

Ajla Škrbić, PhD, Assistant Professor

University of Travnik, Faculty of Law
Azapovići 439, Travnik, Bosnia and Herzegovina
ajla.skrbic@pfk.edu.ba

Meliha Frndić Imamović, PhD, Assistant Professor

University of Travnik, Faculty of Law
Azapovići 439, Travnik, Bosnia and Herzegovina
meliha.fi@pfk.edu.ba

THE SOVEREIGNTY OF THE MEMBER STATES OF INTERNATIONAL ORGANIZATIONS WITH SPECIAL FOCUS ON EUROPEAN UNION

ABSTRACT

This paper will discuss issues of possible limitations of sovereignty in the so-called deliberative organizations (UNESCO, Council of Europe, OSCE), the United Nations (with respect to the authority and responsibility of the Security Council under the Chapter VII of the Charter), and the European Union. Special focus will be on the supranational system of the European Union.

The term „supranational“ means that it is a legal concept, and refers to issues of superiority and direct applicability of the rules of the European Union on the territory of the Member States. The traditional view of sovereignty is replaced by the new concept of sovereignty and the interdependence of the countries.

The competencies of the European Union overcome national borders and interests. This implies that the EU can make binding decisions not only for Member States, but also for legal entities and individuals in the Member States. That makes the biggest difference between European Union and all other international organizations. Membership in such organization is reducing the sovereign rights of member states.

The successor states of the former Yugoslavia will join the EU faster than it is now assumed. That is why it is even more necessary to clarify the superiority of EU law in relation to the national laws of states, and to point out the sovereignty of the member states of international organizations, especially of the European Union.

Keywords: *Sovereignty of the member states, Deliberative International Organizations, Supranational Organizations, Chapter VII of the UN Charter*

1. INTRODUCTION

Sovereignty means supreme authority within a territory. Each element of this definition highlights an important aspect of the concept of sovereignty. First, a holder of sovereignty possesses authority. Second, sovereignty is not a matter of mere authority, but of supreme authority. And third, territoriality is a principle by which members of a community are to be defined. It specifies that their membership derives from their residence within borders.¹

However, EU Member States have relinquished part of their sovereignty to EU institutions. This paper will discuss issues of possible limitations of sovereignty in the so-called deliberative organizations, the United Nations (with respect to the authority and responsibility of the Security Council under the Chapter VII of the Charter), and the European Union. Special focus will be on the supranational system of the European Union.

International law divides international organizations according to different criteria, but the most important one for the jurists is their division by the degree of authority and range of decisions of their organs. Thus the international organizations can be divided into deliberative and supranational. Deliberative organizations are for instance UNESCO, the Council of Europe or OSCE, while supranational organization is as of now only the European Union.²

The basic hypothesis of the paper is that the sovereignty of member states of supranational organizations is much more limited than the sovereignty of states members of deliberative organizations. In addition to the basic hypotheses an additional auxiliary hypothesis is set up:

- Supranational organizations have in strictly narrow responsibilities delegated authorities to take decisions from its member states to the joint organization bodies. The decisions made in this way are binding not only for all member states, but also for individuals and legal entities within them.

The fundamental goal of the research is to point out the level of authorization and the range of decision making of the bodies of supranational and deliberative

¹ Stanford Encyclopedia of Philosophy, URL=<https://plato.stanford.edu/entries/sovereignty/>. Accessed 17 March 2017.

² Nedžad Smailagić states that there is a third category of international organizations which is called operational organization. According to him, operational international organizations are authorized to carry out specific issues and projects so as to act independently in all aspects of the enforcement of assigned tasks, while the general policy and principled solutions are decided by the member states. (Smailagić, N., *Međunarodne organizacije, Država, politika i društvo u Bosni i Hercegovini: analiza postdejtonskog političkog sistema*, Gavrić, S. (ed.), University press, Magistrat, Sarajevo, 2011, pp. 550)

international organizations. The goal is also to point at influence that a creation of one supranational entity (European Union) had on the erosion of the classic concept of sovereignty. Membership in the EU is doubtless leading to the giving up of a measure of sovereignty. Related to the goals of the research is the stated and fundamental research question of whether or not we are the witnesses of the creation of the identity of the European Union that will replace the existing national identity of the Member States.

To reach the previously listed goals of research, we combined several scientific methods. Normative approach aims at determine legal regulations of the Acquis of the European Union. The comparative method is used to point out the difference between these two kinds of international organizations regarding the sovereignty of their member states. A special emphasis will be given to the United Nations with regard to the authorization of the Security Council of Chapter VII of the UN Charter.

2. SOVEREIGNTY OF THE MEMBER STATES OF DELIBERATIVE INTERNATIONAL ORGANIZATIONS

Deliberative international organizations are the most common forms of lasting cooperation between the countries. The bodies of these organizations discuss the issues on the agenda, which are of common interest. On the meetings, the members' points of view are being adjusted, and in the end decisions are being made by majority vote.³ The decisions of these organizations are important, but they are usually only in the form of recommendations. The success of their implementation depends on the member states.

The deliberative international organizations include, for example, OSCE, Council of Europe and UNESCO. These international organizations are dealing with global issues of importance such as human rights, democracy, rule of law, conflict prevention, combating the crisis and post-conflict reconstruction of the countries. Mostly their member states have equal status and decisions are made by consensus. The sovereignty of the member states of such organization is untouched. As a part of the organization they retain its authority over its territory and its citizens. This authority is not subject to anyone's control and not dependent on any other authority. Deliberative organizations make decisions that are binding for their member states, but which must be transformed into a national law in order to be

³ *Ibid.*

directly applicable on the territory of member states, especially to be directly applicable for legal and physical entities.⁴

2.1. The powers of the Security Council of the United Nations in connection to Chapter VII of the UN Charter

Globalization and interdependence of states at the global level lead to joint decision-making in many issues. Each state tends to achieve its interests, and common way of decision-making will lead to the fact that the strongest states are deciding in the name of all. It will lead to presenting national interests of the strongest ones as international. Less developed states will be forced to abide by such decisions. The interests of small states are in international co-operation in the form of an international organization because it often provides a basis for access by developing states to the playing field of the stronger states.

We tend to speak of sovereignty in a too narrow sense, without taking into account things that has taken place in the world in recent. Interests of all states in conditions of globalization consist in working together for the purpose of achieving common goals.⁵ In globalizing world state acting alone cannot achieve governance interests.

The United Nations is the world's largest and most important international organization. As noted above, it is in a group of deliberative international organizations. The bodies of the United Nations make decisions that are usually in the form of recommendations. United Nations Security Council still has the power to bring binding decisions under Chapter VII of the Charter of the United Nations, but the member states dictate the choice of the manner of execution of these decisions. Therefore, although limited, the Security Council has the authority to make

⁴ See for example: Röben, V., *The Enforcement Authority of International Institutions*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1965-1985; Bogdandy, A., Dann, P., *International Composite Administration: Conceptualizing Multi-Level and Network Aspects in the Exercise of International Public Authority*, German Law Journal, Vol. 09, No. 11, 2008, pp. 2013-2039; Bernstorff, J., *Procedures of Decision-Making and the Role of Law in International Organizations*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1939-1964; Goldmann, M., *Inside Relative Normativity: From Sources to Standard Instruments for the Exercise of International Public Authority*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1865-1908 (particularly Part IV 1. and IV 2.); Bogdandy, A., *The European Lesson for International Democracy: The Significance of Articles 9–12 EU Treaty for International Organizations*, EJIL, Vol. 23, No. 2, 2012, pp.315–334.

⁵ Something similar has been pointed out by the Minister for Foreign Affairs of Iceland Halldor Asgrimsson at the University of Iceland in January 2002. (URL=<https://www.mfa.is/news-and-publications/nr/1902>. Accessed 02 March 2017.)

binding decisions, in contrast to the General Assembly. Of course, such binding decisions are binding only on the member states of the United Nations.⁶

The Security Council of the United Nations is the primary body for consideration of disputes. Thus, over three fifths of disputes which the United Nations dealt with was the exclusive responsibility of this body, and over 82% of disputes within the shared competence of the Security Council and General Assembly.⁷ Since 1970, more than 90% of the cases on which the United Nations discussed were entrusted to the Security Council.⁸

Chapter VII of the Charter is entitled “Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression”. Its text is specific and unique in international law. It allows the Security Council to make binding decisions if it determines that somewhere in the world peace and security are disturbed. It also authorizes the Security Council to ask the member states of the United Nations for the use of force to safeguard international peace and security.⁹ It represents an exception to the principle of non-interference in the internal affairs of member states (Article 2 (7) of the UN Charter).

Chapter VII of the Charter provides for the conclusion of additional agreements on the use of military contingents at the request of the Security Council. It also guarantees the right of states to self-defense. Furthermore, authorizes the Security Council to determine the aggressor in the conflict and that, accordingly, appoints itself towards the parties to the conflict.¹⁰ Of course, all of the above applies only to situations where no permanent member of the Council files the right to veto a decision.

The decisions that the Security Council is empowered to make under Chapter VII of the UN Charter can be divided into decisions involving the use of force and decisions that do not involve the use of force. Decisions that do not involve the use

⁶ See: Degan, V. Đ., *Međunarodno pravo*, Školska knjiga, Zagreb, 2011, pp. 439-441

⁷ Bennett, A. L. ; Oliver, J. K., *Međunarodne organizacije*, Politička kultura, Zagreb, 2004, pp. 125

⁸ *Ibid.*

⁹ Today almost all countries of the world are members of the United Nations. United Nations, URL=<http://www.un.org/en/sections/member-states/growth-united-nations-membership-1945-present/index.html>. Accessed 02 November 2016.

¹⁰ The Security Council is very reluctant to declare one side in the conflict as the aggressor, even when the public has it very clearly that it is aggression. The closest to that qualification was on 31 of March 1976 in Resolution No. 387, in connection with the intervention of South Africa in Angola, and 15 of December 1982 in Resolution No. 527, in connection with the intervention of South Africa in Lesotho. Texts of the resolutions available at: URL=[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/387\(1976\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/387(1976)) and URL=http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/527,1982. Accessed 02 November 2016.

of force are often economic or political sanctions.¹¹ Decisions involving the use of force may be taken by air, sea or land forces.¹² Their goal is re-establishment of international peace and security through diplomatic, economic or military action.

The above shows that the Security Council (i.e. the United Nations) has vast powers if international peace and security are violated. The problem in practice is that these powers are not used (enough).¹³ Until the '90s the Security Council did not refer to Chapter VII of the UN Charter even when it called for the application of sanctions.¹⁴ Due to the impossibility of agreement between the major powers Chapter VII of the Charter mostly represents just a dead letter. Total activity of the United Nations with regard to threats to peace, breach of the peace and acts of aggression was assessed as ineffective and disappointing. High hopes that were placed in the security system remained unfulfilled mainly because of the bulky apparatus of the United Nations and its inability to act if there is no cooperation between major powers.

With regard to the sovereignty of the member states of the United Nations it can be said that it is untouched, except in the implementation of Chapter VII of the UN Charter. If the Security Council determines the existence of any threat to the peace, breach of the peace, or act of aggression, it has the right to demand action by all member states of the United Nations for peace to be re-established.

3. SOVEREIGNTY OF THE MEMBER STATES OF SUPRANATIONAL INTERNATIONAL ORGANIZATIONS (THE EUROPEAN UNION)

A state is a type of an organized political and social community that acts as the highest legal order of the community and is not subject to any other order.¹⁵ The definition of supranational international organizations differs from this understanding of the state, which implies the complete substitution of the traditional concept of sovereignty. One part of the sovereignty of the member states of supranational organizations transfers to the organization itself. Its member states lose the exclusive right to make the rules that will be directly applicable in the territories of the member states, and directly applicable to their legal and physical persons. The above is

¹¹ Article 41 of the Charter of the United Nations.

¹² *Ibid.*, article 42

¹³ By 1990, economic sanctions in accordance with Article 41 of the Charter of the United Nations have been applied only twice: in 1966 a partial economic sanctions against Southern Rhodesia, and in 1968 their extension. (Bennett, A. L.; Oliver, J. K., *op.cit.* note 7, pp. 137)

¹⁴ *Ibid.*, pp. 138.

¹⁵ Andrassy, J., *Međunarodno pravo*, Nakladni zavod Hrvatske, Zagreb, 1949, pp. 37.

contrary to the traditional understanding of the sovereignty of state.¹⁶ States agree to such renunciation of their sovereignty in order to achieve their internal objectives and interests. Currently, the only such organization is the European Union.

Supranationality implies that the member states of such an organization waive of part of their sovereignty. Decisions taken by such organization are binding to all its member states. The member states of such organizations essentially transfer some of their sovereign powers to a higher level, i.e. the level of international organizations. Therefore supranationality itself implies the existence of sovereignty. It is sovereignty of member states that voluntarily transfer its own national powers to an international organization.¹⁷

The supranational character of the European Union does not mean “state above all states”, but refers to two characteristics of this organization: supremacy and direct applicability of its rights in relation to the national rights of its Member States. If the European Union adopts a rule, it binds all its Member States. It does not matter whether any of the Member States voted against this rule. If some of them do not respect it, a proceeding against that state may be initiated before the judicial body of the Union. The process may not only be run by some other Member State, but also a legal or physical person of any Member State.

Many decisions of the Court of Justice of the European Union confirmed stated. One of the most important among them is the decision in the *Van Gend en Loos* case.¹⁸ This case significantly affected the development of EU law. From that point, the Court began to directly differentiate the legal system of the EU from legal system of international law. Also, the Court in this case found that the Treaty establishing the European Economic Community affirmed a new legal relationship in which both individuals and states have rights and obligations.

¹⁶ Lindseth, P., *Democratic Legitimacy and the Administrative Character of Supranationalism: The Example of the European Community*, Faculty Articles and Papers, Columbia Law Review, 1999, pp. 628-738; Lindseth, P., *The Contradictions of Supranationalism: Administrative Governance and Constitutionalization in European Integration Since the 1950s*, University of Connecticut School of Law Articles and Working Papers, Loyola of Los Angeles Law Review, 2004, pp. 363-406.

¹⁷ Lindseth, P., *The Contradictions of Supranationalism: Administrative Governance and Constitutionalization in European Integration Since the 1950s*, University of Connecticut School of Law Articles and Working Papers, Loyola of Los Angeles Law Review, 2004, pp. 397.

The term „supranational“ was first used in the establishing treaty of the European Coal and Steel Community. Today, this agreement represents the only founding act of an international organization which defines the jurisdiction of any of its bodies as supranational. (Mišćević, T., *Novi teorijski pravci u izučavanju međunarodnih organizacija*, Godišnjak Fakulteta političkih nauka, Beograd, 2007, pp. 356)

¹⁸ Case 26/62 *Van Gend en Loos* [1963] ECR I

In the *Costa v. E.N.E.L.* case the Court of Justice of the European Union established the supremacy of European Union law over the laws of its Member States.¹⁹ The Court pointed out that the grant of jurisdiction to the European Union limit the sovereign rights of Member States.

The right of the European Union and the acts adopted by this organization are superior to the national rights of the Member States.²⁰ There are three main arguments for this: international legal obligations with respect to contracts, ensuring the effectiveness and uniform application of European Union law and emphasizing the autonomy of the EU legal order.²¹ In addition, Member States are disabled to enact laws and other acts that would be incompatible with the obligations of the state within the Union.

The European Union has some attributes of a State. It has created some of the symbols of statehood with a flag and an anthem.²² Also, the launch of the euro clearly marked a major advance in the integration process.²³ The EU regulations are directly applicable in all Member States; that is, there is no need for national implementing measures to be taken in order for regulations to have binding force within the Member States.²⁴

The European Union is not a federation - though various academic observers regard it as having the characteristics of a federal system.²⁵ Similarly, it cannot be identified with the confederation.²⁶ The prevailing school of thought is of the opinion that the European Union constitutes an advanced, international political

¹⁹ Case 6/64 *Flaminio Costa v. ENEL* [1964] ECR 585

²⁰ This does not come from the founding treaties, nor is it stipulated in the constitutions of Member States. It is stated only in The Treaty establishing a Constitution for Europe, which never entered into force. Article 4 (3) of the European Constitution establishes the principle of loyalty, which obliges the Member States to adopt measures to ensure fulfillment of the obligations arising from the Constitution for Europe or are a result of acts of the institutions of the Union. However, the rule of supremacy of EU law in relation to the right of Member States was introduced by the Court of Justice of the European Union. (Mahmutović, A., *Uvod u pravo Evropske unije*, Pravni fakultet Univerziteta u Travniku, Travnik, 2015, pp. 204-205)

²¹ *Ibid.*, pp. 206

²² Nugent, N., *The Government and Politics of the European Union*, Duke University Press, Sixth edition, Durham, 2006, pp. 548

²³ *Ibid.*, pp. 582

²⁴ Article 249 of the Treaty Establishing the European Community

²⁵ Hazak, G., *The European Union—A Federation or a Confederation?*, Baltic Journal of European Studies, Tallinn University of Technology (ISSN 2228-0588), Vol. 2, No. 1 (11), 2012, pp. 63

²⁶ A confederation is a system of government or administration in which two or more distinct political units keep their separate identity but transfer specified powers to a higher authority for reasons of convenience, mutual security, or efficiency. (McCormick, J., *The European Union: Politics and Policies*, Westview Press, Boulder Colorado, 1999, pp. 85)

entity with a correspondingly welldeveloped legal system.²⁷ The EU's competences are set out in the EU Treaties, which provide the basis for any actions the EU institutions take. The EU can only act within the limits of the competences conferred on it by the Treaties, and where the Treaties do not confer competences on the EU, they remain with the Member States.²⁸

The obligation of the EU Member States to comply with EU law is a subject of international law which is the addressee of the *pacta sunt servanda* rule. When Member States enter into an agreement, they are expected to willingly commit to its content.

Related to the goals of the research we seek to understand whether or not we are witnessing the replacement of the existing national identity of the Member States with the identity of the European Union?

Replacement of one identity with another one does not mean the disappearance of the previous identity, but only an upgrade and reorganization of the existing hierarchical identity characteristics. The European Union is not likely to become a state. This cooperation means just that the Member States have created supra-national institutions that can make decisions opposed by some Member States. It can be said that in one sense, the European Union is a product of state sovereignty because it has been created through voluntary agreements among its Members. However, in another sense, it fundamentally contradicts conventional understandings of sovereignty because these agreements have undermined the juridical autonomy of its Members.²⁹

Constitutional court of Germany in Maastricht-Urteil case pointed out that the performance of sovereign authority by the European Union is founded on the permission of its Member States and that these states are still remaining sovereign and in international matters mainly acting through their governments.³⁰ "The result is not that the states are disappearing or necessarily losing their power, but that they operate and function in new ways and that international cooperation has become an increasingly vital part of governmental institutions work."³¹

²⁷ Jones, Mark L., *The Legal Nature of the European Community: A Jurisprudential Analysis using H.L.A. Hart's Model of Law and a Legal System*, Cornell International Law Journal, Vol. 17, Issue 1, 1984, pp. 28

²⁸ Article 5 (2) of the Treaty on European Union

²⁹ Krasner, S. D., *Think again: Sovereignty, Foreign Policy*, URL=<http://foreignpolicy.com/2009/11/20/think-again-sovereignty/>. Accessed 17 March 2017.

³⁰ BVerfGE 89, 155 (12 October 1993), Az: 2 BvR 2134, 2159/92

³¹ Sand, I. J., *From National Sovereignty to International and Global Cooperation: The Changing Context and Challenges of Constitutional Law in a Global Society*, Scandinavian Studies In Law, 1999-2012, pp.

Some authors do not agree with this. For example, Inger-Johanne Sand has reviewed the situation as a form of de-nationalization. She has explained that territories of Member States remain with the states but significant parts of the authorities are spread to organizations on higher levels. She also pointed out that the nation-states are not disappearing. They just have become part of interaction and networks of some other dynamics.³² We agree with her when she said that national constitutions of most European states were originally created in a different time when focus was on sovereignty and nationally based problem-solving. Today decision-making needs cross-boundary problem-solving.³³ The European Union is a new and unique institutional structure, but it will coexist with, not displace, the sovereign-state model.³⁴

4. CONCLUSION

The paper presents the basic characteristics of the sovereignty of the member states of international organizations. Due to the division of the organization on deliberative and supranational, it is shown that the sovereignty of the member states of supranational organizations is much more limited when compared to deliberative organizations. The extent to which states are able to contest the exercise of sovereign powers by an international organization depends on the degree of conferrals of powers that have been made to the organization.

Today the only supranational international organization is the European Union. The main characteristic of the term “supranational” is that it is a legal concept, and refers to issues of superiority and direct applicability of the rules of the European Union on the territory of the Member States. The traditional view of sovereignty is replaced by the new concept of sovereignty and the interdependence of the countries.

Member States of the European Union have transferred significant parts of their constitutional legislative, executive and judicial powers to the authorities of the European Union. The competencies of the European Union lie beyond national borders and interests. This implies that the European Union can make binding decisions not only for the Member States, but also for legal entities and individuals within the Member States. This distinguishes the European Union from all other international organizations. Membership in such an organization reduces the sovereign rights of

294-295

³² *Ibid.*, pp. 295

³³ *Ibid.*, pp. 298

³⁴ Krasner, S. D., *Think again: Sovereignty, Foreign Policy*, URL=<http://foreignpolicy.com/2009/11/20/think-again-sovereignty/>. Accessed 17 March 2017.

the Member States. However, the European Union is product of state sovereignty because it was created through voluntary agreements among its Member States.

Deliberative international organizations, on the other hand, were created to meet the common objectives of its members, but do not influence their sovereignty much. All their member states are represented by their representatives in the bodies of deliberative organization, who represent the interests of their country, and not the interests of the organizations of which they are members. The decisions adopted at their meetings are not directly applicable in the territories of the member states, and especially not on their citizens and legal persons who have domicile in the territories of the member states. In order for them to be applicable, it is necessary for them to be translated into laws by state authorities.

In conclusion we can point out that membership in an international organization could reduce certain state powers, but it is still within the sovereign power of a state to decide not to be part of an international organization. We did not want to compare deliberative and supranational organizations merely for the sake opposing them but rather with the intention of showing that the scope of the sovereignty of the member states of international organizations depends on the will of the states.

REFERENCES

BOOKS AND ARTICLES

1. Andrassy, J., *Međunarodno pravo*, Nakladni zavod Hrvatske, Zagreb, 1949.
2. Avbelj, M., *Supremacy or primacy of EU law - (Why) does it matter?*, European Law Journal, Vol. 17, 2011, pp. 744-763.
3. Bennett, A. L., Oliver, J. K., *Međunarodne organizacije*, Politička kultura, Zagreb, 2004.
4. Bernstorff, J., *Procedures of Decision-Making and the Role of Law in International Organizations*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1939-1964.
5. Bogdandy, A., Dann, P., *International Composite Administration: Conceptualizing Multi-Level and Network Aspects in the Exercise of International Public Authority*, German Law Journal, Vol. 09, No. 11, 2008, pp. 2013-2039.
6. Bogdandy, A., *The European Lesson for International Democracy: The Significance of Articles 9–12 EU Treaty for International Organizations*, EJIL 2012, Vol. 23, No. 2, pp. 315–334.
7. Degan, V. Đ., *Međunarodno pravo*, Školska knjiga, Zagreb, 2011.
8. Goldmann, M., *Inside Relative Normativity: From Sources to Standard Instruments for the Exercise of International Public Authority*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1865-1908.
9. Hazak, G., *The European Union—A Federation or a Confederation?*, Baltic Journal of European Studies, Tallinn University of Technology (ISSN 2228-0588), Vol. 2, No. 1 (11), 2012, pp. 43-64.

10. Jones, Mark L., *The Legal Nature of the European Community: A Jurisprudential Analysis using H.L.A. Hart's Model of Law and a Legal System*, Cornell International Law Journal, Vol. 17, No. 1, 1984, pp. 1-59.
11. Lindseth, P., *Democratic Legitimacy and the Administrative Character of Supranationalism: The Example of the European Community*, Faculty Articles and Papers, Columbia Law Review, 1999, pp. 628-738.
12. Lindseth, P., *The Contradictions of Supranationalism: Administrative Governance and Constitutionalization in European Integration Since the 1950s*, University of Connecticut School of Law Articles and Working Papers, Loyola of Los Angeles Law Review, 2004, pp. 363-406.
13. Mahmutović, A., *Uvod u pravo Evropske unije*, Pravni fakultet Univerziteta u Travniku, Travnik, 2015.
14. McCormick, J., *The European Union: Politics and Policies*, Westview Press, Boulder Colorado, 1999.
15. Mišćević, T., *Novi teorijski pravci u izučavanju međunarodnih organizacija*, Godišnjak Fakulteta političkih nauka, Beograd, 2007, pp. 356-357.
16. Nugent, N., *The Government and Politics of the European Union*, Duke University Press, Sixth edition, Durham, 2006.
17. Röben, V., *The Enforcement Authority of International Institutions*, German Law Journal, Vol. 09, No. 11, 2008, pp. 1965-1985.
18. Sand, I. J., *From National Sovereignty to International and Global Cooperation: The Changing Context and Challenges of Constitutional Law in a Global Society*, Scandinavian Studies In Law, 1999-2012, pp. 273-298.
19. Smilagić, N., *Međunarodne organizacije, Država, politika i društvo u Bosni i Hercegovini: analiza postdejtonskog političkog sistema*, Gavrić, S. (ed.), University press, Magistrat, Sarajevo, 2011.

COURT OF JUSTICE OF THE EUROPEAN UNION

1. Case C - 6/64 Flaminio Costa v. E.N.E.L. [1964] ECR 585
2. Case C - 26/62 Van Gend en Loos [1963] ECR 1

WEBSITE REFERENCES

1. Krasner, S. D., *Think again: Sovereignty, Foreign Policy*,
URL=<http://foreignpolicy.com/2009/11/20/think-again-sovereignty/>. Accessed 17 March 2017.
2. Maastricht-Urteil, BVerfGE 89, 155 (12 October 1993), Az: 2 BvR 2134, 2159/92.
URL=<http://www.mphil.de/files/pdf3/Maastricht.pdf>. Accessed 17 March 2017.
3. Ministry for Foreign Affairs of Iceland,
URL=<https://www.mfa.is/news-and-publications/nr/1902>. Accessed 02 March 2017.
4. Stanford Encyclopedia of Philosophy,
URL=<https://plato.stanford.edu/entries/sovereignty/>. Accessed 17 March 2017.