

Legal Mechanism to Ensure the Sovereignty of a State's Membership in the EU and NATO

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Abstract

This article delves into the analysis of the legal mechanisms used to ensure the sovereignty of member states within the EU and NATO. The research methodology is not just a process but a comprehensive approach that involves analysing both organisations' essential documents and treaties and studying the practical application of legal mechanisms in different member states. The study's practical significance is not to be underestimated, as it aims to formulate recommendations for improving legal procedures that effectively enforce member states' sovereignty, thereby increasing security and stability. The article also highlights the impact of crime as a significant challenge to creating a stable society on peacebuilding and human rights. It covers the experience of EU and NATO member states in implementing and enforcing legal norms to protect national interests and sovereignty.

Keywords: sovereignty, legal mechanism, EU, NATO, economic integration, national security, crime

Introduction

Supporting the legal sovereignty of EU and NATO member states is one of the most critical tasks of international organisations in ensuring stability and security in Europe. According to (Al-Kassimi, 2023), the legal mechanisms governing EU and NATO membership provide a comprehensive approach to harmonising national legislation, supporting the rule of law, and strengthening democratic institutions. With its multilevel legal regime, the EU offers its member states the tools to protect their national interests in a context of close integration through the Lisbon Treaty. NATO provides a collective defence and security

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framework, guaranteeing military support and political solidarity among member states. Both organisations constantly adapt their mechanisms to new challenges, balancing national sovereignty and the need for collective action.

The complex geopolitical challenges caused by the war in Ukraine have significantly impacted the structures and strategies of the EU and NATO. Russia's aggression against Ukraine not only threatens Ukraine's territorial integrity and sovereignty but also calls into question the stability of the entire European continent. In response to these threats, the EU and NATO have stepped up their military and economic support for Ukraine and strengthened defence and security measures on their eastern borders. According to (De Sadeleer, 2023), such actions include increased military presence, joint military exercises, economic sanctions against Russia, and humanitarian aid. The war in Ukraine has stimulated discussions about the need for deeper defence and security integration within the EU. The question of NATO enlargement by accepting new members seeking protection from external threats has been raised. This situation highlights the need to adapt and strengthen legal mechanisms that ensure the sovereignty and stability of member states in these difficult times.

The EU's and NATO's future development perspectives for 2025 and 2030 include several areas that will shape their strategies and policies. The EU plans to strengthen its institutions and mechanisms further to support the rule of law, democracy and economic development in the face of growing global challenges. Efforts will include expanding digital and green transformation, enhancing financial resilience, and integrating new technologies into various spheres of life. The scholar (Qaisrani et al., 2023) believes that NATO will continue to adapt its defence strategies to new threats, including hybrid and cyber attacks. The organisation will expand its presence in the European region to ensure stability and security. Enlarging the Alliance by admitting new members will remain an essential aspect of its strategy. Both organisations seek to strengthen their partnerships with other international institutions and states. Thus, the EU and NATO will continue to play a leading role in maintaining peace and stability in the region, adapting their legal and institutional mechanisms to the changing global environment.

Literature Review

The legal mechanism for ensuring the sovereignty of a state's membership in the EU and NATO is the subject of numerous studies and academic debates. Murphy (2023) argues that legal mechanisms in the EU aim to strike a balance between integration and the sovereignty of member states through the principles of subsidiarity and proportionality. The analysis by Fjelstul (2023) shows that in

NATO member states, sovereignty is ensured through collective defence mechanisms, especially Article 5 of the Washington Treaty, which guarantees a collective response to aggression. According to (Muftuler-Bac, 2023), studying the legal mechanisms of the EU and NATO allows for a better understanding of how the sovereignty of states is ensured in complex international structures. The study by Lykotrafiti (2023) focuses on analysing the effectiveness of EU legal instruments in strengthening the sovereignty of new member states. According to (Lundqvist, 2023), NATO's legal mechanisms contribute to reducing threats to national security through collective defence measures. A study by (Bechev, 2023) shows that integration into the EU requires significant changes in national legislation and policies to comply with common standards and norms. According to (Riis, 2023), a transparent and stable political system is necessary to ensure a proper legal basis for NATO membership. Larik (2023) points out the need for constant legal adaptation and modernisation to maintain compliance with EU and NATO requirements. The legal mechanism for ensuring sovereignty is covered in (Lenaerts, 2023), which reveals the importance of international cooperation and compliance with legal norms to support the sovereignty of member states. According to (Aral, 2023), EU legal mechanisms contribute to strengthening democratic institutions and the rule of law in the new member states. Ghasemi et al. (2023) argue that cooperation within NATO optimises defence spending and increases national security. A study by Wunsch Gaarmann (2023) raises the issue of the challenges that states may face in complying with EU and NATO legal norms and requirements. This thesis is confirmed in the article (Brighi & Giusti, 2023) on the need for a balance between national sovereignty and collective responsibility within international organisations. A study by Hutukka (2023) points to the complex process of adapting national legislation to EU norms and standards. According to Romppanen and Huhta (2023), the importance of legal mechanisms to ensure sovereignty in NATO has increased significantly in recent years due to the growing geopolitical threats. Stetsenko et al. (2023) analyse how EU legal instruments strengthen the rule of law and democratic institutions in the new member states. Hill (2023) explores the financial aspects of ensuring sovereignty through NATO mechanisms, emphasising the effectiveness of joint defence spending and resources. According to (Kollias & Tzeremes, 2023), NATO's legal mechanisms contribute to improved coordination and cooperation between member states, reducing the risks of international conflict. Cladi (2023) emphasises that legal mechanisms within the EU improve relations between national governments and EU institutions. The study by Muñoz Mosquera and Montes Toscano (2023) points out the need to structure legal mechanisms in a way that aligns with each member state's cultural and social norms. The author

(Torres-Adán & Gentile, 2023) argues that NATO legal mechanisms should be integrated into national defence strategies in line with citizens' expectations of national security. Thus, scholars believe introducing effective legal mechanisms to ensure sovereignty within the EU and NATO membership framework will help increase public trust in international organisations. The reason is that they provide a flexible approach to resolving international conflicts.

Objectives

The study aims to analyse the legal mechanism for ensuring the sovereignty of the state's membership in the EU and NATO. The research objectives are as follows: 1. To examine the state of legal sovereignty in the EU and NATO member states and identify the specifics of national legislative practices. 2. To study the legal mechanisms for ensuring sovereignty within the EU and NATO through a comparative analysis using the empirical method. 3. To develop recommendations for improving the legal mechanisms for ensuring the sovereignty of EU and NATO member states to strengthen national security and political stability.

Materials and Methods

The research methodology involves analysing the legal mechanism for ensuring the sovereignty of the state's membership in the EU and NATO in three stages. The first stage includes a theoretical analysis of legal documents, treaties, and regulations governing EU and NATO membership and a study of the principles of subsidiarity and proportionality in ensuring national sovereignty. The second stage involves a comparative analysis of the practical application of legal mechanisms in different member states, focusing on adapting national legislation to European standards and NATO's collective defence mechanisms. The third stage involves empirical research, which includes collecting and analysing data on the effectiveness of legal mechanisms in strengthening the sovereignty and security of member states. The impact of these mechanisms on political stability and national security is assessed.

The research methods include document analysis, comparative analysis, content analysis, and expert opinion of representatives of EU and NATO member states. Document analysis allows for a detailed study of both organisations' legal frameworks and membership regulations. Comparative analysis helps study different approaches and practices states use to ensure sovereignty. Content analysis helps identify critical aspects and trends in applying legal mechanisms. The expert assessment provided an understanding of the problems and challenges related to ensuring sovereignty, which makes it possible to assess the effectiveness of existing mechanisms in practice.

The sample includes EU and NATO member states demonstrating different levels of adaptation of national legislation to European standards and other approaches to national security within NATO. The sample consists of both new and old members of both organisations, which allows for a comprehensive analysis of the effectiveness of legal mechanisms. The countries were selected based on their geographical location, political context and historical membership experience in the EU and NATO. This approach ensures a representative sample and the ability to consider different aspects of sovereignty.

The research tools include specialised document and data analysis software such as NVivo for qualitative analysis, SPSS for statistical analysis of survey data and Excel for data processing and visualisation. The survey results were based on the NATO Annual Tracking Research (North Atlantic Treaty Organization, 2023), which ensures the convenience and availability of reliable information.

The ethicality of the study is ensured by adherence to the principles of confidentiality, anonymity of respondents, transparency and objectivity, avoiding any form of bias or influence on the results.

Results

The legal mechanism for ensuring the sovereignty of a state's membership in the EU and NATO is multifaceted. It includes measures to maintain political stability, security and the rule of law in member states. The legal framework in the EU is based on the Lisbon Treaty, the Treaty on the Functioning of the European Union (TFEU) and the Treaty on the European Union (TEU). Proportionality requires that EU actions do not exceed what is necessary to achieve the objectives of the treaties. In this way, member states retain control over critical areas such as national security and defence, which ensures their sovereignty in the context of integration. Ensuring sovereignty within the EU is a complex process that involves the interaction of national and supranational legal mechanisms. The issue of legal freedoms and the political rights of citizens are the central values in European countries. Their dynamics are shown in Figure 1.

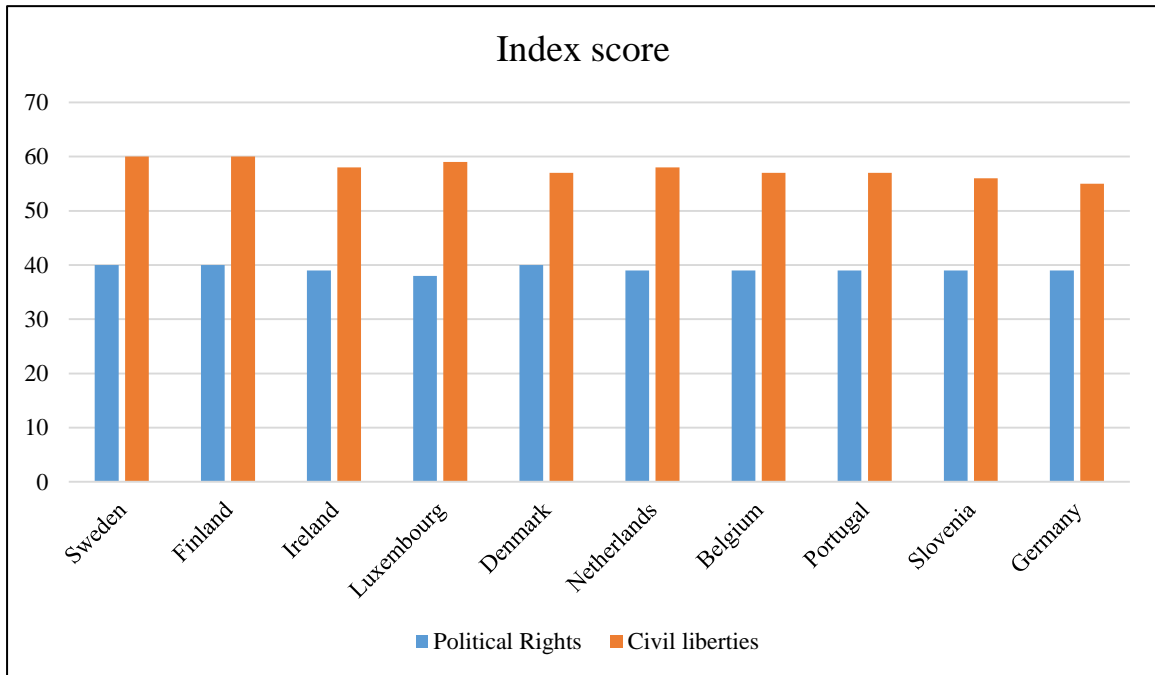


Figure 1. Index Score of Political Rights and Civil Liberties in the European Union 2023

by member state (index score where 100 is best).

Source: compiled based on Statista data (Statista, 2023)

In 2023, the overall indices for political rights and civil liberties across the European Union showed considerable variability, reflecting different levels of democratic development and human rights protection. Sweden and Finland topped the list with the highest possible scores of 40 points for political rights and 60 points for civil liberties. The countries are traditionally known for their high political stability, transparency of government processes and robust human rights protection. High scores indicate that citizens of these countries have significant opportunities for political participation and enjoy a wide range of civil liberties.

Ireland scored 39 points for political rights and 58 points for civil liberties, demonstrating high democratic standards. Luxembourg, with a score of 38 for political rights and 59 for civil liberties, and Denmark, 40 for political rights and 57 for civil liberties, are close behind. Despite the difference in scores for civil liberties, the countries continue to be examples of good governance and human rights. High scores indicate well-developed mechanisms for political participation and civil rights protection.

Within NATO, the legal mechanism for ensuring sovereignty is based on the Washington Treaty of 1949, which lays the foundation for collective defence and political cooperation among member states. Article 5 of this treaty is a critical element that guarantees a collective response to an armed attack against any member state. The provision strengthens the national security of each member state, as an attack on one country is considered an attack on all. NATO's partnership programmes, such as the Partnership for Peace (PFP), strengthen defence capabilities and political stability. According to the poll shown in Figure 2, NATO enjoys strong support among the citizens of its member states.

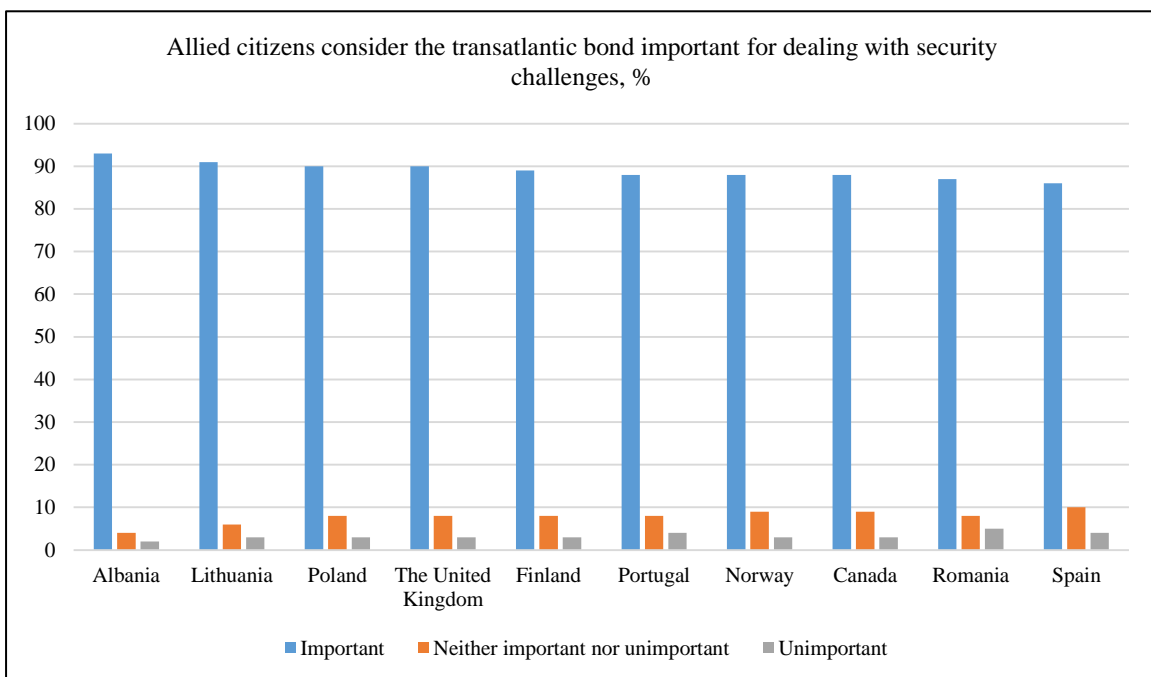


Figure 2. 82% of Allied citizens consider the transatlantic bond necessary for dealing with security challenges.

Source: based on NATO Tracking Research

Geopolitical challenges in the war in Ukraine significantly impact the structures and strategies of the EU and NATO, requiring adaptation and strengthening of legal mechanisms. Current events have shown the importance of flexibility and rapid response to new threats. The EU and NATO have stepped up their military and economic support for Ukraine and strengthened defence and security measures on their eastern borders. This includes strengthening military presence, conducting joint military exercises, imposing financial sanctions against the aggressor and providing humanitarian aid.

The EU legal framework comprises numerous institutions that ensure compliance with the principles and norms set out in the founding treaties. The Court of Justice of the European Union (CJEU) is the main body that ensures legal cohesion and the correct interpretation and application of EU law. The CJEU's judgements are binding on all member states, which contributes to the unity of the EU legal system. The European Commission acts as an executive body that monitors member states' compliance with their obligations and ensures the implementation of European norms and policies. The EU Parliament and the Council of the EU play essential roles in the legislative process, representing the interests of EU citizens and national governments, respectively.

One aspect of ensuring member states' sovereignty within the EU is economic integration, supported by a common legal framework. The EU single market allows for the free movement of goods, services, capital and people, creating favourable economic growth and development conditions. Member states retain the right to make their own financial decisions within the framework of pan-European norms, ensuring their economies' flexibility and adaptability. The main areas of ensuring the sovereignty of the EU and NATO from a legal perspective are shown in Table 1.

Table 1. Ensuring the sovereignty of a state's membership in the EU and NATO

Direction.	EU (European Union)	NATO (North Atlantic Treaty Organisation)
Legal basis	- Treaty of Lisbon - Maastricht Treaty - Treaty on the Functioning of the European Union (TFEU) - Treaty on European Union (TEU)	- North Atlantic Treaty (Washington Treaty) of 1949 - NATO Council Addendums and Resolutions
Admission procedure	1. Application for membership 2. Fulfilment of the Copenhagen criteria 3. Evaluation by the European Commission 4. Accession negotiations 5. Signing and ratification of the accession agreement	1. Invitation to join 2. Fulfilment of membership criteria 3. Negotiations and preparation 4. Signing of the Protocol of Accession 5. Ratification of the protocol by all members
Mechanisms	- The principle of	- The principle of collective

to Ensure Sovereignty	<ul style="list-style-type: none"> sub subsidiarity - The principle of proportionality - Veto by member states on key issues - The Court of Justice of the European Union (CJEU) 	<ul style="list-style-type: none"> defence (Article 5 of the Washington Treaty) - Consultations within the North Atlantic Council (NAC) - Partnership for Peace Programme (PFP) - Joint military exercises and operations
Guarantees	<ul style="list-style-type: none"> - European Stability Mechanism (ESM) - The right of national parliaments to participate in EU decision-making - Protection of human rights through the European Convention on Human Rights (ECHR) 	<ul style="list-style-type: none"> - Guarantees of collective defence (Article 5) - Mechanisms for joint financing of defence measures - Deployment of rapid reaction forces
Examples	<ul style="list-style-type: none"> - Poland - accession in 2004, adaptation of national legislation to the <i>acquis communautaire</i> - Croatia - accession in 2013 after fulfilment of all EU requirements 	<ul style="list-style-type: none"> - Poland - accession in 1999, integration into NATO structures - North Macedonia - accession in 2020 after successful completion of negotiations and implementation of reforms

Source: compiled by the author

Looking ahead to 2025 and 2030, the EU and NATO plan to continue to develop their legal and institutional mechanisms to ensure the sovereignty of member states. The EU will focus on further harmonising legislation, strengthening the rule of law, and developing a digital and green economy. NATO will continue to expand and improve its collective defence mechanisms, adapting its strategies to new threats such as cyber-attacks and hybrid warfare. The two organisations are committed to strengthening their partnerships with other international institutions and states, ensuring broad support for the rules-based international order. This includes strengthening cooperation with neighbouring countries and partners outside Europe, contributing to global stability and security.

Political integration within the EU plays a primary role in ensuring the sovereignty of member states. The process is achieved through the common foreign and security policy mechanisms, which facilitate the coordination of

actions in the international arena and strengthen collective security. The measures allow member states to strengthen their national security in the face of growing global challenges. At the same time, they preserve sovereignty and the ability to make independent decisions in the defence sector. Thus, the EU legal framework provides a holistic approach to protecting the sovereignty of member states, harmonising national interests with common European goals.

Discussion

Discussions of the legal mechanism for ensuring the sovereignty of a state's membership in the EU and NATO contain varied approaches, which indicates a significant potential for researching the effectiveness of these mechanisms. According to (Mayer, 2023), legal mechanisms in the EU aim to strike a balance between integration and the sovereignty of member states, which coincides with the results obtained in adapting national legislation to European standards. There are differences in the findings of Rodger et al. (2023), who emphasise the effectiveness of NATO's collective defence mechanisms in ensuring national security, which was also confirmed in this study. The article (Filipec, 2023) points out the importance of national legislation in adapting to EU norms and standards, strengthening the legal framework of sovereignty. The scientists (Petrić, 2023) indicate a significant impact of political and military integration within NATO on member states' national security and sovereignty. As Buser (2023) notes, the importance of national legislation for strengthening sovereignty is critical, consistent with findings on legal reforms in the new EU member states. A study by Shibkova and Guliuki (2023) emphasises that legal mechanisms within the EU improve relations between national governments and EU institutions by ensuring open and transparent decision-making. An article by Eremin (2023) confirms the significant impact of political and military integration on national security, consistent with our observations on the positive aspects of NATO membership. The results of (Lomaka et al., 2023; Zhylin et al., 2023) highlight the need for a detailed study of legal mechanisms. This aligns with the findings on the need for continuous analysis and adaptation of scientific institutions to EU standards. The authors (Lenaerts et al., 2023) point to the effectiveness of EU legal instruments in strengthening democratic institutions. According to (Fiott, 2023), NATO's legal mechanisms contribute to reducing threats to national security, consistent with the findings on the importance of collective defence. A study by Weerts et al. (2023) show that EU integration requires significant changes in national legislation. According to (Pierre-Emmanuel, 2023), a transparent political system is necessary for a proper legal basis for NATO membership. The discussion generally confirms the role of legal

mechanisms in ensuring sovereignty. It points to critical areas for further research and changes in the legal practice of EU and NATO member states.

Conclusions

A detailed analysis of the legal mechanisms for ensuring the sovereignty of the state's membership in the EU and NATO was carried out. The current situation underscores the need to continuously improve the legal mechanisms that ensure the sovereignty of member states. This can be achieved through a comprehensive approach that will effectively counter external threats and ensure regional stability. In particular, the primary legal documents regulating the activities of these organisations are considered, namely the Treaty of Lisbon, the Treaty on the Functioning of the European Union (TFEU), the Treaty on European Union (TEU), and the Washington Treaty of 1949 for NATO. The analysis of the documents showed that the principles of subsidiarity and proportionality within the EU strike a balance between integration and national sovereignty. NATO's collective defence mechanisms, especially Article 5 of the Washington Treaty, are vital to maintaining member states' national security. The study included an empirical analysis of data on the effectiveness of legal mechanisms in strengthening sovereignty and security, which showed the positive impact of adapting national legislation to European standards and using common defence resources.

There are significant problems and global challenges EU and NATO member states face in safeguarding their sovereignty. One of the main challenges is the constant need to adapt national legislation to both organisations' evolving standards and norms. Reducing crime is critical to ensuring human rights and successfully building peace. To achieve this goal, it is necessary to implement comprehensive approaches to combating crime and improving social stability, develop strategies that include improving the population's living conditions and strengthening the legal system to ensure lasting positive societal changes. Geopolitical instability and growing threats to national security are an essential challenge, requiring continuous improvement of collective defence mechanisms and strengthening of international cooperation. Domestic political and economic factors may affect states' ability to integrate effectively and meet membership requirements. The results highlight the need for continued support and coordination from the EU and NATO. These challenges call for a strategic sovereignty approach, including domestic reforms and enhanced international engagement.

Recommendations

Based on the analysis of the legal mechanism for ensuring the sovereignty of the state's membership in the EU and NATO, the following measures are recommended.

1. To develop and implement standardised procedures for adapting national legislation to EU norms and standards that will ensure a balance between integration and national sovereignty of member states.
2. Conduct systematic training and education of civil servants, lawyers and the military on legal mechanisms and procedures.
3. Ensure broad access to resources and information on legal obligations and opportunities provided by EU and NATO membership, including free advice and support for member states.
4. Create mechanisms for monitoring and evaluating the effectiveness of legal mechanisms for ensuring sovereignty. This will allow us to determine the success of these methods and make the necessary changes to improve them further.
5. Involve the public and representatives of civil society organisations in the discussion and support of legal mechanisms to ensure sovereignty, which will facilitate their wide acceptance and successful implementation.

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