thompson describes the sovereignty as the duty and responsibility of the states to act in their own best interest. As a result, the state's sovereignty is above internationalism, but they can coexist. The reason why many countries choose to join the international organisations and to undertake diplomatic activities can be identified in their fundamental desire to preserve their sovereignty. This is true, because three centuries of international relations cannot be attributed to a single document. However, the Peace of Westphalia remains the foundation of the modern international relations. A lot of people still identify each other on the basis of the nationality. This phenomenon of the national identity began with the Westphalian system.²⁷

The interdependence sovereignty is closely linked to the domestic sovereignty. According to Krasner, this is the ability of the state's government forces to control the flows of people, goods, and information across the state's borders. The international relations scholars believe that today this dimension of sovereignty is strongly affected by the globalisation. The states hardly can control what comes in or out of their borders. Some examples offered by Krasner are the terrorism, the drug trade, the currency crises, the atmospheric pollution, and the diseases.²⁸

Since the birth of the EC (European Community) and the EU, the notion of sovereignty is in a continuous transformation in Europe. These changes are visible at the national level with the abolition of the internal borders, the appearance of the European

25 Cf.: Streja, C. (2013). *Contribuția Păcii de la Westphalia la Sistemul Internațional Modern*. București. Școala Națională de Studii Politice și Administrative. P. 2. According to the author the title translated into English means: *The Contribution of the Peace of Westphalia to the modern international system*.

26 Cf.: Schouten, P. (2008) *Stephen Krasner on Sovereignty*. *Failed States and International Regimes*. Theory Talks. P. 5.

27 Cf.: Thompson, J. (1994). *Mercenaries, pirates and sovereigns: state building and extraterritorial violence in early modern Europe*. New Jersey. Princeton University Press. P. 14-15.

28 Cf.: Krasner, S. (1999). *Op. cit.* P. 6-9.

citizenship, and the creation of a supranational legal system. The EU was born through a series of international agreements and it has never been doubted that the original sovereignty lies with the Member States.²⁹

The EU is also difficult to compare with a nation state. There are several facts demonstrating that the EU cannot be compared to a state:³⁰

- Legal means. Member States are responsible for the enforcement and monitoring of the application of community law. There is no legal system of the EU separated from the system of the EU Member States. The only court of the EU is the Court of Justice in Luxembourg.
- Financial resources. The EU budget is around one per cent of the GDP (Gross domestic product) of the Member States which is incomparable to the budgets of the EU Member States.
- Means of enforcement. The EU has no means of law enforcement which is typical for a nation-state. The EU has no police or an army of its own.

These facts demonstrate that the EU cannot hold sovereignty as its Member States do. However, it is not disputed that the EU has its own sovereignty. Asking whether it is possible to talk about sovereignty at European level, some specialists give an affirmative answer. They argue that the EU has sovereignty in the legal sense by creating some legal rules which are superior to the legal rules of the Member States. In the areas offered to the Union, the states do not enjoy a legal supremacy. The EU has many aspects which distinguish it from an international organisation. There are no internal borders between the Member States and the free movement of goods, persons, services, and capital is guaranteed by the founding treaties. The citizens of the Member States are citizens of the Union and they have some rights, which go beyond the framework of the nation-states. An example would be the right to move and freely reside on the territory of the Member States. Another example is the right to vote and stand for the elections to the European Parliament on the territory of a Member State they are not a citizen of. All these EU features bring changes to the notion of the national sovereignty.³¹

29 Cf.: Tokár, A. (2001). Op. cit. P. 1-5.

30 Cf.: Ibid. P. 5-6.

31 Cf.: Ibid. P. 6.

The most important issue that supports the EU's sovereignty is the emergence of a separate legal system, called the community law. This is one of the main elements of the European construction. Following the Maastricht Treaty, the EU is made up of three pillars. The first pillar is the EC-formed unification of the European Coal and Steel Community, EURATOM and the European Economic Community. The objective of the EC is to achieve a common market and an economic and monetary union. In addition, the EC is responsible for a number of other policy areas such as transport, social protection, research and modern technologies, health, education, culture, consumer protection, and economic development. The other two pillars, the Common Foreign and Security Policy and the Cooperation in the Field of Justice and Home Affairs, are intergovernmental. Under these two pillars, the decisions are taken by unanimous consent of all Member States.³²

On the other hand, the decisions are taken supranational only in the case of the EC. As a result, the community law represents the legal rules created by the EC.³³ The community law differs from the public international law and the municipal law. The public international law regulates the relationships between its subjects, mainly the states. The community law covers the relationships between the public or private natural or legal persons within the state. Furthermore, the public international law regulates the relations between the states and other international law issues regarding the status of persons within the state. In the EU's legal area, the community law regulates relations between the individuals without the need for mediation by the Member States. The most important difference between the system of public international law and the system of community law is their applicability. The community law applies directly to the EU's Member States. The public international law is mandatory only for the subjects which have accepted it. There is a relationship of subordination between the municipal law and the community law. This relationship limits the absolute sovereignty of the state and it was consolidated following the Vienna Convention on the law of treaties in 1969.³⁴ The 27th article

32 Cf.: Homepage of European Council. Council of the European Union. URL: <https://www.consilium.europa.eu/en/maastricht-treaty/>. [22-3-19].

33 Cf.: Tokár, A. (2001). Op. cit. P. 6.

34 Cf.: Scăunaș, S. (2005). Uniunea Europeană. Construcție. Instituții. Drept. București. All Beck. P. 148-151. According to the author the title translated into English means: The European Union. Construction. Institutions. Law.

provides that: “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.”³⁵

The sources of community law and the declaration of their binding force can be found in the Article 249 of the EC Treaty. According to this article: “A regulation shall have general application. It shall be binding in its entirety and directly [sic] applicable in all Member States. A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. A decision shall be binding in its entirety upon those to whom it is addressed. Recommendations and opinions shall have no binding force.”³⁶ The regulations and the directives influence the national sovereignty because they are also applicable and binding for the states which have voted against them.³⁷

What national sovereignty means within the military context is the idea that the supreme mission of the armed forces of a state is limited to maintaining the sovereignty. The armed forces exist to protect the sovereign space of the state they represent, which is the land, the airspace, and the maritime area. Moreover, the armed forces are a key element in the preservation of the sovereignty, both within the state and beyond its borders. The military personnel protect the integrity of the national territory, but they also represent the national interests through some external missions, which they participate in.³⁸ As Croce Hervé, at the first French Army conference on military thinking, said: “Above all, the guarantee and expression of sovereignty means a complete army model has to be maintained, based on deterrence and conventional forces, with their own intelligence capabilities to ensure strategic autonomy.”³⁹

The nation’s strategic autonomy in defence is in a continuous development. However, there are real problems at EU level regarding this strategic autonomy. Many European countries operate equipment and defence systems produced outside the EU. European

35 Vienna Convention on the Law of Treaties. (1969). Official regulation 1969. Observance, application and interpretation of treaties. § 27.

36 The treaty establishing the European Community. (2002). Part No. 5. Institutions of the Community. Provisions common to several institutions. Version as of 24-12-02. § 249.

37 Cf.: Tokár, A. (2001). Op. cit. P. 7.

38 Cf.: Homepage of Centre de Doctrine et d'Enseignement du Commandement. Page Contents in English. URL: <https://www.cdec.terre.defense.gouv.fr/contents-in-english/our-publications/military-thinking/military-action-and-sovereignty>. [22-3-19].

39 Croce, H. (2017). Military action and sovereignty. Paris. Centre for Doctrine and Command Training. French Army conference.

governments are still defining the autonomy of the industrial defence in a term rather national than European. For instance, 69.7% of all principal surface vessels, which are used in the EU today, were produced nationally and only 7.4% were produced through European collaboration. For the aerospace, the collaboration is more than 32.6% of all the fighter aircrafts – used by the EU air forces –with its origin from the European collaborative production.⁴⁰ From this perspective, the EU Member States still prefer the national autonomy, rather than the European one. The military context at the EU level is in a continuous debate today. The EU is not yet able to move towards a higher level of autonomy in the field of security and defence. However, the Union has a greater responsibility for its security and defence. In the future, it is hoped that by delegating sovereignty, the member states of the Union will contribute to the improvement of the European defence industry through collaboration. At that time, the EU will be able to undertake autonomous missions and operations in its neighbourhood or globally, if it is necessary.

40 Cf.: Fiott, D. (2018). Strategic autonomy: towards 'European sovereignty' in defence. European Union Institute for Security Studies (EUISS). Research Study.

7. Research Gap⁴¹

The aim of this chapter is to describe that, based on the chapter before; a certain part of the research has not been done so far. This part of the thesis describes which sections have not been researched and as a conclusion, the author is expressing the importance of her topic to close the gap.⁴²

The author believes that apart from the dimensions of the sovereignty and the fact that the EU Member States delegate a part of their sovereignty to the common institutions, the legislative framework must be studied in which the sovereignty of the state is exercised. With the EU membership and the emergence of the community law, the states can no longer enjoy absolute sovereignty. The new sovereignty contains certain rights, but it also comes with some new freedoms of the state as an entity. Some changes are also found in the most important systems of the state. One of these is the military system. It has not yet been analysed in which manner the EU Member State exercises its national sovereignty in the military context. The connection between the national sovereignty and the military system of a state is in many situations the degree to which that state is sovereign or not. The loss of the sovereignty is the failure of the army.

When the EU awarded the Nobel Peace Prize, José Manuel Durão Barroso, the President of the European Commission said in his speech that: *“Our Union is more than an association of States. It is a new legal order, which is not based on the balance of power between nations but on the free consent of states to share sovereignty.”*⁴³ This statement means that nowadays the EU is a union of sovereign states. They share some of their sovereignty, but they do not become less powerful. The EU is more than a union of states because it applies the principle of synergy. According to this principle, a whole will always be greater than the sum of its parts.

Delegating the national sovereignty to the institutions created by the founding treaties is a common topic. Also, how an international defence organisation influences the member state's military system, it has been studied. The new question is, which is the connection

41 Author's note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

42 Cf.: Gell, H. (2015). Op. cit. P. 21.

43 Homepage of The Nobel prize. Page European Union (EU) – Nobel Lecture. URL: <https://www.nobelprize.org/prizes/peace/2012/eu/26124-european-union-eu-nobel-lecture-2012/>. [15-3-19].

between the national sovereignty of Romania and Austria and their military systems as EU states? This question is very interesting because the EU is not a defence organisation, but it does change the defence issues. Moreover, Romania is a member state of both, NATO (North Atlantic Treaty Organisation) and the EU. Its military system experiences some powerful influences exercised by NATO. Austria has not joined NATO, but it is an EU member state. The Austrian military system operates in a close connection with the Union's requirements and needs. According to a proper research of the author, this analysis has not been done so far.

8. Research Question(s)⁴⁴

This chapter describes the main question and the specific questions which give answers to the research of the author. As already mentioned, the author's main point includes the analysis of national sovereignty in the military context of the EU states – Romania and Austria. For achieving this target, the author choses the following main question:

Which is the connection between the national sovereignty of Romania and Austria as EU states and the military system?

In order to reach the goal of answering the main question so that the reader will have the opportunity to understand the topic better, the author sets the following sub-questions:

- 1) What are the characteristics of the national sovereignty of Romania?
- 2) What are the characteristics of the national sovereignty of Austria?
- 3) How the EU influences the sovereignty of Romania?
- 4) How the EU influences the sovereignty of Austria?
- 5) Which is the connection between the national sovereignty and the military field in Romania?
- 6) Which is the connection between the national sovereignty and the military field in Austria?

44 Author's note: This chapter is based on the ideas of the author.

9. Methodology⁴⁵

This chapter describes which scientific methods will be used by the author to answer the research questions established in the chapter before. The methodology describes the consistency in the author's research work.⁴⁶

When analysing the sovereignty of a state, we need to think about what kind of sovereignty it has and how the national independence and the strategic autonomy are exercised. Furthermore, when analysing the national sovereignty of an EU Member State in the military context, we should take the international and national law system into consideration. Another important element is represented by the military strategies developed within the analysed state, based on the exercise of its sovereignty, but also on following the rules imposed by the EU institutions. In order to make a complete analysis and to achieve the proposed objective, based on the literature review, the author collects unstructured data and tries to interpret and organise. In this context, the topic will be clear and easy to understand, especially by readers who are not familiar with international relations.

9.1 Methodological Approach

The current bachelor thesis is written from the influence of the EU by sharing sovereignty to international institutions onto the military system. The research focuses on two examples to explain this phenomenon as well. The example of Romania is relevant in this research because Romania is the home nation of the author and is a country which military system focuses on partnerships with both, the EU and NATO. The example of Austria is added to the work because, through the Erasmus+ exchange the author has the opportunity to study the Austrian military system more closely, but also because Austria is an important member of the EU.

The methodological approach of the thesis is represented by the analysis and hermeneutics, which is the method of interpreting and understanding certain information. The author starts by studying official documents of international law, EU documents,

45 Author's note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

46 Cf.: Gell, H. (2015). Op. cit. P. 22.

constitutions, and strategic military documents of the states used as examples. Moreover, the author applies the scientific methods of analysis and hermeneutics to texts taken from books, articles, reports, research studies, and official homepages.

9.2 Route of Research

The author considers that one of the decisive points of the current international organisations is the presence of the principle of national sovereignty. The EU builds its security by its member states, seeking to strike a balance between sovereignties. If this balance is lost, the security is endangered. For this reason, the author wants to analyse national sovereignty in the military context. With the help of both tutors, the author found the most representative topic for studying the EU's influence on sovereignty into the military context.

After formulating the topic of the thesis and the decision to use as an example the two countries, Romania and Austria, the author established the main question, which her research should respond to. Then she divided it into sub-questions, in order to be sure to conduct a proper research, which contains the complete information. In the process of selecting the most relevant information and presenting them using the scientific methods of analysis and hermeneutics, books, internet resources, and official documents are used.

To answer the first two sub-questions, the constitutions of Romania and Austria are analysed, as well as other official documents and regulations in this field. The answer to these sub-questions is intended to help the reader to understand what type of sovereignty is present in the two states and how it is defined and sustained at national level.

The research route continues with the presentation of the phenomenon by which the EU influences the sovereignty of its member states, especially Romania and Austria. The impact, which a membership of the Union has onto the nations, is a controversial and disputed issue. By this part of the paper, the author wishes to demonstrate that the EU cannot have its sovereignty, but that its members must share a part of their sovereignty with the common institutions.

The last two sub-questions describe the connection between the sovereignty and the military systems of Romania and Austria. The author believes that this connection reflects the past, the present, and the future of the two countries at the stage of Europe and the

world. The armed force is one of the guarantors of sovereignty, but at the same time sovereignty influences the legislative system by which the military field contributes to the security of the state.

The research route ends with the answer to the main question “*Which is the connection between the national sovereignty of Romania and Austria as EU states and the military system?*” In order to find a reliable response, the author collects the data and structures them through continuous planning and meta-analysis. Then she formulates the conclusions she has reached and offers suggestions to introduce the analysis of the connection between the national sovereignty of the EU member states and the military field as a subject of study for military students, in Romania and Austria.

To understand as much as possible, the research route, the author provides the following figure, which illustrates the steps of the research, the objective of the paper and the scientific sources and methods, which she uses.

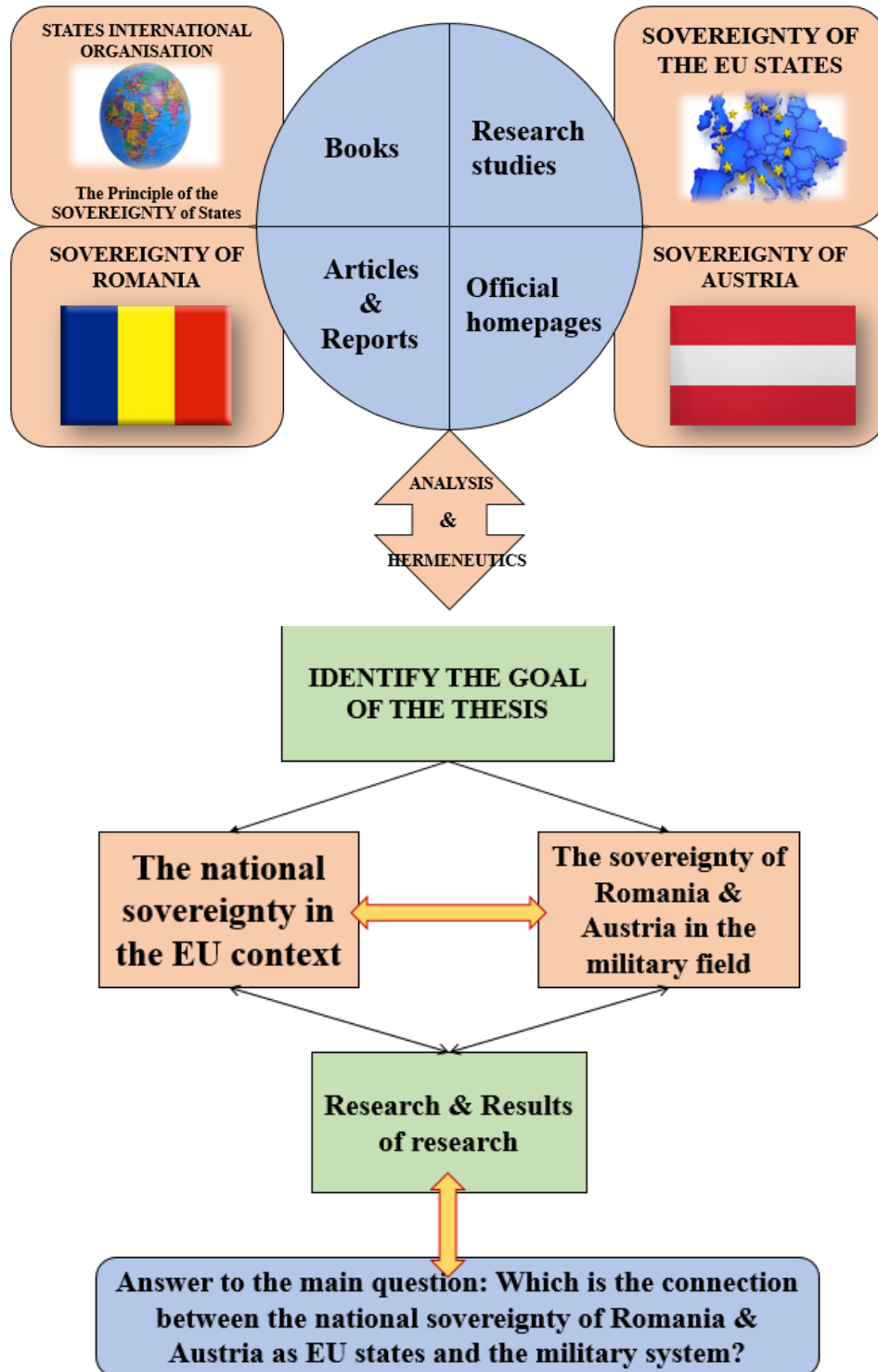


Figure 1: The research route.⁴⁷

47 Author's note: Figure created by the author.

10. Research and Results of Research⁴⁸

This chapter is the main body of the thesis and consists of the detailed research made by the author to answer the research questions. In the last part of this chapter the author presents the results of the research and her conclusions.⁴⁹

10.1 The Characteristics of the national Sovereignty of Romania

The concept of sovereignty has a multiple dimension, encompassing a multitude of distinct features and concepts. Although in the common language it may be associated with “*independence*” or even the idea of “*supremacy*”, it can be observed that the limits of sovereignty do not stop there. The idea of sovereignty is confused with the full independence of the state, which can freely manifest itself in all the areas under its competence. However, the sovereignty must not be confused with the state’s ability to undertake any kind of action. It is also obvious that in relation to other states it is limited and controlled by the international laws. The state cannot harm the peace or other values of the international community. As our freedom stops where the freedom of another person begins, the sovereignty of a state stops where the sovereignty of another one begins.⁵⁰

The doctrine states that the term of the sovereignty can have three dimensions: the state sovereignty, the popular sovereignty, and the national sovereignty. The state sovereignty offers the state the opportunity to manifest itself freely and unrestrained. On the other hand, it creates the opportunity for the state to decide on its affairs, both internal and external ones. In this context, the state has a supremacy and independence.⁵¹

The popular sovereignty is the right of the people to trace their future, to establish the priorities of the state, its organisation and its general functioning, and to control it.

48 Author’s note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

49 Cf.: Gell, H. (2015). Op. cit. P. 22.

50 Cf.: Muraru, I. & Tănăsescu, S. (2008). Suveranitatea, în Constituția României – Comentariu pe articole. București. C. H. Beck. P. 22. According to the author the title translated into English means: Sovereignty in the Constitution of Romania – Articles’ Comment.

51 Cf.: Ibid.

The national sovereignty is based on the idea of a nation, which considers persons to be moral ones with a personal will. This is distinct from the persons who compose it. The will is expressed through its representatives. The national sovereignty is mediated and has a delegated power.⁵²

The correlation between the three dimensions of the sovereignty is shown in the following figure. There is a connection between all the three dimensions, but the state sovereignty is the fundamental dimension of the sovereignty and occupies a leading position.

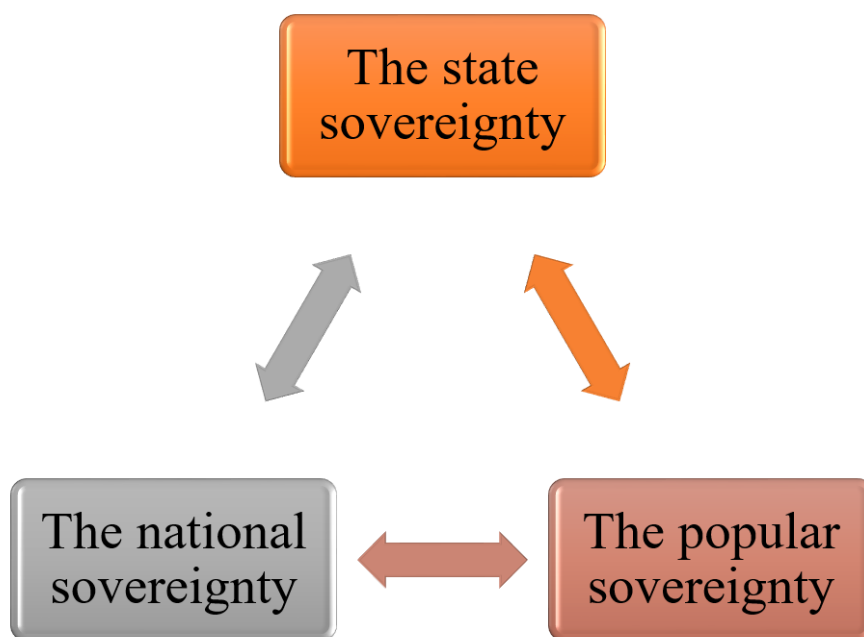


Figure 2: The three dimensions of the sovereignty.⁵³

The Romanian Constitution brings together the idea of both, the national sovereignty and the popular sovereignty. The second article of the Romanian Constitution states that: “*The national sovereignty shall reside within the Romanian people, [sic] that shall exercise it by means of their representative bodies, resulting from free, periodical and fair elections, as well as by referendum.*”⁵⁴ The Constitution also expressly states that: “*No group or person may exercise sovereignty in one’s own name.*”⁵⁵ By this regulation, it can be seen

⁵² Cf.: Ibid. P. 23.

⁵³ Author’s note: Figure created by the author.

⁵⁴ Iorgovan, A. et al. (2003). Romania’s Constitution of 1991 with Amendments through 2003. Official Gazette of Romania No. 758. Version as of 29-10-03. Title I. General principles. § 2. (1).

⁵⁵ Ibid. § 2. (2).

that the people are the sole holders of the sovereignty in Romania. Consequently, any unauthorised attempt to confiscate the sovereignty will be considered a constitutional deviation and a serious crime against the rule of law and the democratic regime.⁵⁶

The Montevideo Treaty of 1933 offers the most complete definition of the state: “*The state as a person of international law should possess the following qualifications:*

- a. *a permanent population;*
- b. *a defined territory;*
- c. *a government; and*
- d. *a capacity to enter into relations with the other states.”*⁵⁷ However, at the level of general political thinking, it is considered that the legality of a state is conditioned by just three consecutive elements. These are the territory, the population, and the government. As a result, the state is defined as a human community, installed on a determined territory permanently. The state has also a structure of power organs, which assure the sovereignty.⁵⁸

The territory is the space where the sovereignty of a state is exercised. The state’s territory is inalienable and indivisible. The inalienability is a consequence of the sovereignty. This is the obligation of other nations to respect the territorial sovereignty of the state. The indivisibility of the territory is the state’s inability to give up a part of its territory in favour of another power. In Romania’s legislation from the unification of the Extra-Carpathian Principalities to the Constitution of 1991, modified in 2003, the inalienability and the indivisibility of the territory were enshrined. Consequently, the territory of the Romanian state cannot be changed unless the Romanian nation still feels that it lives in a free and independent state.⁵⁹ According to article 3 of the Romanian Constitution, “*The territory of Romania is inalienable. The borders of the country are established by organic*

56 Cf.: Muraru, I. & Tănăsescu, S. (2008). Op. cit. P. 23.

57 U. a. (1934). Montevideo Convention on the Rights and Duties of States. Montevideo. Version as of 26-12-33. § 1.

58 Cf.: Cosma, M & Dinicu, A. (2006). Politologie. Sibiu. Land Forces Academy of Sibiu. P. 88-89. According to the author the title translated into English means: Politology.

59 Cf.: Curpăn, V. & Burleanu, C. & Mitrofan, E. (2012). Enciclopedie politico-juridică. Iași. StudIS publishing company. Volume 2. P. 47-53. According to the author the title translated into English means: Political-juridical Encyclopedia.

*law, in accordance with the principles and other generally acknowledged norms of international law.”*⁶⁰

The third element of the state, according to the previous mentions, is the governance. It is the structure of organs, which exercise their power over the territory and the population. These organs of power also assure sovereignty. Considering that in Romania the national sovereignty belongs to the people, it is essential to respond the question “*How is the participation of the Romanian community in this governance achieved?*”⁶¹ The democracy is the answer. Romania is a democratic state. The democracy is intimately linked to the sovereignty. First of all, in a non-sovereign state, the democratisation process knows limitations or may be non-existent. Moreover, the struggle for democracy is always a struggle for sovereignty.⁶²

The most appropriate form of democracy in Romania is the representative democracy. The representative democracy manifests itself in the form of free, regular, and fair elections through which the people choose their official representatives. Following the votes, the elected persons take public decisions, formulate laws, and administer the programmes for the public goodness.⁶³ However, the direct democracy is also exercised in Romania. The direct democracy intervenes when the people are called to express themselves and to decide directly on the affairs of the state through a referendum.⁶⁴ According to the Romanian Constitution, the 90th article of it describes the possibility of organising a referendum: “*The President of Romania may, after consultation with Parliament, ask the people of Romania to express, by referendum, their will on matters of national interest.*”⁶⁵ In addition to the constitution, the first article of the Law no. 3/2000 on the organisation and conduct of the referendum, states that: “*In Romania, the national sovereignty belongs to the Romanian people, exercising it through its representative bodies and by referendum.*”⁶⁶ Also in Romania, the constitutional laws or

60 Iorgovan, A. et al. (2003). Op. cit. Title I. General principles. § 3. (1) & (2).

61 Cf.: Cosma, M & Dinicu, A. (2006). Op. cit. P. 60.

62 Cf.: Ibid. P. 68.

63 Cf.: Ibid. P. 61-62.

64 Cf.: Curpăn, V. & Burleanu, C. & Mitrofan, E. (2012). Op. cit. P. 72-73.

65 Iorgovan, A. et al. (2003). Op. cit. Title III. Public authorities. Ch. 2. § 90. (1).

66 The Parliament of Romania. (2000). Law no. 3/2000 on the organisation and conduct of the referendum. Official Gazette of Romania. Version as of 13-7-18. Ch. 1. § 1.

the laws for modifying the constitution are approved by citizens through a referendum only. This is regulated in the 151st article of the Romanian Constitution: “*The revision shall be final after the approval by a referendum held within 30 days of the date of passing the draft or proposal of revision.*”⁶⁷ Other important points regarding the organisation and validation of the referendum in Romania are the needs for at least 30% of the total number of citizens with the right to vote and 25% of the valid votes of those who participate in the election.⁶⁸

In a democratic state the sources of the sovereignty can be the nation or the people. Although the Romanian Constitution seems to be undecided between these two ones, it is closer to the popular sovereignty. However, the constitution tends to preserve the fact that the national sovereignty does not belong to anyone. Even if it affirms that the sovereignty is a national one, the Romanian Constitution excludes this vision in the nation’s understanding.⁶⁹

The constitution gives a procedural and not a sociological understanding to the people. The notion of people is used in a sense, which distinct from its sociological meaning. All participants in the parliamentary debates on the 2003 constitutional review believed that the people are made up of all citizens, regardless of their ethnic origin. As a result, the notion of people encompasses not only ethnic Romanians but also minority ethnic citizens.⁷⁰ The second article of the constitution, which states that the sovereignty belongs to the Romanian people, governs the fact that the sovereignty is expressed through the citizens’ vote.⁷¹ First of all, the reference to elections is intended to establish the character of the representative organs. Secondly, it aims to establish the voting power as the first power which exercises the sovereignty.⁷²

Voting is a constituent element of the people, which give them a functionalisation. The people are a function exercised by the majority resulted from the election and not the

67 Iorgovan, A. et al. (2003). Op. cit. Title VII. Revision of the constitution. § 150. (3).

68 Cf.: The Parliament of Romania. (2000). Law no. 3/2000 on the organisation and conduct of the referendum. Official Gazette of Romania. Version as of 13-7-18. Ch. 1. § 5. (1). & (2).

69 Cf.: Curpăn, V. & Burleanu, C. & Mitrofan, E. (2012). Op. cit. P. 120.

70 Cf.: Homepage of Chamber of Deputies. Page Parliamentary Debates. URL: <http://www.cdep.ro/pls/steno/steno.stenograma?ids=5552&idm=1&idl=2>. [30-3-19].

71 Cf.: Iorgovan, A. et al. (2003). Op. cit. Title I. General principles. § 2. (1).

72 Cf.: Cosma, M & Dinicu, A. (2006). Op. cit. P. 70.

sociological reality of this majority.⁷³ The Constitutional Court states that “*according to the provisions of the second article of the Romanian Constitution, the national sovereignty belongs to the whole Romanian people and not only to those who, having the right to vote, are in a position to participate in the elections.*”⁷⁴

The option for popular sovereignty is reflected by the 4th article, which establishes the foundation of the state as the unity of the people, and not of the nation.⁷⁵ The 61st article provides that “*Parliament is the supreme representative body of the Romanian people.*”⁷⁶ The 69th article stipulates that “*In the exercise of their mandate Deputies and Senators shall be in the service of the people.*”⁷⁷ Moreover, the admission of the referendum is the supreme argument regarding the tendencies of exercising the popular sovereignty in Romania.

Another important issue about the characteristics of Romania’s sovereignty is whether or not it is transmitted by vote. The sovereignty is inalienable, so it cannot be transferred. Therefore, by voting, the certain competences are delegated to the representatives, not to the sovereignty.⁷⁸ The Senator Leonard Fintescu proposed that the text of the Romanian Constitution should have the following wording: “*National sovereignty belongs to the Romanian people, exercising it by delegating it to the national representation and by referendum.*” However, the commission rejected the amendment by saying that “*The sovereignty is inalienable. It cannot be delegated. Only competence can be delegated, under the conditions provided by the law.*”⁷⁹

In addition to the characteristics set out above, the holder of sovereignty in Romania is still the state. Neither the people nor state organs exercise the sovereignty in their name,

73 Cf.: Muraru, I. & Iancu, G. (1992). *Drepturile, libertățile și îndatoririle constituționale: Partea I.* București. Institutul Român pentru Drepturile Omului. ISBN: - 973 -95614-1-1. P. 7-9. According to the author the title translated into English means: The constitutional rights, freedoms and duties: First Part.

74 Curtea Constituțională. (1992). Decizia nr. 2 din 30 iunie 1992. Monitorul Oficial nr. 165 din 16 iulie 1992. According to the author the title translated into English means: Decision no. 2/1992.

75 Cf.: Iorgovan, A. et al. (2003). *Op. cit.* Title I. General principles. § 4. (1).

76 *Ibid.* Title III. Public authorities. Ch. 1. § 61. (1).

77 *Ibid.* § 69. (1).

78 Cf.: Muraru, I. & Tănăsescu, S. (2008). *Op. cit.* P. 43-42.

79 Stângă, O. & Puiu, V. (1998). *Geneza Constituției României 1991. Lucrările Adunării Constituante.* București. Regia Autonomă Monitorul Oficial. P. 115. According to the author the title translated into English means: The Genesis of the Constitution of Romania. Works of the Constitutive Assembly.

but on behalf of the state. The state, as the holder of the sovereignty, is not limited by the voting power. The election system is just a part of its body. The Romanian state is not the sum of the powers of its organs, but it is the basis of any competence.⁸⁰

To sum up, the Romanian state is characterised by the sovereign and independent attributes. These attributes highlight its decision-making power over any other political forces inside or outside its borders. They represent the supremacy of the state's power and its independence. Furthermore, the sovereignty and the independence are the state's ability to act as the integral force of the nation's potential.⁸¹ These facts are found precisely in the first article of the Romanian Constitution: "*Romania is a sovereign, independent, unitary and indivisible national state.*"⁸²

10.2 The Characteristics of the national Sovereignty of Austria

The sovereignty describes the legal nature of the state's governance. It is the attribute which offers the opportunity to distinguish the state from other public law entities. The characteristics of the state's sovereignty have arisen according to the historical context in which that state has developed. Thus, there are some particularities of the sovereignty, and they depend on the state's structure.⁸³

Austria is a federal republic that enjoys sovereignty. The Austrian State Treaty or The Austrian Independence Treaty re-established Austria as a sovereign state. It was signed on 15th May 1955 in Vienna by the Allied Powers and the Austrian Government.⁸⁴ In the first article of the Treaty, entitled "*Re-establishment of Austria as a Free and Independent State*", it is provided that "*The Allied and Associated Powers recognise that Austria is re-established as a sovereign, independent and democratic State.*"⁸⁵ The second article also

80 Cf.: Muraru, I. & Tănăsescu, S. (2008). Op. cit. P. 46.

81 Cf.: Cosma, M & Dinicu, A. (2006). Op. cit. P. 68-69.

82 Iorgovan, A. et al. (2003). Op. cit. Title I. General principles. § 1. (1).

83 Cf.: Guceag, A. (2017). Ansamblul trăsăturilor distincte ale suveranității și independenței în condițiile statului federativ și confederativ. Chișinău. Studia Universitatis Moldaviae. Seria Științe sociale. Nr. 3 (103). P. 138. According to the author the title translated into English means: The set of distinct features of sovereignty and independence under the model of federal and confederal state.

84 Cf.: Homepage of Republic of Austria Parliament. Page Parliament in the Time of the Second Republic. URL: <https://www.parlament.gv.at/ENGL/PERK/HIS/REP2/1955/index.shtml>. [1-4-19].

85 U. a. (1955). State Treaty for the Re-establishment of an Independent and Democratic Austria. Vienna. Version as of 15-5-55. Part I. Political and Territorial Clauses. § 1.

completes the first one and states that “*The Allied and Associated Powers declare that they will respect the independence and territorial integrity of Austria as established under the present Treaty.*”⁸⁶ These two articles reinstate Austria’s international legal sovereignty. From that moment, the occupying states recognised Austria’s independence internationally. No foreign power was able to dominate the Austrian state any more. Moreover, through these articles of the 1955’s Treaty, the sovereignty of Austria was regained. With the acquisition of the state sovereignty, Austria became free and unhindered. The state got the right to decide on its affairs, both internal and external, becoming supreme and independent.⁸⁷ The 8th article governs the democratic political regime: “*Austria shall have a democratic government based on elections by secret ballot and shall guarantee to all citizens free, equal and universal suffrage as well as the right to be elected to public office without discrimination as to race, sex, language, religion or political opinion.*”⁸⁸ The state sovereignty is one of the basic principles of the democracy. The first article of the Austrian Constitution states that: “*Austria is a democratic republic. Its law emanates from the people.*”⁸⁹ This article includes the popular dimension of the sovereignty.

In the second article of the Constitution of the Federal Republic of Austria, the federal form of the state is described: “*Austria is a federal state. The Federal State is composed of the autonomous Laender of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tirol, Vorarlberg and Vienna.*”⁹⁰ The Austrian federal system and the arrangement of the nine provinces are presented in the following figure.

86 Ibid. § 2.

87 Cf.: Homepage of U.S. Department of State. Page Archive. Austrian State Treaty. URL: <https://2001-2009.state.gov/r/pa/ho/time/lw/107185.htm>. [1-4-19].

88 U. a. (1955). Op. cit. Part I. Political and Territorial Clauses. § 8.

89 The State Chancellery. (1920). The Constitution of Austria. Vienna. Federal Law Gazette. Version as of 30-12-04. Ch. 1. Section A. General Provisions. § 1.

90 The Republic of Austria. (1920). Op. cit. Ch. 1. Section A. General Provisions. § 2. (1) & (2).



Figure 3: Austria's map with the coat of arms of the federal states.⁹¹

The member states of the federation have each of the three constituent elements of a unitary state: the people, the territory, and the organs of the state's power. However, they form a system of federal organs of power: the parliament, the government, and the judicial bodies. All of these federal bodies have the legal functions of the state: the legislative, the executive, and the judiciary.⁹²

Being a federal state, in Austria all laws and other acts of the state's authorities are issued on the basis and under the Constitution of the Federation. The Federal Constitution has supreme legal power. Moreover, the Austrian Constitution acts throughout the state and equally generates bonds for federal, republican, regional, district and local government authorities, local public administration bodies, and citizens.⁹³ The Austrian citizens delegate the sovereignty to both, the federal state and the federative one. These two parts have the same social and legal importance.⁹⁴ The delegation of sovereignty is done through the vote given to the personalities of the two chambers of the parliament.⁹⁵ The first chamber, the National Council, has 183 members elected for a five-year term.⁹⁶ The

91 Homepage of Republic of Austria. Parliament. Page The Federal System in Austria. URL: <https://www.parlament.gv.at/ENGL/PERK/BOE/PR/index.shtml>. [1-4-19].

92 Cf.: Popa, V. (2009). Drept constitutional și instituții politice. Chișinău. Curs de prelegeri. P. 39. According to the author the title translated into English means: Constitutional law and political institutions.

93 Cf.: Homepage of Global Law & Justice. Page The Austrian Legal System and Laws. URL: <http://www.nyulawglobal.org/globalex/Austria.html>. [1-4-19].

94 Cf.: Guceag, A. (2017). Op. cit. P. 139.

95 Cf.: Homepage of Republic of Austria. Parliament. Page The Austrian Parliament. URL: <https://www.parlament.gv.at/ENGL/PERK/PARL/>. [1-4-19].

96 Cf.: Homepage of Republic of Austria. Parliament. Page The National Council. URL: <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/NR/index.shtml>. [1-4-19].

second chamber of the Austrian Parliament is the Federative Council. Together with the Federal Council, it represents the legislative power at federal level. The Federal Council has 61 members. Its major responsibility is the representation of the Federal Provinces' interests in the legislative process at federal level. This is why it is also named the Chamber of Provinces. Its members are delegated to the provincial diets by the nine Federal Provinces. Their number of members changes as population shifts occur in the federal provinces.⁹⁷

The two legislative bodies, the National and Federal Councils form separate entities, but their members jointly form a third parliamentary body, the Federal Assembly. The Federal Assembly inaugurates the Federal President, who is directly elected by popular vote. Moreover, the meetings of the Federal Assembly are open to the public. Through this transparency, it can be seen again as the popular sovereignty of the Republic of Austria, but also the fact that it is a representative democracy.⁹⁸

On the other hand, the Austria's Constitution contains certain elements of direct democracy. These elements consist of provisions for referendums and popular petitions. A literal translation from the German term "*Volksbegehren*" is "*popular initiatives*", but they are more appropriately called "*petitions*" since they are submitted to the parliament.⁹⁹

The referendum may be optional or mandatory. The optional referendum takes place when the National Council decides to seek the opinion of the people about a legislative act to come into force. The optional referendum is used to obtain support for government or parliamentary policy.¹⁰⁰ This is governed by the 43th article of the constitution: "*Every legislative act of the National Council, upon conclusion of the procedure in accordance with Article 42, but before its authentication by the Federal President, is to be submitted*

97 Cf.: Homepage of Republic of Austria. Parliament. Page The Federal Council. URL: <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/BR/>. [1-4-19].

98 Cf.: Homepage of Republic of Austria. Parliament. Page The Federal Assembly. URL: <https://www.parlament.gv.at/ENGL/PERK/NRBRBV/BV/>. [1-4-19].

99 Cf.: Pelinka, A. & Greiderer, S. (1996). Austria: the referendum as an instrument of internationalisation. London. Palgrave Macmillan. The Referendum Experience in Europe. P. 20.

100 Cf.: Pelinka, A. & Greiderer, S. (1996). Op. cit. P. 21.

to a popular referendum, if the National Council so decides or if the majority of the members of the National Council demand it.”¹⁰¹

The mandatory referendum arises when the legislation in question involves any amendment to or alteration of the fundamental principles of the constitution. These principles are: the democratic principle, the republican principle, and the federal principle, as well as the principle that the government activity is bound by law.¹⁰² The 44th article of the constitution refers to the mandatory referendum: *“Every total revision of the Federal Constitution, a partial revision, only this is demanded by one-third of the members of the National Council or the Federal Council, upon completion of the procedure in accordance with Article 42, but before the authentication by the Federal President, is to be submitted to a referendum by the entire nation.”¹⁰³* Furthermore, the constitution contains the provision for a referendum to validate a decision of the parliament to unseat the president of the republic.¹⁰⁴ This is provided in the 60th article: *“Before the expiration of the functional period the Federal President can be deposed by a people’s referendum. The people’s referendum is to be carried out if the Federal Assembly demands it. The Federal Assembly is to be convoked for this purpose by the Federal Chancellor, if the National Council has passed such a motion. For a decision by the National Council the presence of at least one-half of the members and a majority of two-thirds of the votes cast is required. By such a decision by the National Council the Federal President is prevented from the further exercise of his office.”¹⁰⁵*

The federal state has the characteristics of a new state, endowed with its own sovereignty. The private states cannot enter the federal state with only a part of their territory, their sovereignty is indivisible. The territory of the federation cannot undergo any changes neither, except under the careful law-making of the federal state.¹⁰⁶ The issues related to the territory of the Republic of Austria are provided by the 3rd article of the Federal

101 The State Chancellery. (1920). Op. cit. Ch. 2. Section D. The Procedure of the Federal Legislation. § 43.

102 Cf.: Pelinka, A. & Greiderer, S. (1996). Op. cit. P. 21.

103 The State Chancellery. (1920). Op. cit. Ch. 2. Section D. The Procedure of the Federal Legislation. § 44. (3).

104 Cf.: Pelinka, A. & Greiderer, S. (1996). Op. cit. P. 21.

105 The State Chancellery. (1920). Op. cit. Ch. 3. Section A. Administration. The Federal President. § 60. (6).

106 Cf.: Guceag, A. (2017). Op. cit. P. 140.

Constitution: *“The Federal territory comprises the territories of the Federal Länder. A change of the Federal territory, which is at the same time a change of a Land territory, just as the change of a Land boundary inside the Federal territory, can—apart from peace treaties—take place only from harmonizing [sic] constitutional laws of the Federation and the Land, whose territory experiences change.”*¹⁰⁷

The Republic of Austria is also characterised by the national sovereignty. It is based on the nation, which is the same for all nine provinces. The national sovereignty is exercised mediated, being delegated to the power organs through the representatives. However, a limitation of the national sovereignty could be the fact that the citizens of the federal state are also citizens of the federal provinces.¹⁰⁸ This is reflected in the 6th article of the Federal Constitution: *“For the Republic of Austria there is one uniform nationality. Nationals, who have their principal domicile in one Land are their Land citizens; however, Land laws can provide that nationals, who have their domicile in a Land, but not their principal domicile, are citizens of that Land.”*¹⁰⁹

To conclude, Austria is a parliamentary republic, founded on democratic principles and the separation of powers.¹¹⁰ At the same time, Austria is a sovereign federal state, which was born with the withdrawal of the occupying troops and the signing of the 1955's Treaty by the representatives of the governments of the Soviet Union, the United Kingdom, the United States, and France.¹¹¹ Being a federal state, the Republic of Austria is an association of states that freely decides to create organs of the collective power under their sovereignty. The nine provinces delegate some of their powers, particularly in the military, diplomatic, or financial spheres. The states within the federation are subjects to a single central authority, which represents the federal power. On the other hand, the provinces preserve a wide constitutional, administrative, and judicial autonomy.¹¹²

107 The State Chancellery. (1920). Op. cit. Ch. 1. Section A. General Provisions. § 3. (1) & (2).

108 Cf.: Guceag, A. (2017). Op. cit. P. 141.

109 The State Chancellery. (1920). Op. cit. Ch. 1. Section A. General Provisions. § 6. (1) & (2).

110 Cf.: Homepage of Austria Surprisingly Ingenious. Page Political System. URL: <https://www.advantageaustria.org/international/zentral/business-guide-oesterreich/zahlen-und-fakten/auf-einen-blick/politisches-system.en.html>. [1-4-19].

111 Cf.: Homepage of U.S. Department of State. Page Archive. Austrian State Treaty. URL: <https://2001-2009.state.gov/r/pa/ho/time/lw/107185.htm>. [1-4-19].

112 Cf.: Ionescu, C. (2008). *Tratat de drept constituțional contemporan*. Ediția a 2-a. București. C. H. Beck. P. 140-143. According to the author the title translated into English means: Treaty of contemporary constitutional law. The second edition.

10.3 The Influence of the EU on the Sovereignty of Romania

The states are generally sovereign at the EU's level and at the international stage. The EU is an overlap of the sovereignty of the Member States. Therefore, the sovereignty cannot be absolute, but each state has to respect the sovereignty of the other states, as well as the community law's regulations.¹¹³

The European integration is a progressive process. This always implies transfers of competences from the Member States to the supranational courts or authorities.¹¹⁴

Romania had managed to overcome all the obstacles and joined the EU on the 1st of January, 2007. Before and after the EU accession, Romania has been undergoing a process of transformation.¹¹⁵ The accession to the EU has also involved the adjustment of the constitution, as it has implied the assignment of tasks and the inclusion of the community law above the national law. In this context, the functions of the public authorities have changed.¹¹⁶

The parliament has a fundamental role for the adoption of the community law. The transposition of the directives is done through the adoption of laws, which requires the creation of special structures. The government has also new tasks: to participate in negotiations and drafting of the Union's documents, as well as the implementation of the community rules.¹¹⁷

The changes, which occur at the national legislative level, modify the meaning of the state sovereignty. From this moment, Romania cannot manifest itself so freely. The

113 Cf.: Barcan, A. (2009). Suveranitate națională versus europenizare. Continuitate și schimbare în guvernanța europeană. Revista Continuitate și schimbare în guvernanța europeană. Volume 3. No. 2/2009. P. 5. According to the author, the title translated into English means: National sovereignty versus Europeanisation.

114 Cf.: Budeanu, A. & Duțescu, O. (2001). Suveranitate națională și integrare europeană: evoluția valențelor conceptului de suveranitate. Iași. Editura Polirom. P. 265. According to the author, the title translated into English means: National sovereignty and European integration: the evolution of the concept of the sovereignty.

115 Cf.: Lăstun, L. & Munteanu, I. (2009). Europenizare și regimul politic românesc. Relații executiv - legislativ. Revista Continuitate și schimbare în guvernanța europeană. Volume 3. No. 2/2009. P. 46. According to the author, the title translated into English means: Europeanisation and the Romanian political regime. Executive – Legislative Relationships.

116 Cf.: Banciu, A. et. al. (2006). Integrarea europeană. Repere istorice și evoluții instituționale contemporane. București. Politehnica Press. P. 293. According to the author, the title translated into English means: European integration. Historical landmarks and contemporary institutional developments.

117 Cf.: Ibid. P. 293.

constitutional revision law of September 2003 provided a new framework for the decision-making process in order to improve the constitutional democracy through which Romania could take a step further towards the EU. The revision of the Constitution endorsed the inclusion of the fundamental rights and the strengthening of the constitutional mechanisms to protect the rights and freedoms of the citizens.¹¹⁸

The 20th article of the Romanian Constitution provides that “*Constitutional provisions on the rights and freedoms of citizens shall be interpreted and applied in accordance with the Universal Declaration on Human Rights and with other treaties and pacts to which Romania is a party. In case of an inconsistency between domestic law and the international obligations resulting from the covenants and treaties on fundamental human rights to which Romania is a party, the international obligations shall take precedence, unless the Constitution or the domestic laws contain more favourable provisions.*”¹¹⁹

As far as the fundamental rights, freedoms, and duties are concerned, the 16th article was amended and completed by ensuring equal opportunities for women and men to occupy some public service positions.¹²⁰ This change took place under the Treaty establishing the European Community. The 13th article expressly referred to combat the sex discrimination and gave the EU citizens the right to vote. The right to be elected in the local public administration authorities was also given.¹²¹

The principle of the universality of the elections to the European Parliament, provided by the 19th article of the Treaty establishing the European Community, led to other constitutional changes, affecting the popular sovereignty. Thus, a new article has been introduced. The 35th article regulates the right of Romanian citizens to elect and to be elected to the European Parliament. Regarding the political organs assuring sovereignty within the state, the 83rd article provides an extension of the president’s mandate to five years. This is a change made in the European spirit too.¹²²

118 Cf.: Ibid. P. 294-295.

119 Iorgovan, A. et al. (2003). Op. cit. Title II. Ch. 2. Fundamental Rights and freedoms. § 20. (1). & (2).

120 Cf.: Iorgovan, A. et al. (2003). Op. cit. Title II. Ch. 1. Fundamental Rights and freedoms. § 16. (3).

121 Cf.: Homepage of Eur-Lex. Page Treaty establishing the European Community. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12002E/TXT>. [3-4-19].

122 Cf.: Banciu, A. et al. (2006). Op. cit. P. 295.

In the process of the Europeanisation, Romania consecrated the priority of the international public and community law above its internal laws. The 11th article of the constitution provides that “*The Romanian state pledges to satisfy to the letter and in good faith the obligations resulting from the treaties to which it is a party.*”¹²³ Moreover, a distinct title named “*Euro-Atlantic Integration*” was introduced to the constitution. The 148th article – entitled “*Integration into the European Union*” – is the legal basis for Romania’s accession to the EU. With the signing of the Accession Treaty, the transfer of certain competences from the national level to the community one was recognised. A particularly important aspect is found in the second paragraph of this article, which establishes the priority of the provisions of the EU constitutive treaties as well as other community regulations.¹²⁴ These are the main legislative changes which affect the Romania’s sovereignty.

Although the sovereign power of Romania is delegated to the EU’s common institutions, it cannot be a total sharing. Romania maintains the principle of the national sovereignty by the active contribution to the development of the European institutional activities.¹²⁵ For instance, the representatives of Romania within the joint institutions are as follows:¹²⁶

- The European Commission: one European commissioner is elected for five years.
- The European Parliament: 32 members are elected by the citizens for five years.
- The Council of the European Union: Romania holds the presidency of the Council during a six-month period from 1st January 2019 to 30th June 2019.
- The Court of Justice of the European Union: one Romanian judge is represented there.
- The General Court: one Romanian judge is represented there.
- The European Court of Auditors: one Romanian member is represented there.
- The European Economic and Social Committee: 15 Romanian members are represented there.
- The Romanian National Bank is a member of the European System of Central Banks.

123 Iorgovan, A. et al. (2003). Op. cit. Title I. General principles. § 11. (1).

124 Cf.: Iorgovan, A. et al. (2003). Op. cit. Title VI. Euro-Atlantic integration. § 148. (1) & (2).

125 Cf.: Banciu, A. et al. (2006). Op. cit. P. 294-295.

126 Cf.: Homepage of Romanian Government. Page Ministry of Foreign Affairs. URL: <https://www.mae.ro/node/1536>. [3-4-19].

In order to understand how power is divided within the EU and what connection exists between the main institutions of the union, the author presents the following figure. This figure also shows the representation of the Member States within the European institutions.

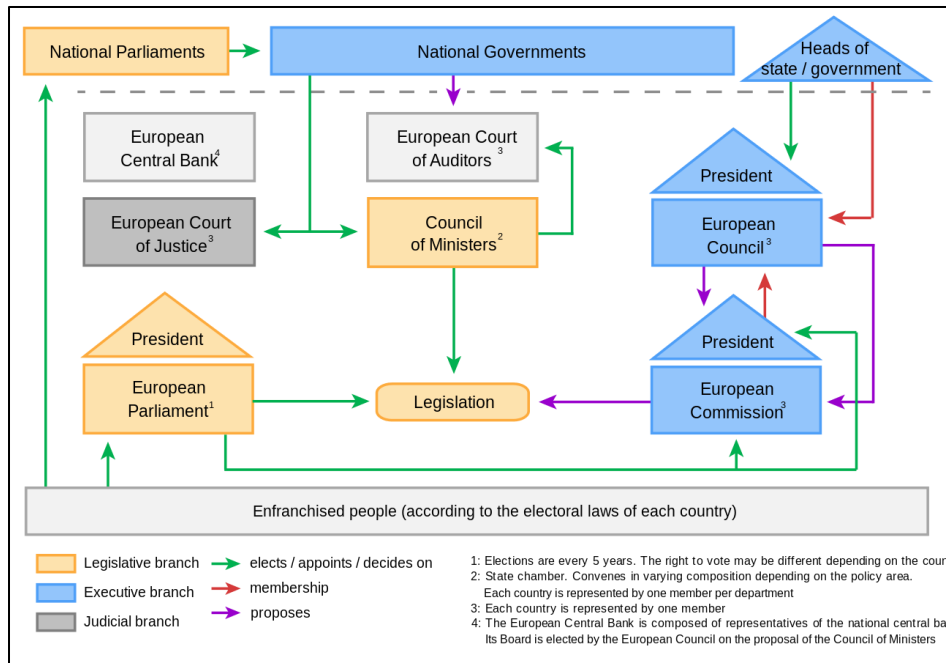


Figure 4: Political System of the EU.¹²⁷

10.4 The Influence of the EU on the Sovereignty of Austria

The states intentionally and consciously delegate some of their sovereignties to the international organisations or the super state structures. Under these conditions, the states exercise certain competences. Through international cooperation, the states jointly manage some specific areas and provide new ideas, values, and projects. In this context, the European integration of the states does not cancel the sovereign character of them, but it influences the sovereignty.¹²⁸

The relationship with the EU creates numerous internal changes, both at the institutional and legislative levels. The democratic conditionality describes the process by which the Union configures the format of the political, legal, and economic systems of the potential candidates for a future integration. The ideal outcome of this process is the compliance

¹²⁷ Homepage of Wikipedia. Page Institutions of the European Union. URL: https://en.wikipedia.org/wiki/Institutions_of_the_European_Union. [3-4-19].

¹²⁸ Cf.: Guceag, A. (2017). Op. cit. P. 146.

with the EU's model of actual reality in the candidate state.¹²⁹ However, the EU respects the national identity and does not cause a reduction of the Member States' responsibility for their principal areas, such as the national security.¹³⁰ This idea is found in the 3rd article of the Treaty of Lisbon: *"The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order [sic] and safeguarding national security. In particular, the national security remains the sole responsibility of each Member State."*¹³¹

Austria's official entry into the EU took place on the 1st of January, 1995 after the state signed an adherence treaty to the European Community, which took place in the middle of 1994. Between 1983 and October 1995, 23 amendments were made to the Austrian Constitution to make the state compatible with the EU membership. In particular, the amendments to the involvement of various state bodies to the Union's decision-making process.¹³² In order to safeguard the national legislative body's influence onto the European decision-making process, the amendments to the rules of procedure of the National and Federal Councils were incorporated.¹³³

Following the entry into force of the Treaty of Lisbon in 2009, the role of the national parliaments in the EU has been strengthened. The national parliament has acquired the right to a directive and active involvement in the Union's affairs. Therefore, the amendments to the Federal Constitutional Act were introduced in 2010 in order to implement these new rights. Moreover, the corresponding amendments to the rules of

129 Cf.: Börzel, T. & Risse, T. (2000). When Europe Hits Home: Europeanisation and Domestic Change. European Integration online papers. Volume 4. No. 15/2000. P. 6.

130 Cf.: Anghel, M. (2010). European Union's Member States Sovereignty. Târgu Jiu. Annals of the Constantin Brâncuși University of Târgu Jiu. Juridical Sciences Series. No. 2/2010.

131 European Union. (2007). Treaty of Lisbon. Consolidated Reader-Friendly Edition of the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) as amended by the Treaty of Lisbon (2007). Foundation for EU Democracy. Title I. Common provisions. § 4. (2).

132 Popescu, S. & Tândăreanu, V. (2003). Uniunea Europeană și revizuirile constituționale naționale. București. Buletin de informare legislativă nr. 4/2003. R. A. Monitorul Oficial. P. 7. According to the author, the title translated into English means: The European Union and the national constitutional reviews.

133 Cf.: Homepage of Republic of Austria Parliament. Page Parliament and European Union. URL: <https://www.parlament.gv.at/ENGL/PERK/PE/Recht/index.shtml>. [4-4-19].

procedure of the National and Federal Councils came into force in early 2012, giving them additional direct participation rights to processes, which affect the EU's issues.¹³⁴

The European integration plan involves the exercise of the attributes of the Austria's sovereignty by the EU's common institutions. However, the institutions are run by elected representatives from each Member State, also from Austria. They represent the national interest, but also work together towards the achievement of the Union's objectives. These objectives aim to ensure that each Member State is in a better position. Therefore, the national sovereignty of Austria is not lost or shared, being considered inalienable.¹³⁵ The EU's joint institutions benefit from the delegation of competences related to the sovereignty of Austria. Within these institutions, the Republic of Austria is represented by the following members:¹³⁶

- The European Commission: one European commissioner is elected for five years.
- The European Parliament: 18 members are elected by the citizens for five years. The next European elections will take place from 23rd to 26th May 2019. The Republic of Austria will be represented by 19 new members after these elections if the BREXIT will happen after these elections.
- The Council of the European Union: Austria held the presidency of the Council of the European Union for the third time from 1st July to 31st December 2018. The motto Austria chose for the presidency was "*A Europe that protects*".
- The Court of Justice of the European Union: one Austrian judge is represented there.
- The General Court: one Austrian judge is represented there.
- The European Court of Auditors: one Austrian member is represented there.
- The European Economic and Social Committee: twelve Austrian members are represented there.
- The National Bank of Austria is a member of the European System of Central Banks.

134 Cf.: Ibid.

135 Cf.: Anghel, M. (2010). Op. cit. P. 43-44.

136 Cf.: Homepage of European Union. Page Institutions and bodies. URL: https://europa.eu/european-union/about-eu/institutions-bodies_en. [4-4-19].

Since its accession on the 1st of January, 1995, Austria has actively participated in all the major developments of the Union. The Republic of Austria will continue to be involved in any decision on significant changes at the European level. Together, the Member States of the EU can achieve more than any of them would achieve individually.¹³⁷ Although the sovereignty is influenced, the results are positive. The state does not lose its sovereignty, but it provides certain competences regarding the sovereignty of the federation to be exercised jointly at the institutional level of the EU.¹³⁸

10.5 The Connection between the national Sovereignty and the military Field in Romania

In general, states use their capabilities and resources to ensure security, promote the national interests, maintain, and improve their positions in the international system. The armed force is one of the most powerful instruments of the state and can easily be translated into power. The military force is a part of the political field and they are connected. They represent the state's ability to use its heavy power in maintaining and defending its authority. This authority is exercised through sovereignty.¹³⁹

The Romanian Armed Forces are built according to the standards of the liberal model. This model is illustrative for the democratic governance. According to the liberal model, the role of the military is to implement the defence policy adopted by the civilian leadership. In such a model, the politicians are placed at the forefront of the military hierarchy. Thus, the 92nd article of the Romanian Constitution provides the president's attributions in the field of defence: "*The President of Romania is the commander of the Armed Forces and chairs the Supreme Council of National Defence.*"¹⁴⁰

The Romanian Constitution states an article dedicated exclusively to the armed forces. The 118th article states that "*The Armed Forces is subject solely to the will of the people for the purpose of guaranteeing the sovereignty, independence, and unity of the state, the*

137 Cf.: Homepage of Austrian Embassy Washington. Page EU Policy. URL: <https://www.austria.org/austriaineurope>. [4-4-19].

138 Cf.: Homepage of Austrian Embassy Washington. Page EU Legislation. URL: <https://www.austria.org/eu-legislation>. [4-4-19].

139 Cf.: Overhage, T. (2012). Less is more: pooling and sharing of European military capabilities in the past and present. Monterey, Naval Postgraduate School. P. 45.

140 Iorgovan, A. et al. (2003). Op. cit. Title III. Ch. 2. The President of Romania. § 92. (1).

*territorial integrity of the country, and constitutional democracy. The Army shall contribute to the collective defence in military alliance systems and take part in peace keeping or peace restoring missions in the conditions defined by law and the international treaties to which Romania is a party.*¹⁴¹ Another paragraph of the same article provides that *“The structure of the national defence system, the preparation of the population, the economy, and the territory for defence as well as the status of military personnel shall be regulated by an organic law.”*¹⁴² Therefore, it can be understood that the Romanian Armed Forces are in close connection with the popular sovereignty. Secondly, the military system’s goal is to guarantee the sovereignty. This means that the military system must be prepared to support the sovereignty at any time when it is threatened and to maintain it during the peacetime. The Romanian Armed Forces also carry out their missions under the national and international legislative conditions, according to the treaties signed by Romania.¹⁴³ The defence system’s legislation is the result of exercising the internal and external legal sovereignty. The sovereign power of the state provides a legal system, which supports its integrity and evolution as an entity.

According to the National Defence Law no. 45/1994, the national defence system of Romania consists of: leadership, defence forces, defence resources, and territorial infrastructure. The state’s power bodies hold the leadership of the national defence system.¹⁴⁴ These power bodies are:¹⁴⁵

- The Parliament of Romania.
- The President of Romania.
- The Supreme Council of National Defence.
- The Government of Romania.
- The Ministry of National Defence.
- The public administration authorities with attributions in the field of national defence.

141 Iorgovan, A. et al. (2003). Op. cit. Title III. Ch. 5. Public Administration. § 118. (1).

142 Cf.: Iorgovan, A. et al. (2003). Op. cit. Title III. Ch. 5. Public Administration. § 118. (2).

143 Cf.: Ibid. § 118. (1).

144 Cf.: The Parliament of Romania. (1994). The national defence law of Romania. Official Gazette of Romania. No. 172. Version as of 7-7-94. § 6.

145 Cf.: Ibid. § 7.

These state authorities are responsible for the management of the national defence system under the constitutional law, the laws of the country, the principles of the military doctrine of the Romanian state, and the international law, as well as the provisions of the treaties signed by Romania.¹⁴⁶ Therefore, with the accession of Romania to the NATO and the EU, the military system went through some legislative changes.

The National Defence Strategy for the period 2015-2019 makes direct references to the external framework of the national defence system activities. The strategy gives importance to the Romania's active participation in the collective defence within the NATO. Secondly, the strategy aims at implementing the solidarity and the mutual assistance clause in line with the provisions of the Lisbon Treaty of the European Union. Thirdly, it states Romania's involvement in the development of the (CSDP) and the operations related to the European area of freedom, security, and justice.¹⁴⁷

Romania participates in all meetings of the CSDP. For an efficient EU action on CSDP, the Member States agreed on the need to constitute new civilian and military capabilities dedicated to this purpose. Depending on its interests and needs in the field of military equipment, Romania is also involved in programs designed to develop advanced military capabilities. Romania is a member of the European Defence Agency.¹⁴⁸

*“Over time, Romania has contributed to many CSDP missions, conducted in Europe, Africa and the Middle East: EUPM in Bosnia and Herzegovina, EUFOR Althea, EUJUST LEX Iraq, EULEX Kosovo, EUPOL Afghanistan, EUMM Georgia, EUNAVFOR ATALANTA in the Gulf of Aden, EUBAM Rafah and EUPOL COPPS, in the Palestinian territories.”*¹⁴⁹ These missions are presented in the following figure, which shows the current EU mission and operations.

146 Cf.: Ibid. § 3.

147 Cf.: The Presidential Administration. (2015). The National Defence Strategy of the State. Official Gazette of Romania. No. 450. Version as of 23-6-15. P. 7.

148 Cf.: Homepage Romanian Government. Page Ministry of Foreign Affairs. URL: <http://www.mae.ro/en/node/21222>. [15-4-19].

149 Ibid.

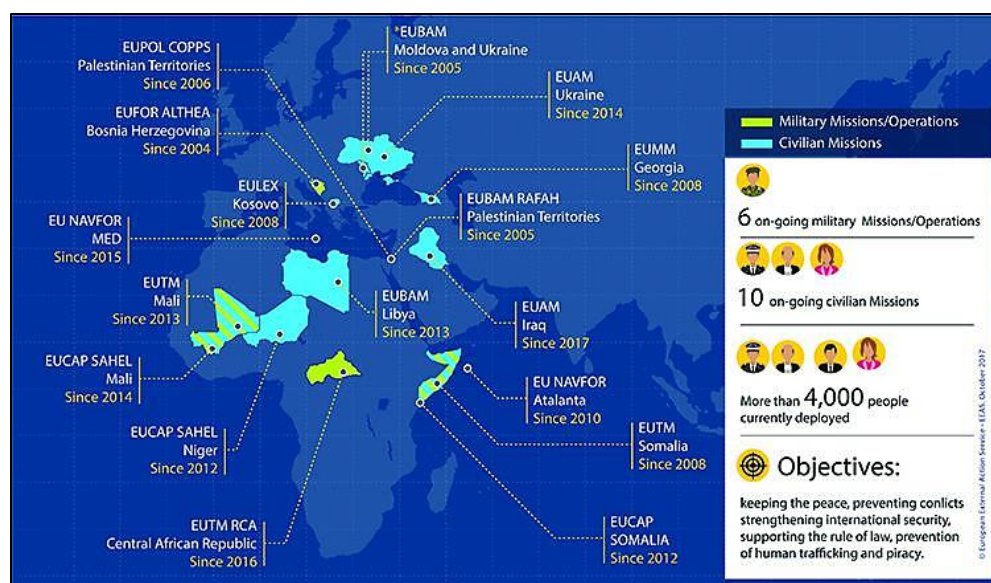


Figure 5: EU Missions and Operations.¹⁵⁰

The withdrawal of the Romanian contingent from EULEX Kosovo, which was concluded at the end of 2012, is the moment when the Romania's participation in the CSDP military missions has decreased. However, seven deployed Romanian military personnel participated in EUMM Georgia, which was implemented by the CSDP to ensure that there is no return to hostilities. This is just one of many examples that attest the fact that the Romanian military system is operating under the direction of the EU's changed sovereignty.¹⁵¹

From the perspective of the foreign policy, the national strategic defence objectives aim at respecting the fundamental principles and values of the EU, as well as strengthening Romania's profile in NATO and the EU.¹⁵²

To conclude, there is a connection between the Romania's national sovereignty and the military field. The Romania's national defence system takes measures and carries out activities in order to guarantee the national sovereignty. This connection is important in

150 Homepage of European Union External Action. URL: https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en. [15-4-19].

151 Homepage of Romanian Government. Page Ministry of Foreign Affairs. URL: <https://www.mae.ro/node/2006>. [15-4-19].

152 Cf.: Ibid.

peacetime, but more important is the wartime contribution. The supreme mission of the armed forces is maintaining the national sovereignty.

10.6 The Connection between the national Sovereignty and the military Field in Austria

The understanding of the trends of the international security evolution is fundamental in a complex, dynamic, and conflicting world concerning the globalisation process.

The way, which each state accomplishes to manage this process of development, is an essential condition for the progress and prosperity.¹⁵³

According to the history, the Republic of Austria regained its sovereign status in 1955 with a certain condition. The Austrian State Treaty was signed only in exchange for the declaration of permanent.¹⁵⁴ The neutrality law only prohibits Austria from joining a military alliance and restricts the deployment of foreign troops on its territory: *“In order to secure these purposes Austria will never in the future accede to any military alliances nor permit the establishment of military bases by foreign States on its territory.”*¹⁵⁵ This is the first connection between the Austria’s national sovereignty and its military system. The requirement for sovereignty represented the definitive declaration of military neutrality. The fact that the armed forces were not allowed to engage in any war brought only positive actions to Austria. The republic has become a highly accepted entity in the international system and enjoyed a long period of peace, democracy, and economic well-being.¹⁵⁶

The Austrian Constitution associates the military system with the federal state’s defence; this is the supreme mission of the armed forces. There is another connection between the national sovereignty and the military field. The defence of the federal state implies the maintenance of the state sovereignty. Therefore, the Austrian Armed Forces are the

153 Cf.: Moștofleu, C. (2009). *Perspective ale securității și apărării în Europa*. București. Universitatea Națională de Apărare „Carol I”. P. 11-12. According to the author, the title translated into English means: Prospects of security and defence in Europe.

154 Cf.: Verdross, A. (1978). *The Permanent Neutrality of Austria*. Vienna. Publisher for History and Politics. P. 28.

155 Ibid. P. 29.

156 Cf.: Ibid. P. 28-30.

guarantors of the sovereignty. The 79th article of the constitution states that “*The country’s military defence is the duty of the Federal Army. It is conducted on the principles of a militia system.*”¹⁵⁷ The second part of this article regulates that the Austrian military force is raised from the civil population to supplement a regular armed force in an emergency. Moreover, the Federal Constitution provides that the Federal Army is responsible for protection of the state’s institutions and to protect the democratic freedoms of citizens. The constitution also sets out that the Austrian Armed Forces are responsible for maintaining the order and security within the state.¹⁵⁸

Similar to the liberal model and characteristic of the democratic state, the president is the supreme commander of the Federal Army. This is identified in the 80th article of the Constitution of the Republic: “*The supreme command over the Federal Army is exercised by the Federal President.*”¹⁵⁹

The Security and Defence Doctrine of the Republic of Austria provides that “*Austria’s current security situation is characterised by a number of positive factors. These include in particular its internal stability based on the rule of law, democracy and economic prosperity, the fact that Austria is embedded in the solidarity community of the EU, and the good relations with its neighbouring countries.*”¹⁶⁰ Moreover, this doctrine specifies that “*After ratification of the Amsterdam Treaty, the Austrian National Assembly in 1998 adopted another constitutional amendment, under which Austria may take part in the whole spectrum of what is known as the Petersberg Tasks, which include combat missions in the context of crisis management, including peace-making measures.*”¹⁶¹ The participation of the armed forces in these missions and operations was the EU’s decision. This evolution shows that Austria has radically changed its status of permanent neutrality within the international law.

The Austrian Security Strategy mentions that the EU provides the central framework for Austria’s security policy. Austria will be involved in all dimensions of the EU security

157 The State Chancellery. (1920). Op. cit. Ch. 3. Section A. Administration. § 79. (1).

158 Cf.: The State Chancellery. (1920). Op. cit. Ch. 3. Section A. Administration. § 79. (2).

159 Ibid. § 80. (1).

160 Resolution by the Austrian Parliament. (2001). Security and Defence Doctrine. Vienna. P. 4.

161 Ibid. P. 8.

policy in order to achieve the Union's security objectives.¹⁶² According to the Security Strategy, *“the basic objectives of the Austrian EU policy include ensuring the protection of fundamental rights and freedoms, developing a common security policy culture, strengthening cross border cooperation among police forces and developing a comprehensive model for the exchange of information.”*¹⁶³ Therefore, the Austrian Armed Forces participate in international military operations with thousands of soldiers each year. In the following figure, all these missions are presented globally, as well as the number of deployed military personnel.

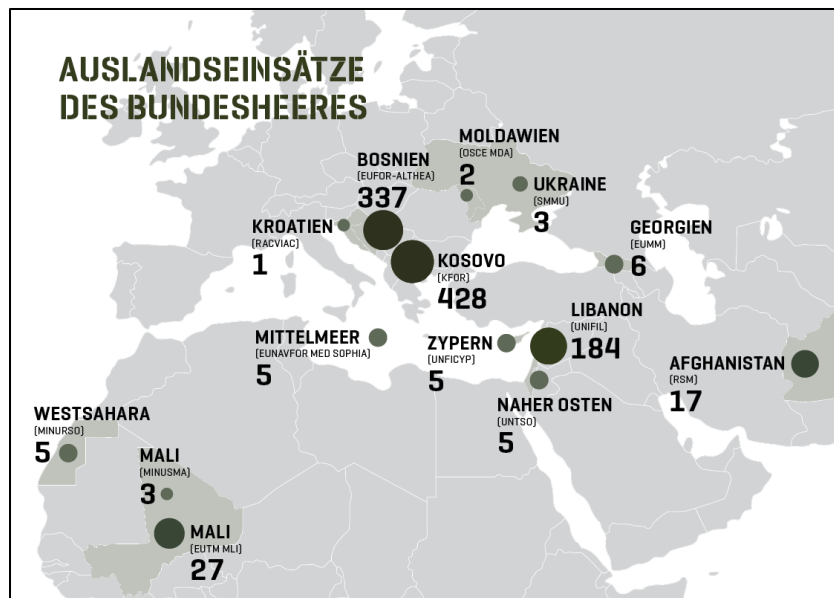


Figure 6: Foreign operations of the Austrian Armed Forces.¹⁶⁴

Since December 2004, the Austrian soldiers in Bosnia and Herzegovina are under the EUFOR-Althea command of the European Union. 337 soldiers have been deployed so far, their main task being to prevent the peacemaking threats.¹⁶⁵ The following figure contains a photograph of the Austrian camp in Bosnia and Herzegovina.

162 Cf.: Resolution of Parliament. (2013). Austrian Security Strategy. Vienna. Federal Chancellery of the Republic of Austria. Version as of 3-7-13. P. 12-13.

163 Ibid. P. 13.

164 Homepage of Federal Ministry of Defence. Page International Role. URL: <http://www.bundesheer.at/english/introle/introle.shtml>. [15-4-19].

165 Cf.: Homepage of Federal Ministry of Defence. Page EUFOR-Althea. URL: <http://www.bundesheer.at/ausle/eufor/index.shtml>. [15-4-19].



Figure 7: EUFOR-Althea. Austrian Armed Forces Camp.¹⁶⁶

Since October 2008, the EU has deployed an observer mission to Georgia. Six Austrian soldiers are deployed to monitor compliance with the ceasefire between Georgia and Russia. These are just two examples of the external operations attended by Austrian soldiers under EU guidance and organisation, according to the CSDP.¹⁶⁷

With such deep implications for national security, the EU directly influences Austria's military system. Therefore, part of the state's competence regarding its security is shared by the Union. This competence belongs to the sovereignty. Thus, the Austria's national sovereignty in the military field is strongly influenced by the EU.

166 Homepage of Federal Ministry of Defence. Page EUFOR-Althea. Photograph/SCHMIDT Martin. URL: http://www.bundesheer.at/ausle/eufor/galerie.php?id=2793&currRubrik=177&slideshow=1#pics_top. [15-4-19].

167 Cf.: Homepage of Federal Ministry of Defence. Page Foreign missions of the Federal Army. URL: <http://www.bundesheer.at/ausle/zahlen.shtml>. [15-4-19].

10.7 Conclusions

Today, due to their complexity, security issues can only be solved through international organisations and cooperation. The role of the international organisations is becoming increasingly important, as well as their legislative framework. The collaboration concerns the security globally. At the same time, the role of individual states decreases in relative terms. Thus, the international relations between the state entities are in a continuous development. The essential rights of the states are changing. One of these ones is the sovereignty. Once the sovereignty changes its position as the main feature of a state, the state administrative authorities change their activity.

According to the author's research, the sovereignty of the EU Member States needs to be redefined. Moreover, the EU is a model of stability, security, and political prosperity. This model is built by the dedication of the national representatives of each Member State and by the emergence of community law, which is superior to the domestic law. This superiority requires acceptance by the Member States of the common exercise tasks. Through this collaboration a balance is created between the state powers, which produces positive global effects.

In order to answer the main question - "*Which is the connection between the national sovereignty of Romania and Austria as EU states and the military system?*" – the author has settled six sub-questions. After a serious research study, she put together the answers to these sub-questions, reaching out to the full answer of the main question, and in doing so closing the research gap.

The first two sub-questions refer to the characteristics of Romania's and Austria's sovereignty. Analysing the sovereignty of these two democratic states, the author discovers that there are several dimensions of sovereignty. These are the popular sovereignty, the national sovereignty, and the state sovereignty. The dimensions are manifested differently within the states, which were used as examples. The reason for these differences is represented by the legislative framework and the state's structure. Romania is a semi-presidential republic and Austria is a federal republic.

The answer to the next two sub-questions shows in detail, in which way Romania's and Austria's EU memberships influence their sovereignty. In the first phase, the European integration produces changes at the constitutional and legislative level. In the second phase, the Member States share some of their competences of the sovereignty to the

Union's common institutions. These systems are led by the representatives whom each state chooses. By sharing competences, the national interest is still preserved and the principle of sovereignty is not violated.

The last part of the research shows the connection between the national sovereignty and the military system. In both states the armed forces are the structure with the supreme mission to ensure the national sovereignty during peacetime and to maintain it in case of a war. The EU and the CSDP engage the two states in international military operations, supporting other nations to preserve their sovereignty and security. Consequently, through the CSDP operations, a connection between the national sovereignty of a state and the military system of the others can be made.

The concept of sovereignty has a compound dimension, encompassing a multitude of distinct features and perceptions. Nowadays, the sovereignty is often invoked, but not quite understood. Thus, the sovereignty is an evolutionary concept, adapted to the political-judicial realities. In the context of the European integration, it experiences some profound transformations without losing its role.

The EU is based on a pact between the sovereign nations, which have decided to share a common destiny and exercise jointly a part of their sovereignty. The peace, economic welfare, security, participatory democracy, justice, and solidarity are just some of the Union's objectives. By sharing competences on these objectives with joint institutions, the national systems of the state endure some transformations. One of these is the military system, which is the guarantor of the sovereignty. In the European context, losing the sovereignty is not just the failure of the military system but also the failure of the EU.

11. Discussion of Results (pros and cons)¹⁶⁸

In this chapter the author discusses her results of research from different points of view, criticising her work and presenting the positive and negative aspects of it. The author also explains if the research question is covered or not.

The writing process of this bachelor thesis starts after the author discovers the research gap, which has to be closed by her topic and by formulating the main question— “*Which is the connection between the national sovereignty of Romania and Austria as EU states and the military system?*” After understanding the framework and the content of each chapter, the author manages to form an overall idea of the thesis, knowing exactly what information to look for and how to carry out the documentation. The essential purpose of this step is to avoid the possibility to deviate from her topic.

The answer to the main question is created by presenting six sub-chapters, which corresponds to the sub-questions formulated before, and finishes with the conclusions reached by the author.

Firstly, the characteristics of the sovereignty of Romania and the Republic of Austria are presented. In this part, the author uses several national legal documents. The Romanian Constitution and the Federal Constitution are the most important of them. The articles submitted by the two constitutions, which refer to the exercise of sovereignty, are valid from any point of view and cannot be interpreted.

After that, the author outlines how the EU influences the sovereignty of the two studied states. For this part, several European treaties, European law books, and official EU websites are consulted, and lead to a proper research. The official websites of the EU institutions are always up to date and in line with what is happening during the present time.

In order to provide a complete answer to the main question, the author chooses to present the connections between the sovereignty and the military field, both domestically and internationally. This part comes with the most useful information because it shows the relationships between the EU and the armed forces of the two EU Member States – Romania and Austria. It is highlighted that the EU has also great implications to the national security of its Member States. With the examples of international military

168 Author’s note: This chapter is based on the ideas of the author.

operations, which the armed forces of Romania and Austria participate in, the quality of the information – presented above – increases.

However, the author considers that there is a negative aspect of her work and its results. The thesis and its topic are based on two examples of the EU Member States– Romania and Austria. If the connection between the sovereignty and the military system is analysed for other EU Member States, the results described in this thesis would not be entirely valid. Although the community law must be respected by all EU Member States, they still have a very high autonomy concerning their own security. This statement is reinforced by the existing security strategies for each state.

12. Restriction of Validity¹⁶⁹

This chapter presents the validity of the research. Within the previous chapters, the author covers the most important knowledge concerning the national sovereignty in the military context of EU Member States on the example of Romania and Austria.

The author focuses more onto the legal documents and the valid information from the official EU homepages. Therefore, this research contains updated information that does not change from one day to another. The information extracted from the constitutions of the two states has a legal character. There are some fundamental laws that have an obvious validity for anyone interested in the Romanian's and Austrian's constitutional laws. On the other hand, the presented information from the security strategies may lose its validity when Romania and Austria change their security strategies. For example, the National Defence Strategy of Romania, which is valid now, will lose its validity in autumn 2019, when it will be replaced by a new one.

Another feature, which may influence the validity of this research, is the BREXIT. This event will change the EU's legislative and institutional framework. The present thesis is written in a period when the BREXIT has not happened so far. The information concerning the BREXIT-consequences is not available during this time.¹⁷⁰

169 Author's note: This chapter is based on the ideas of the author. Exceptions for the respective section are noted in the footer.

170 Cf.: Homepage of BBC News. URL: <https://www.bbc.com/news/uk-politics-32810887>. [10-4-19].

13. Benefit for Scientific Disciplines¹⁷¹

The purpose of this chapter is to describe, which importance the research may have to a certain scientific community. The chapter also describes who may have a benefit from the research results.

The present thesis presents information about the European integration and it analyses how the Member States are influenced by the EU. According to the author, the thesis may have benefits for a large scientific community. Anyone connected to the international relations, European studies, and community law may be interested.

The author's work covers useful knowledge about the sovereignty of the EU Member States, more specifically, about the national sovereignty of Romania and Austria in the military context. Thus, it may present a benefit for the communities interested in European strategies for security, Romanian or Austrian constitutional law and their military system. The military personnel and military students from Romania and Austria can benefit from this thesis by increasing their knowledge about the influence of the EU to the military field.

The author considers that her thesis could be helpful for the teachers at different institutions, who are specialised in subjects related to the EU, CSDP, military operations, community law, and public international law. The research and results of research could be used in the elaboration of different essays and presentations.

The basic information presented in the thesis can be used as a starting point for new researches concerning the role of the armed forces in establishing the security at European level and in maintaining the sovereignty.

Due to the information about how the EU Member States delegate some of their competences to the EU common institutions, the thesis may benefit anyone from the foreign affairs domain, as well as from the international relations' field. This thesis could enrich their knowledge about the organisation and functioning of the European institutions.

The detailed research about Romania and Austria can help citizens to fully understand the processes and struggles made at national and European level in order to ensure the

171 Author's note: This chapter is based on the ideas of the author.

security of their states. Providing them the results of this thesis facilitate their understanding of the importance of the European elections, which will take place this year.

14. Prospects¹⁷²

The purpose of this chapter is to provide recommendations for some future researches.

This thesis focuses onto the connection between the sovereignty and military systems of Romania and the Republic of Austria under the influence of their EU memberships. Because of the limitations of a bachelor thesis and the need to focus onto the main topic, the author presented in her paper the specific elements for each of the two states only.

Additionally, the EU is receiving more and more of the sovereignty competences of its Member States. Some of these are economical. Others have a legal or social character. Taking this into consideration, the author suggests the following questions for further researches:

- Which is the connection between the national sovereignty and the national economy of the EU Member States?
- Which is the connection between the national sovereignty and the legal power of the EU Member States?
- How the community law influences the sovereignty of the EU Member States?
- How the United Kingdom regains its absolute sovereignty after the BREXIT?
- How the migration movements influence the EU Member States' authority?
- How the migration movements influence the EU Member States' security?

172 Author's note: This chapter is based on the ideas of the author.

15. Summary¹⁷³

This chapter contains a short description of the most important parts of the thesis. The author would like to summarise the most relevant results of the research, without introducing new arguments.

This bachelor thesis presents the analysis of the national sovereignty in the military context of the EU on the example of Romania and Austria. This research describes the role of the armed forces responsible for maintaining the state's sovereignty, detailing their importance, as well as the CSDP operations, which they participate in. Moreover, details are presented concerning the EU common institutions and their influence to the sovereignty.

At the beginning the author describes her motivation for writing the present thesis. The author chooses this topic because of her interests in European studies, international relations, and the impact of the international area onto the military.

The next two chapters describe the thesis concept, which problem should be solved, and present the author's intent how to solve the problem. Some terms and definitions are also described in order to avoid some possible misunderstandings, which may arise because of specific terminology or expressions. After that there is a chapter explaining, which scientific communities the topic addresses and who may benefit from the results of the thesis.

The current state of research aims to describe what has been studied so far and how these studies are related to the thesis topic. In this part the author presents the literature review and for a better understanding of the next chapters the background information about how the EU influences the state's sovereignty. The most representative meanings of the sovereignty and the main connections between the Member States of the EU and their sovereignty are presented as well. Additionally, details about the community law are given.

The research gap chapter describes, based on the chapter before, which sections have not been researched so far. The conclusion is that nobody has made an analysis of the connection between the national sovereignty of Romania and Austria and their military

173 Author's note: This chapter is based on the ideas of the author.

systems being EU Member States so far. This is the gap, which the author closes with the present research.

The research question is the next chapter of the thesis. The author creates the main question – *“Which is the connection between the national sovereignty of Romania and Austria as EU states and the military system?”* – which is the guideline through the entire thesis. To answer the main question, it is divided into six sub-questions.

The next chapter describes the methodology used by the author to answer the research questions established in the chapter before. This part contains the methodological approach and the author presents, which kind of documents are studied. She also describes, which scientific methods she used to achieve the results of research. The second part of the methodology is the route of research. The author explains how to answer all the sub-questions in order to give a complete answer to the main question. The end of this chapter is concluded by a sketch to give the readers the possibility to understand the description of the methodology more easily.

The research and results of research chapter is the main body of the thesis. It is divided into seven subchapters, which contain answers to each sub-question and the last of them compiles all the information and contains the conclusions. The author includes in this chapter information about the characteristics of the national sovereignty of Romania and Austria, the influence of the EU onto the sovereignty of Romania and Austria, as well as detailing the connection between the sovereignty and the military field.

There are three dimensions of the sovereignty: the state sovereignty, the popular sovereignty, and the national sovereignty. The constitutions of these states contain the main regulations regarding the sovereignty and how they are exercised. Another sub-chapter analyses how the EU influences the sovereignty of Romania and Austria. The author details the delegation of the competences to the EU’s common institutions. She also presents the superiority of the community law onto the national one.

The author presents the connection between the national sovereignty of the states and their military systems to reach the essence of the topic. The armed forces of the two states have to support the sovereignty at any time when it is threatened and to maintain it during peacetime. In this part some provisions of the security strategies of Romania and Austria are highlighted. Therefore, the impact of the EU onto the military systems is mentioned and how the CSDP operations are organised by the armed forces of the Member States.

The author also gives some examples of the military operations, which the Romanian and Austrian Armed Forces are participating in, in order to ensure the security at European level. The last sub-chapter concludes the research and presents that the EU is based on a pact between sovereign nations, which have decided to share a common destiny and exercise a part of their sovereignty jointly. By sharing some competences of the sovereignty with joint institutions, the national systems of the state endure some changes. One of these ones is the military system, which is the guarantor of the sovereignty.

The next chapter is the discussion of results where the author discusses her results of research from different points of view, criticising her work, and presenting the positive and negative aspects of it. She also explains that the research question is covered.

The restriction of validity is an important part of the thesis. The author focuses more on the legal documents of constitutional and community law. She also concentrates onto the information available on the official homepages of the EU and its institutions. This ensures that the provided information is valid from all the points of view. However, the future changes of the security strategies may affect the validity of the research. The BREXIT may also be a restriction of validity after it will have happened.

The next chapter describes, which importance the research may have for the scientific community and who may benefit from its results. The thesis may have benefits for anyone who is interested in European studies, security issues, or international relations. The research and the results of research enrich their knowledge about how the EU influences the Member States and their sovereignty.

The prospects present that the results of the author's research could be a starting point for other researches done by other persons. The author also offers recommendations for future studies.

The postface chapter concludes the thesis. The author writes down some personal statements and acknowledgements, which she would like to share with the reader.

16. Postface¹⁷⁴

The author has always been interested in the international relations domain and she has always wanted to know how the EU influences the Member States. She believes that the EU offers a better chance of living to people, even for the less powerful states. At the same time, the author is passionate about the national and international law system, also being a second-year student at the “Lucian Blaga” University of Sibiu, Faculty of Law. The author chose this topic with the support of the two tutors, based on her passion and the desire to find out more connections between the EU and the Member States’ armed forces, as the EU is not a military organisation.

First of all, the author would like to express her gratitude, respect, and appreciation to Col Assoc. Prof. Harald Gell, PhD and Assoc. Prof. Anca Dinicu, PhD, for the support and the advice offered during the entire elaboration process of the thesis. Their assistance guided her throughout the evolution of her work and made the result of this research possible. They helped her to improve her English language skills and motivated her to continue studying and writing.

Secondly, the author takes the opportunity to express her appreciation to the International Offices of both, home and receiving institutions. They gave her the chance to write her bachelor thesis at the Theresan Military Academy in Austria, which was a great experience. The Erasmus+ programme changes lives. The author would like to advise all students to apply for it.

Last but not least, the author would like to thank her Romanian colleagues, who supported her throughout this period. She also would like to appreciate her Austrian colleagues, who gave her useful advice about the Austrian Constitution and laws.

174 Author’s note: This chapter is based on the ideas of the author.

17. Annexes

17.1 List of Abbreviations

Assoc. Prof.	Associate Professor
Ch.	Chapter
Col	Colonel
CSDP	Common Security and Defence Policy
EC	European Community
EU	European Union
EU NAVFOR	European Union Naval Force
EUBAM	European Union Border Assistance Mission
EUFOR	European Union Force
EUISS	European Union Institute for Security Studies
EUJUST LEX	European Union Integrated Rule of Law Mission
EULEX	European Union Rule of Law Mission
EUMM	European Union Monitoring Mission
EUPM	European Union Police Mission
EUPOL	European Union Police Mission
EUPOL COPPS	European Union Co-ordinating Office for Palestinian Police Support
EURATOM	European Atomic Energy Community
GDP	Gross domestic product
NATO	North Atlantic Treaty Organization
No.	Number
OCdt	Officer Cadet
PhD	Doctor of Philosophy
Prof.	Professor

17.2 List of Figures

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17.3 List of Literature

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18. Affidavit

I herewith declare that I have written the present thesis independently and on my own. I have clearly marked any language or ideas borrowed from other sources as not my own and documented their sources. The thesis does not contain any work that I have handed in or have had graded as a previous scientific paper earlier on.

I am aware that any failure to do so constitutes plagiarism. Plagiarism is the presentation of another person's thoughts or words as if they were my own – even if I summarise, paraphrase, condense, cut, rearrange, or otherwise alter them.

I am aware of the consequences and sanctions plagiarism entails. Among others, consequences may include nullification of the thesis, exclusion from the awarding of a degree, and legal consequences for lying under oath. These consequences also apply retrospectively, i.e. if plagiarism is discovered after the thesis has been accepted and graded. I am fully aware of the scope of these consequences.

.....

(OCdt Cristina Barbu)

Wiener Neustadt, Austria in May 2019