



Some Aspects of National Sovereignty in the International Geopolitical Context

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Abstract

National sovereignty, in the current geopolitical context, is a complex and dynamic concept, subject to contradictory forces. On the one hand, globalization, economic interdependence, the rise of non-state actors (multinational corporations, international organizations, NGOs) and transnational challenges (climate change, pandemics, terrorism) tend to erode the authority of the nation state and impose some form of cooperation and even limitation of sovereignty in certain areas. On the other hand, we are witnessing a reaffirmation of the importance of the nation state as the main guarantor of the security, cultural identity and well-being of its citizens. Recent events, such as the war in Ukraine, have underlined the importance of borders, territorial integrity and the state's ability to defend its national interests. Populist and nationalist tendencies in many countries also reflect the desire of segments of the population to regain control over decisions that affect their lives and to limit the influence of external actors. Therefore, using the methods of legal scientific research, this study aims, starting from the definition of the concept of sovereignty, to analyze the evolution of the concept of sovereignty, focusing on the new geopolitical context created after the Munich Conference of 14-16 February 2025. At the same time, the study analyzes the concept of national sovereignty with reference to Romanian doctrine and jurisprudence and highlights the need to identify theories and practices regarding the concept of national sovereignty, adapted to the current geopolitical situation. In this context, the study presents the particularities of the R2P (responsibility to protect) doctrine.

Keywords: Sovereignty, Romanian Constitution, geopolitical context, multipolarity, R2P

1. Introduction

In the 16th century, the French philosopher Jean Bodin (1576) formulated the idea of absolute sovereignty of monarchs, which he considered fundamental to the existence of a stable and strong state. Bodin argued that sovereignty must be absolute, perpetual, inalienable and indivisible.

Later, the Peace of Westphalia in 1648 marked the beginning of the modern concept of national sovereignty (Șandor M.F., Ștețcu P. 2024:p.22). In practical terms, 1648, with the conclusion of the Peace Treaty of Westphalia, is considered to be the beginning of the current system of international law. That treaty defined, in a first form, the dual dimension of national sovereignty. Thus, the internal dimension refers to the attribute of the State to have a legislative monopoly within its territory, while the external dimension concerns the independence of any nation from the authority of another nation and the equality they enjoy in international law.

In the 19th century, sovereignist ideas fueled the wave of revolutions and unification movements in Europe and countries such as Italy and Germany underwent unification processes based on the desire for autonomy and national identity.

The 20th century was marked by the two world wars, which called into question the limits of sovereignty,

particularly in the context of peace treaties and the creation of international organizations aimed at preventing conflict. Thus, after the end of the Second World War, the world realized that a new mode of international cooperation was essential to avoid devastating conflicts and to promote peace, security and development. The League of Nations, the previous organization set up in the aftermath of the First World War, had failed to prevent the outbreak of the Second World War, so there was a pressing need to create a new structure. The UN was created with the fundamental purpose of promoting international peace and security, developing friendly relations between nations and cooperating in solving global problems. The basic principles of the UN include equality of sovereignty of all members, peaceful settlement of disputes, non-intervention in the internal affairs of states, respect for human rights and international cooperation in solving global problems.

In the context of the Cold War, sovereignty, as a doctrine that promotes and protects the right to sovereignty of states, was used by both the USA and the USSR to impose their influence on other states. Although the principle of state sovereignty was recognized in theory, in practice the autonomy of many states was limited by the overwhelming influence of the United States and the Soviet Union. The end of the Cold War brought with it a reassessment of the concept of sovereignty in the context of a new world order.

Since the 1980s, globalization has created new challenges for sovereignty through increasing economic interdependencies and supranational organizations such as the European Union, the IMF and the World Bank (Şandor M.F., Şteţcu P., 2024:p.23).

The events that have marked the 21st century, such as the 2008 financial crisis, the wave of immigration, the COVID pandemic, have accentuated the sovereignist tendencies that promote independence and the protection of national interests in the face of globalization and external influences.

In Europe, national sovereignty is a subject of intense debate in the context of European integration. On the one hand, the European Union implies a pooling of Member States' sovereignty in certain areas, which has led to significant economic and political benefits. On the other hand, there is a constant concern about the loss of sovereignty and the democratic deficit of the European institutions. European countries have different approaches to the concept of sovereignty, with some placing more emphasis on national independence, while others are more willing to accept a form of shared sovereignty within the European Union.

On the other hand, in today's geopolitical context, national sovereignty is no longer an absolute and indivisible concept, but rather a negotiated one conditioned by global interdependencies and the need for international cooperation. Nation states remain important actors on the international scene, but they must exercise their sovereignty in a way that takes into account the complex realities of the contemporary world.

While globalization has brought economic and cultural benefits, it has also created tensions over national sovereignty, with ongoing disputes over borders and control of resources highlighting the importance of national sovereignty.

National sovereignty thus remains a central principle in international relations, and its relevance is amplified by the challenges and opportunities of the contemporary world.

2. Methods

This paper follows a combined methodology that combines legal analysis, legislative comparison, and interpretation of case law, with the aim of formulating conclusions and practical recommendations for the evolution of the concept of sovereignty in the current geopolitical context.

Legal research method • Documentary analysis: The constitutional provisions governing the concept of national sovereignty were analyzed. In addition, the Treaty on European Union (consolidated version) the Treaty on the Functioning of the European Union (consolidated version), the Protocols annexed to the Treaty on the Functioning of the European Union the Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon signed on December 13, 2007, and the tables of correspondence were examined. • Comparative analysis: a comparison between the provisions of the Romanian Constitution and European Union standards was used to identify whether harmonization of their provisions is necessary.

Jurisprudential interpretation • Study of national case law: Constitutional Court decisions were analyzed to highlight the evolution of the concept of national sovereignty in Romania and its limits.

Historical and analytical method • Historical perspective: The evolution of doctrine in defining the concept of sovereignty was examined, starting with the 16th century and continuing to the present day. The current geopolitical situation and the R2P doctrine were also analyzed. • Conceptual analysis: Key principles, such as the principle of the

primacy of European Union law over national law, were addressed in order to provide a clear theoretical and practical basis.

Data collection and analysis • Primary sources: Texts from the Romanian Constitution, Constitutional Court decisions and the Treaty on European Union (consolidated version), Treaty on the Functioning of the European Union (consolidated version). •Secondary sources: To enrich the study, scientific articles, comparative studies, and academic literature on the concept of national sovereignty were consulted. The current geopolitical situation, an important factor in defining the concept of national sovereignty, was also taken into account.

Practical method and recommendations •Application to specific cases: Through the analysis of specific cases, the practical impact of the legislation and case law of the Constitutional Court on the principle of the primacy of European Union law over national law and the impact of the principle on national sovereignty were examined. •Formulation of recommendations: The conclusions of the study were used to highlight the need to adapt the concept of national sovereignty to the current geopolitical situation.

The combination of the above methods has aimed to provide a comprehensive and in-depth approach to understanding and addressing the challenges of sovereignty under the geopolitical context.

2.1 Geopolitical context after the Munich Conference of February 14-16, 2025

Taking into account the concept of sovereignty analyzed above and looking retrospectively at the events that have been generated and occurred geopolitically since the Munich Conference of February 14-16, 2025, we can say that we have entered a new world order in which the concept of sovereignty takes on a new meaning and significance.

The states participating in the conference pointed to the need for a major shift in international geopolitics from a unipolar world dominated by the US to a multipolar world in which we will find several international actors, including Russia.

Against this backdrop, Romania and Eastern Europe face significant challenges in terms of sovereignty, energy dependence on Russia and Russia's expansionist tendencies.

The national security of Romania and the Eastern European states is influenced by the current regional and global geopolitical context, cyber threats, terrorism, regional instability, the war between Russia and Ukraine and the influence of state and non-state actors are challenges where Romania and the Eastern European states need to modernize their defense capabilities and strengthen their presence in NATO structures.

Non-state actors, such as non-governmental organizations, multinational corporations and interest groups, play an increasingly important role in Romania's politics and economy, and can put pressure on national sovereignty.

In the context of the war in Ukraine, Russia has stepped up its military presence in Eastern Europe, which has a significant impact on regional stability. Eastern European states are modernizing their militaries in the face of growing security threats. There is a significant foreign military presence in the region, both NATO and Russia.

On the other hand, many Eastern European countries are dependent on Russia for energy supplies, which makes them vulnerable to political pressures. There are significant economic disparities between Eastern European countries, which can lead to social and political tensions. However, the majority of Eastern European states are oriented towards the European Union and NATO, which makes Russia unhappy.

In addition to military conflicts, Eastern European countries also face hybrid threats such as disinformation, cyber attacks and electoral interference. The issues presented in The Munich Security Conference, February 14-16, 2025, followed by meetings in Paris, Riyadh, etc., give a new dimension to the concept of security and reposition the major powers on this issue in a changing geopolitical context.

As the Munich Security Report published in February 2025 (Bunde T., Eisentraut S., Schütte L., 2025), we are starting to talk more and more about the phenomenon of multipolarization which means a global shift of power to a larger number of actors around the world. Thus, globalization is starting to be a somewhat outdated topic in the new international context in which countries such as China, India, Japan, are beginning to define their role as great powers.

Also, the Paris meetings that followed the Munich conference, held in two stages with different participants, i.e. a first meeting attended by Germany, France, Poland, Spain, Italy, Denmark and the UK, and a second one held in a mixed system (with presence and videoconferencing) with other European countries, begin to further shape earlier speculations about a "two-speed Europe".

Clearly, in this new international framework, a number of questions arise that are not easy to answer. The bipolar era of the Cold War has given way to a post-Cold War unipolar period defined by US global hegemony and we now at the dawn of an increasingly multipolar era. However, there are very different interpretations of what multipolarity might mean.

At its core, the debate on multipolarity reflects different views on the present and future international order. While there are many reasons to question whether the world is already multipolar or whether it will ever become truly multipolar, today's world is - in many senses - shaped by multipolarization. On the one hand, multipolarization describes a continuous shift of power towards a world in which a larger number of actors vie for influence. On the other hand, it also describes the international and domestic polarization that comes with increasingly incompatible visions of the international order, making it difficult for state actors to agree on common solutions to common global problems.

Depending on the size of population and territory, resources, economic capacity, military power and political stability, the following actors are emerging on the international scene who will influence political, economic and military decisions in the coming period: the EU, Russia, China, the USA and India.

In this world of multiple orders, Russia is working on a Eurasian order to lead, as outlined in new security treaties proposed by Moscow, the US and NATO at the end of 2021. China, for its part, is establishing a Beijing-led order in East Asia and may seek to expand it further to align with the geography of its Belt and Road initiative. In this context other (regional) 'poles' could emerge whose models of order are proving attractive to varying degrees. But on the whole, peaceful coexistence between the different orders is rather unlikely, as it is not at all clear whether the main poles of order can agree at least on rules, principles and cooperative structures for managing relations between the orders.

In conclusion, just as we can observe a trend towards multipolar power, we can observe a similar trend in ideological terms. What used to be the post-Cold War global standard, namely Western political and economic liberalism, is once again increasingly contested. But instead of being replaced by a clear alternative, it seems to be eroding from within, while leaving room for multiple contestations.

The problem goes beyond issues of war and peace. Without global leadership of the kind provided by the United States in recent decades, it is hard to imagine that the international community could deliver global public goods or even address some of the many serious threats facing humanity. Skeptics argue that the multipolarized world faces a massive "global leadership deficit" because many countries wield negative power - being able to block or disrupt collective decision-making - and that positive power is insufficient.

Statements coming out of Washington increasingly indicate that the US no longer wants to be the main guarantor of the liberal international order, but it is not at all clear which other countries might be willing and able to provide much-needed global public goods.

From the perspective of multipolar pessimists, we may soon end up in a world in which all actors tend towards their own short-term interests at the expense of long-term multilateral cooperation. The generalized preference for bilateral agreements over inclusive multilateral cooperation, highlighted in the Munich Security Index 2025 (Bunde T., Eisentraut S., Schütte L., 2025), suggests that the kind of cooperation needed to tackle the world's most pressing problems is increasingly hard to achieve.

Josep Borrell, stated that "when the number of participants in a game increases, the natural response should be to strengthen the rules governing the game". But instead of strengthening international law, multipolarization can lead us away from an order that has rules, even if these are sometimes inconsistently enforced, and towards an order without rules. Evidence of this can be found in the revisionist approach to international norms adopted by some of the new poles of influence and the lack of reaction against this contestation of norms by others. In addition, the presence of multiple great powers may also mean multiple actors claiming special rights - or different legal systems shaped by the respective regional hegemon. Under the guise of promoting multipolarity, China and Russia seem to seek to "divide the world into spheres of regional unipolarity". Last but not least, while multipolarity may bring greater respect cultural diversity, it may simultaneously be accompanied by efforts to limit universal norms designed to constrain the behavior of governments and protect the individual.

2.2 R2P (responsibility to protect):

The current geopolitical context is influenced, as we have shown, by a number of economic, political, technological, military and security, geographic factors, which determines the need to adapt the concept of national sovereignty to these realities characterized by phenomena such as multipolarization, economic interdependence, hybrid threats and information war, the war in Ukraine, energy dependence on Russia.

Thus, globalization and economic interdependence through cross-border flows of capital, goods, services and people are impacting on the capacity of states to make autonomous economic decisions.

Hybrid threats and information warfare, through disinformation, cyber-attacks and external interference, affect the ability of states to exercise their sovereignty in the information space and to make domestic decisions.

The war in Ukraine has a significant impact on the sovereignty of Eastern European countries, influencing both national security and foreign policy, refugee flows and the need to coordinate actions with allies.

On the other hand, energy dependence on Russia is a vulnerability of Eastern European countries and migration and border control have a significant impact on the ability of states to control their territory and population.

In this context, modern theories of sovereignty that have been influenced by historical developments, such as the emergence of the nation-state, globalization and the development of international law, will have to be replaced by theories that often focus on issues such as national versus supranational sovereignty, popular sovereignty and democracy (how people's sovereignty translates into practice in modern democratic systems) and perhaps the most important and topical theory is the theory of the responsibility to protect (R2P).

The R2P doctrine challenges the traditional notion of absolute sovereignty when a state fails to protect its own population from atrocities.

The Responsibility to Protect (R2P) is an international principle adopted by the United Nations in 2005 in the wake of massive atrocities that shocked the international community, such as the genocide in Rwanda and the wars in the former Yugoslavia. The R2P doctrine is based on the fundamental idea that state sovereignty is not absolute, but comes with the primary responsibility to protect its own population from four types of serious atrocities:

- Genocide: Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.
- War crimes: serious violations of the laws and customs applicable in international or non-international armed conflicts.
- Crimes against humanity: Acts committed as part of a widespread or systematic attack directed against any civilian population.
- Ethnic cleansing: Actions designed to make a population (or populations) leave a particular area by intimidation or force.

As shown above, in the traditional conception of sovereignty, the state is considered the supreme entity on its own territory, free from external interference. The R2P doctrine introduces a significant paradigm shift, arguing that sovereignty also implies responsibility. If a state is unable or unwilling to protect its population from the aforementioned atrocities, then the responsibility is transferred to the international community.

Thus, R2P (European Parliament recommendation of April 18, 2013) operates on three main pillars:

- The primary responsibility of the state, every state has a responsibility to protect its own citizens from atrocities. This includes preventing, prosecuting perpetrators and helping victims.
- The international community's responsibility to assist is to encourage and assist states to fulfill their responsibility to protect their own citizens. This can include financial, technical and capacity building assistance.
- The responsibility of the international community to intervene, if a state manifestly fails to protect its population, the international community has a responsibility to take collective action, in a timely and decisive manner, in accordance with the UN Charter. These measures may include sanctions, diplomatic action and, ultimately, military intervention authorized by the UN Security Council.

The R2P doctrine could be a tool in particular to prevent mass atrocities. However, its implementation is not without its critics and challenges such as obtaining the veto of the permanent members of the Security Council and sometimes subjectivity in decision-making.

However, in today's geopolitical context of hybrid threats and attacks and global uncertainty, R2P remains an important and topical principle in international law and global politics, emphasizing that sovereignty is not an absolute shield against crimes against humanity or other reprehensible acts and that the international community has a responsibility to act when states fail to protect their own citizens.

3. Case Study - The Concept of National Sovereignty in Romania

Romania has been a member of the European Union (EU) since 2007, which brings both benefits and challenges. On the one hand, EU membership has facilitated access to EU funds and strengthened democracy and the rule of law. On the other hand, European integration has meant ceding some national sovereignty in favor of European laws and regulations. The revised Romanian Constitution of 1991 enshrines national sovereignty in article 2. The Constitutional Court of Romania plays an essential role in guaranteeing the supremacy of the Constitution and, implicitly, national sovereignty, as it ensures that electoral procedures are respected, confirms the results of elections and thus guarantees the legitimacy

of elected representatives.

Article 2 of the Romanian Constitution stipulates that "(1) National sovereignty belongs to the Romanian people who exercise it through its representative bodies, constituted by free, regular and fair elections and referendums".

Starting from the constitutional regulation of national sovereignty, both the doctrine and case law of the Constitutional Court have analyzed this concept and defined it.

The legal literature offers a nuanced perspective on national sovereignty, a fundamental concept in constitutional and international law. While the basic definition remains similar to the constitutional definition, the doctrine explores various related aspects and theories.

According to Deleanu I., "sovereignty is that quality of state power by virtue of which this power has the vocation to decide, without any interference, in all internal and external affairs, respecting the sovereignty of other states, as well as the principles and other generally accepted rules of international law" (Deleanu I., 2006:p.376).

According to Deaconu Ș., "In legal doctrine, two ways of defining state sovereignty can be identified". "In a first way, state sovereignty is considered to be that characteristic of the power to be supreme on the territory of the state and independent of any foreign power". "A second way of defining sovereignty is that in which the obligations to respect international law and the rights of other states are not retained in the definition as constitutive elements of sovereignty" (Deaconu Ș., 2025:p.71).

As a result of analyzing the doctrine we identify some key elements of the definition of national sovereignty. Thus, we observe that the doctrine, (Deaconu Ș., 2025:pp.68-71) emphasizes that national sovereignty is a supreme power within the state, not subordinate to any other internal power. It is also an original power, deriving from the existence of the nation or the people, not granted by any other entity. However, sovereignty is not absolute, it is limited and the limits of sovereignty derive from the provisions of the Constitution.

Many scholars support the indivisibility of sovereignty, arguing that it cannot be divided without losing its essence. It is also considered inalienable, i.e. it cannot be permanently ceded or transferred.

The doctrine analyzes the concrete ways in which national sovereignty is exercised, such as through elected representative bodies, by referendum or, in some conceptions, directly by the people. Thus, there is much discussion about the legitimacy and effectiveness of different forms of exercising sovereignty.

Just as in the constitutional definition, the doctrine recognizes the two dimensions of sovereignty, internal and external. The internal sovereignty concerns the power to command, legislate and administer on the territory of the state and over its citizens and the external sovereignty concerns the independence of the state from other states and international organizations, the sovereign equality of states on the international scene.

Over time, the doctrine has developed various theories on the basis and holder of sovereignty.

Thus, the theory of popular sovereignty is based on the idea that sovereignty belongs to the people as a whole, who exercise it directly or through representatives. The concept of popular sovereignty is attributed to the French philosopher Jean-Jacques Rousseau, who believed that the people represented the totality of individuals living in a given territory, each of whom held a share of sovereignty. In his conception, the sovereignty of the people is the result of the arithmetical sum of the shares of sovereignty, so that the people become the holders of power through the consent of the will of the individuals, expressed in a social pact. Sovereignty attributed arithmetically to the people is exercised by bodies mandated by the people with powers of government, which represent the people and express the will of the people as a whole or of the majority of the people. This gives rise to the idea of representative democracy, initially rejected by Rousseau, according to which "sovereignty, being nothing but the exercise of the general will, cannot be alienated, and that the sovereign, who is nothing but a collective being, can only be represented by himself: power can be transmitted, but the will cannot" – (Rousseau J.J., 2023).

The theory of national sovereignty considers that sovereignty belongs to the nation, an abstract and continuous entity, distinct from the sum of the individuals who make it up at a given moment. Jean Bodin is an important exponent of the modern concept of sovereignty, albeit in the context of absolute monarchy.

Modern theories that have emerged in the context of European integration and globalization intensively debate the concept of shared or supranational sovereignty, in which Member States transfer certain competences to international organizations without completely giving up their sovereignty. Modern theories have generated much discussion on the compatibility of these developments with the principle of national sovereignty.

The doctrine also reveals the limits of sovereignty, both self-imposed (through the Constitution and laws) and those resulting from international law and the need for cooperation between states, and provides an in-depth and complex analysis of national sovereignty, going beyond the strictly legal definition and exploring the political, historical and theoretical implications of this fundamental concept. It reflects the evolution of political and legal ideas and seeks to adapt

the concept to contemporary realities.

Analyzing the theories on national sovereignty, we distinguish features of national sovereignty as a general feature of power and implicitly one of the constitutive elements of the state. In this understanding, sovereignty is the right of the state to decide freely in all matters of domestic and foreign policy.

Sovereignty as a feature and constitutive element of the state is expressed through supremacy, in the sense that organized state power is superior to any other form of internal authority and the will of the rulers is realized as the binding will of the whole society, and through independence from any state power or authority outside the state. Defining the content of sovereignty by supremacy and independence does not mean dividing sovereignty into distinct parts, which would be contrary to the unique and indivisible character of sovereignty and implicitly of state power. In this context, we note that the constitutive elements of the state are identical for all states, they represent factors without which state power cannot exist. Population, territory and sovereignty are the constitutive elements of the state, identical for any state, and defining for it (Muraru I., Tănăsescu E.S., 2024:p.57).

Sovereignty can, however, be shared by sharing or ceding certain aspects of sovereignty to another entity, which may be another state, an international organization or a sub-national entity. The sharing of sovereignty is a complex and evolving phenomenon, influenced by political, economic and social factors. The debate on the optimal degree and areas in which sovereignty should be shared remains an important topic in international law and politics. In its Decision no. 148/2003, the Constitutional Court held that "in the current era of globalization of human affairs, inter-state developments and inter-individual communication on a planetary scale, the concept of national sovereignty can no longer be conceived as absolute and indivisible, without the risk of unacceptable isolation". The sharing of sovereignty is not done by law, but by amending or issuing normative acts, in compliance with the constitutional framework in force.

The sharing by law of national sovereignty is subject to constitutional review by the Constitutional Court. Thus, by Decision no. 148/2003, the Constitutional Court held that, with regard to the issue of the transfer of some of Romania's powers to the Community institutions, the text of article 148 of the Romanian Constitution is aimed at the sovereign exercise of the will of the Romanian State to accede to the Treaties establishing the European Union: "The Act of Accession has a twofold consequence, namely, on the one hand, the transfer of certain powers to the Community institutions and, on the other hand, the joint exercise, with the other Member States, of the powers provided for in these Treaties". "By the mere fact that a State is a party to an international treaty, it diminishes its powers within the limits set by international rules". Thus, "Romania's membership of the United Nations, the Council of Europe, the Organization of the States of the European Community, the Central European Free Trade Agreement, etc. or Romania's status as a party to the Convention for the Protection of Human Rights and Fundamental Freedoms or to other international treaties has the significance of a restriction of the powers of state authority, a relativization of national sovereignty. But this consequence must be correlated with the second consequence, that of Romania's integration into the European Union. With regard to this aspect, the Constitutional Court notes that the act of integration also has the significance of sharing the exercise of these sovereign attributes with the other Member States of the international organization. Consequently, the Constitutional Court finds that, by transferring certain powers to the structures of the European Union, the latter do not acquire, by endowing them with a 'supra-competence', a sovereignty of their own. In reality, the Member States of the European Union have decided to exercise jointly certain powers which traditionally fall within the sphere of national sovereignty".

On the other hand, the Romanian Constitution makes a distinction between the principle of the supremacy of fundamental law and the principle of the priority of European Union law over national law. Thus, article 1 para. (5) of the Constitution enshrines the principle of the supremacy of fundamental law, according to which "In Romania, respect for the Constitution, its supremacy and the laws is mandatory". This principle cannot be confused with the principle of the priority of European Union law over contrary provisions of domestic laws enshrined in art. 148 para. (2) of the Constitution.

Over the years, the Constitutional Court has had different interpretations on the relationship between EU law and infra-constitutional rules, respectively on the relationship between EU law and the Constitution.

Immediately after Romania's accession to the EU, an important part of Romania's institutions, including the Constitutional Court, went through a phase of opening up to everything new that the Union brought, including the application of the principle of priority of EU law over conflicting domestic rules.

Thus, the first case in which the Constitutional Court made use of the principle of priority of EU law over national domestic rules occurred shortly after accession to the EU. In Decision no. 59/2007, the Constitutional Court established, as a matter of principle, that "given that, as of January 1, 2007, Romania acceded to the European Union, the Court is to examine domestic legislation in the field of State aid and its compatibility with the European Union legislation in this field". Subsequently, the Court assumed jurisdiction in other areas as well, as it did, for example, by Decision no. 1031/2007,

stating that it would examine "the compatibility of domestic legislation in the field of enforcement of intellectual property rights in customs clearance operations with European Union law". In the immediate aftermath, the Constitutional Court continued to verify the conformity between national and European law, even taking on the interpretation of European rules. Such a position of the Constitutional Court meant that the lack of conformity between a national rule and a Union rule led to the former being declared unconstitutional. Therefore, the infringement of EU law was sanctioned by the removal of the national rule from the national legal system, and not only by giving priority of application to the EU rule.

Since 2009, the Constitutional Court has re-examined its position, the constitutional judges establishing that "it is not within the competence of the Constitutional Court to analyze the conformity of a provision of national law with the text of the Treaty establishing the European Community in the light of article 148 of the Constitution. Such a competence, namely to determine whether there is a conflict between national law and the Treaty establishing the European Community, belongs to the court, which, in order to reach a correct and lawful conclusion, of its own motion or at the request of the party, may formulate a preliminary question within the meaning of art. 234 of the Treaty establishing the European Community to the Court of Justice of the EU. If the Constitutional Court were to consider itself competent to rule on the conformity of national law with European law, this would lead to a possible conflict of jurisdiction between the two courts, which is inadmissible at this level" (Decision no. 383, 2011).

After 2011, the Constitutional Court established in its case law that, "in view of the place that Community regulations occupy, under article 148 para. (2) of the Constitution, in relation to domestic laws, the Court is called upon to invoke in its case law binding EU acts whenever they are relevant to the case, as long as their content is not equivocal and no proper interpretation is required" (Decision no. 383, 2011). The invocation of EU normative acts in Constitutional Court decisions was this time conditional. Thus, the involvement of the constitutional court in the application of European rules, by eliminating contrary national rules from the national regulatory system, could only be achieved if the European rules were relevant to the resolution of the case, were not equivocal and did not require a specific interpretation, an action falling within the exclusive competence of the Court of Justice of the EU.

By Decision no. 668/2011, the Constitutional Court established a new criterion with regard to the European rules allegedly infringed compared to those established by Decision no. 383/2011, namely, they had to prove "constitutional relevance". Thus, the Constitutional Court would have to reject as inadmissible the exceptions of non-conformity with union law if the infringed European rules lacked "constitutional relevance". The Constitutional Court established that binding acts of the European Union are interposed rules in the constitutionality review and emphasized the lack of constitutional relevance of the rule of European law interposed in constitutional rules of reference in the constitutionality review. It also established that it is necessary that the legal norm of European Union law be circumscribed to a certain level of constitutional relevance, so that its normative content supports the possible violation by the national law of the Constitution - "the only direct norm of reference in the constitutionality review".

Since 2012, the main dilemma specific to the application of Union law is no longer the application of the principle of priority, but rather the determination of the areas in which the Union, or the Member States, are competent to regulate. In Decision no. 199/2012, the Constitutional Court held that "the field of the remuneration of staff paid from public funds falls within the competence of the Member State and not of the Union, which means that it is not subject to EU rules. Thus, the Court held that the allegations of the authors of the exception concerning the general infringement of European Union regulations in the present case are rather subjective assertions, without raising constitutionality issues, and that the remuneration of staff paid from public funds is and will remain an exclusive competence of the Member States" (Decision no. 199, 2012). In practice, the Constitutional Court refused for the first time to apply the principle of the priority of EU law, not by invoking the lack of a constitutional basis or the lack of conditions for the rule in question to be an interposed rule, but even the lack of regulatory competence of the EU. The Constitutional Court did not limit itself to not giving a ruling, but took an active role, establishing, with all the force of the binding nature of its decisions, that the Union had exceeded its powers.

At the same time, by Decision no. 887/2015, the Constitutional Court has assumed the competence to declare unconstitutional any national acts adopted in areas in which the EU has exclusive competence under the Treaty on the Functioning of the European Union.

Thus, by acceding to the legal order of the European Union, Romania accepted that, in areas where exclusive competence belongs to the European Union, regardless of the international treaties it has concluded, the implementation of the obligations resulting from them should be subject to the rules of the European Union. Otherwise, the undesirable situation would arise where, through international obligations assumed bi- or multilaterally, the Member State would seriously affect the competence of the Union and, in practice, would substitute itself in the areas mentioned.

Therefore, in application of art. (11) and article 148 paragraph (2) and (4) of the Constitution, Romania applies in

good faith the obligations resulting from the act of accession, not interfering with the exclusive competence of the European Union and, as established in its case law, by virtue of the compliance clause contained in the very text of article 148 of the Constitution, Romania cannot adopt a legislative act contrary to the obligations to which it has committed itself as a Member State. All of the above is of course subject to a constitutional limit, expressed in what the Constitutional Court, in a 2012 decision, "characterized as 'national constitutional identity'" (Decision no. 683, 2012). The European Union can only act within the limits of the competences conferred on it, and thus has assigned competences. Article 5 paragraph (2) of the Treaty on European Union expressly provides that, "by virtue of the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Treaties in order to attain the objectives set by those Treaties. Any competence not conferred on the Union by the Treaties belongs to the Member States, which shows that the European Union is still a union of states at the moment.

Moreover, by transferring certain powers to the structures of the European Union, the latter do not acquire a "super-competence", a sovereignty of their own. In reality, the Member States of the European Union have decided to jointly exercise certain powers which traditionally fall within the domain of national sovereignty.

However, the legitimacy of the Constitution is the very will of the people, which means that it cannot lose its binding force, even in the event of inconsistencies between its provisions and the European ones. Moreover, Romania's accession to the European Union cannot affect the supremacy of the Constitution over the entire domestic legal order.

4. Conclusions

In the current geopolitical context we identify a number of challenges to state sovereignty. Thus, the manifestation of power in the current security environment is no longer only in terms of military strength, but will also depend on economic, technological and information potential, on access to the resources necessary for prosperous and sustainable development. The center of gravity of disputes and competitions for primacy has shifted from the military to the economic sphere and is being played out in geopolitical spaces, and the reshaping of the local, regional and global security environment depends to a large extent on energy resources. Ultimately, the degrees of dependence/independence, interdependence and subordination of states are linked to the economy.

Modern theories of sovereignty are a complex and dynamic field, rooted in classical thought but constantly evolving to meet the challenges of the contemporary world.

The process of accession to the European Union implies the transfer of competences to the European institutions and the joint exercise, with the other Member States, of the competences provided for in the accession treaties, which have an impact on the attributes of national sovereignty and imply the sharing of the exercise of sovereign attributes with the other member states of the international body.

In Romania, both the doctrine and the jurisprudence of the Constitutional Court have been oscillating and have defined the concept of sovereignty according to the social, economic and political context, establishing that the concept of national sovereignty can no longer be conceived as absolute and indivisible, without the risk of unacceptable isolation.

We are currently facing major challenges, both in terms of the increase in the number of armed conflicts and the diversification of forms of warfare (cyber, economic, information, hybrid, etc.), which requires a rethinking of the concept of national sovereignty and the way in which states work together to protect the rights of their citizens and the global order.

A rethinking and repositioning of the concept of sovereignty would be a good omen and could prevent the serious events that have marked history. Furthermore, in the current geopolitical context, the R2P doctrine, according to which if a state cannot or will not protect its population from atrocities, then responsibility is transferred to the international community, may constitute a starting point for the development of the concept of sovereignty.

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- Article 11 on International and Domestic Law of the Romanian Constitution reads as follows: "(1) The Romanian State undertakes to fulfill its obligations under the treaties to which it is a party faithfully and faithfully. (2) Treaties ratified by Parliament, in accordance with the law, shall form part of domestic law. (3) If a treaty to which Romania is to become a party contains provisions contrary to the Constitution, it may be ratified only after the Constitution has been revised";
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