



(RE)DEFINING CROATIAN STRATEGIC INSTRUMENTS: LEGAL CHALLENGES OF GEOPOLITICAL REALITIES

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ABSTRACT

We are currently witnessing a disrupted security architecture on both global and European scales. The annexation of Crimea and the subsequent war in Ukraine have entirely shifted the paradigm regarding the significance of security, sovereignty, and neutrality—whether based on international law, alliances, or trust as a primary factor in the geopolitical relations of political and military allies. This conflict has precipitated a loss of confidence in the efficacy of international law and the institutions tasked with conflict prevention and peacebuilding. It can be argued that this marked the beginning of an erosion of the international legal order established from the post-World War II era until 2022. Such geopolitical and international legal realities, coupled with the persistent political and security instability of the Western Balkans and the publicly disclosed National Security Strategy of the United States, are poised to forge new geopolitical dynamics between European Union Member States, NATO allies, and the U.S. In this rapidly evolving landscape, where historical shifts occur within days or weeks, a sense of confusion, mistrust, and fragmentation may arise among erstwhile allies. Accordingly, in light of these geopolitical and security challenges facing both the European Union and the Republic of Croatia, the authors of this study analyze existing Croatian strategic instruments concerning foreign policy and security operations (de lege lata). The research aims to address the scientific inquiry of whether circumstances now necessitate a (re)definition of these acts. Such

a redefinition would encompass Croatia's role in developing the EU's strategic autonomy and the (re)specification of its own political and security objectives through legislation and strategies (de lege ferenda). These processes of legislative activism and the normative systematization of national security, defense, and state sovereignty represent more than a mere legal challenge; they encompass broader ideological and political issues that foster social polarization within both the EU and Croatia, regardless of the perceived urgency of such measures. Consequently, through an analysis of strategic documents and a structured overview of geopolitical threats and their corresponding normative responses, this research illustrates the factual reality of the inextricable link between security policies and legal regulation as a reflection of the democratic values and the rule of law upon which 21st-century states should be founded.

Keywords: Defense Act, Legal challenges, Legislative Activism, National Security Strategy, Strategic documents

*For strategies to inspire society,
leaders must assume a pedagogical role by
articulating objectives, mitigating skepticism,
and securing public support¹*

1. INTRODUCTION

The beginning of the third decade of the 21st century has been marked by structural disruptions of the international order and a radical destabilization of the security architecture on both global and European levels. Events such as the 2014 annexation of Crimea, and particularly the overt aggression of the Russian Federation against Ukraine in 2022, alongside the escalation of conflict in the Middle East (which, at the time of writing, involves direct confrontations between Israel, the United States, and Iran), represent a historical turning point. These processes do not merely redefine the concepts of sovereignty and neutrality; they cause a profound erosion of the international legal system established in the post-World War II era. That order broadly promoted democracy, human rights, multilateralism, international law, and international institutions. While its specific elements continued to develop and evolve, that process has now been halted. Today's realities and geopolitical shifts are fueling a crisis of confidence—not only in the effectiveness of international law as a normative framework for regulating interstate relations but also in the capacity of international organizations to act as guarantors of security and stability.

In this context, the now-shocking address by J. D. Vance at the 2025 Munich Security Conference, as well as the disclosed National Security Strategy of the United States, takes on additional significance. These developments signal more

¹ Kissinger, H., *Vodstvo – Šest studija svjetske strategije*, Školska knjiga, Zagreb, 2022, p. xv.

than just the absence of the post-WWII international legal framework; they foreshadow fundamental shifts in transatlantic relations and raise questions regarding the future distribution of responsibility between the U.S., NATO, and the European Union. Furthermore, they call into question the continued security policy and partnership framework known as *Pax Americana*.² The dynamics of such changes lead to uncertainty, confusion, and fragmentation among states that, until recently, functioned as stable political and military allies. Decision-making processes have accelerated to the point where historical shifts are no longer measured in decades, but in months and weeks. In theoretical and historical analyses, this is often expressed through the well-known mythological paraphrase of Lenin's assertion that there are "weeks where decades happen," further straining existing strategic and normative frameworks.

In such a geopolitical environment, the Republic of Croatia faces the challenge of adapting its own strategic framework to these new "geopolitical realities." The objective of this paper is to investigate whether existing Croatian national strategic instruments are sufficient to safeguard national interests amidst the fragmentation of transatlantic alliances and the erosion of trust within the international community, or whether the time has come for these instruments to be adapted to the new geopolitical circumstances—namely, whether the era of the "geopoliticization of law" has arrived. In seeking a scientific answer, this research will employ a comparative and qualitative content analysis of current Croatian strategic acts directly impacted by geopolitical realities, specifically those developed as a response to such circumstances, primarily in the fields of national security, defense, and energy. For the sake of scientific precision and coherence, the study will focus exclusively on these designated areas. Furthermore, the paper will utilize the teleological method, which is pivotal to the legal dimension of this work; it explores the *ratio legis* (purpose) of legal norms within the defense and security sectors, ensuring that any proposed changes are not merely administrative reactions but a purposeful protection of national identity and sovereignty.

Based on this methodology, the analysis will provide a descriptive response to the inquiry of whether the Republic of Croatia has integrated geopolitical reality into the very core of its strategic acts and legal norms. The aim is to determine if circumstances necessitate normative and legislative adjustments (*de lege ferenda*) to protect national security, sovereignty, and defense interests. By applying these scientific methods through structured chapters, this paper seeks to demonstrate

² For further details regarding J. D. Vance's address at the Munich Security Conference, see: Munich Security Conference, Available at: [<https://securityconference.org/en/msc-2025/>], Accessed 10 March 2026.

that 21st-century security policies cannot be decoupled from legal regulation. It further asserts that the timely (re)definition of strategic instruments is an imperative for any state striving to preserve democratic values and the rule of law within an unpredictable geopolitical environment.

2. GEOPOLITICS AND THE THEORETICAL FRAMEWORK AS A DETERMINANT FOR THE (RE)DEFINITION OF STRATEGIC INSTRUMENTS – THE GEOPOLITICIZATION OF LAW

In developing this chapter, we proceed from the fact that the research and presentation of geopolitical realities as security challenges in the mid-2020s poses a significant scientific challenge for authors in terms of defining these threats with the utmost precision. Given the political developments in the European and global contexts—where public policies, international relations, and alliances are being redefined daily, and events on the world stage unfold with exceptional dynamism (such as the ongoing conflict in the Middle East involving Israel, the US, and Iran)—the authors will analyze general geopolitical realities that undoubtedly affect the security of the Republic of Croatia. In this sense, the contemporary geopolitical challenges facing Croatia in 2026 necessitate a profound recontextualization of specific strategic acts through the prism of complementary theories of security and international relations, as traditional legal frameworks no longer adequately address the hybrid nature of modern threats. Therefore, the establishment of a theoretical framework in this research is essential because theories, according to Luša, make the world more intelligible. They combine the description of observed phenomena, offer causal explanations based on prior events or conditions, and enable the prediction of future outcomes.³

We can fully concur with such an explanation, as we are surrounded by a vast amount of information and geopolitical factors that directly impact our lives, decision-making, and consequently, existing legislative frameworks. Luša posits that it is precisely theories that indicate what we should focus on amidst a multitude of information when explaining and processing the world around us. The author emphasizes that theories are intellectual constructs composed of a series of inter-related propositions that assist in identifying facts and their interpretation.⁴

³ Hempel, C.G., *Philosophy of Natural Science*, New York, Prentice - Hall, 1966, pp. 48-51 as cited, in: Luša, Đ., *Suvremeni izazovi realističke teorije međunarodnih odnosa*, Međunarodne studije, No. 3, 2011, p. 11.

⁴ Viotti, P.R.; Kauppi, M. V., *International Relations Theory Y1 edition*, Pearson, New York, 2010, pp. 6-7 as cited in Luša, *supra*, note 3, p. 11.

In analyzing the connection between security theories and geopolitical realities—which should influence the redefinition of strategic acts and the geopolitization of the law of the Republic of Croatia—the primary challenge is the return of conventional military threats to the European continent. We have witnessed this since the beginning of the Russian aggression against Ukraine on February 24, 2022, which resulted in the destabilization of the regional order. Although conventional wars in Europe were considered a thing of the past, Russian aggression and the return to classical warfare—or, as Tertrais states, the return of “neo-empires” (Russia and China) that challenge the international order by using military force for border revision—represent the very essence of conventional wars.⁵

The return of conventional wars, the establishment of a balance of power among states, and the renewed arms race must be viewed through the tenets of neorealism. This is confirmed by Mearsheimer, who believes that in a multipolar system where international institutions are losing their influence (evident in the inactive role of the UN in establishing peace in Ukraine and other conflicts), states must rely on a policy of deterrence.⁶ Waltz, as a representative of this theory, emphasizes that under conditions of anarchy and the absence of a superior authority, states must ensure their own security, leading them toward seeking a balance of power and increasing their might for the sake of survival.⁷ In such circumstances, Clausewitz’s theory that war is merely the continuation of politics by other means gains even greater historical weight and becomes relevant for depicting neorealist security theory.⁸

The anarchic nature of the international order and the return of war to Europe, coupled with the disregard for international legal provisions on territorial integrity and sovereignty, have led to the erosion of trust in international law. The compromised security architecture is taking on the contours of a geopolitical reality that introduces pessimism into international relations, thereby fully realizing the theory of realism.⁹ The recurrence of realism, which was thought to be a relic of the past, is also confirmed by Tatalović. He believes that realist theory exists as

⁵ Tertrais, B., *La Guerre des mondes; Le retour de la géopolitique et le choc des empires*, L’observatoire, Paris, 2023, pp. 11, 21.

⁶ Mearsheimer, J. J., *The Great Delusion: Liberal Dreams and International Realities*, Yale University Press, New Haven, 2018, p. 134.

⁷ Waltz, N. K., *Structural Realism after the Cold War*, International Security, Vol. 25, No. 1, 2000, pp. 55-41.

⁸ Carl von Clausewitz, *On war*, trans. Michael Howard; M., Paret, P., Oxford University Press, Oxford, 2007, p. 28.

⁹ Hakimi, M.; Cogan J. K., *The End of the U.S.-Backed International Order and the Future of International Law*, The American Journal of International Law, Cambridge University Press, Cambridge, Vol. 119, No. 2, 2025, p. 279.

long as states on the world stage do not trust one another, necessitating the expansion of their own power to secure national interests. Therefore, it is indisputable that the aforementioned theory fully aligns with current geopolitical realities and international relations in the world.¹⁰ Within this theory, and in depicting geopolitical realities affecting Croatian security and foreign policy actions, one could link the emergence of impaired trust or the erosion of the transatlantic relationship between the United States and NATO member states from Europe (EU members) following Trump's inauguration as President of the United States in early 2025. Trump's political slogan "Make America Great Again" (hereinafter: the MAGA movement) from the election campaign was merely a prelude to such a new direction and new policies of the United States, including a new direction in security and foreign policy starting in 2025.¹¹ The new American administration will contribute to a loss of trust fueled by American economic measures and rhetoric, which will call into question the commitment to shared security and trade norms. Tariff threats, issues such as Greenland, and support for Ukraine have posed a fundamental dilemma regarding sovereignty, support for international law, partnership, and the common future of transatlantic cohesion.¹² Such relations will be further confirmed by the National Security Strategy of the United States, which will redirect its own geopolitical interests to other parts of the world, leaving the issue of European security to Europe itself. What is significant for Croatian strategic interests, given the historical political and military partnership with the United States, is that the same Strategy observes a redefinition of the American role toward the Western Balkans, which should serve as a clear signal for the Croatian redefinition of strategic decisions in the context of global positioning and alliance building.¹³

¹⁰ Tatalović, S., *Koncepti sigurnosti na početku 21. stoljeća*, Međunarodne studije, Vol. 6, No. 1, 2006, pp. 67, 68.

¹¹ European Council on Foreign Relations, *MAGA goes global: Trump's plan for Europe*, Available at: [<https://ecfr.eu/publication/maga-goes-global-trumps-plan-for-europe/>], Accessed 17 January 2026.

¹² McCleary, P.; Kayali, L.; Schwartz, F., *The transatlantic alliance is down but not out*, Politico, Available at: [<https://www.politico.com/news/2026/02/11/the-transatlantic-alliance-is-down-but-not-out-00771504>], Accessed 22 January 2026.

¹³ National Security Strategy of the United States of America, Available at: [<https://www.whitehouse.gov/wp-content/uploads/2025/12/2025-National-Security-Strategy.pdf>], Accessed 20 February 2026.

In his analysis, Nick Witney states that the new American National Security Strategy has shaken European leaders, making them aware of the end of the transatlantic alliance as they know it, and that it represents the herald of the "death of the West"—the geopolitical framework that has ensured European security and prosperity since the Second World War. For more on this, see: Witney, N., *The Death of the West*, European Council on Foreign Relations, Available at: [<https://ecfr.eu/article/the-death-of-the-west/>], Accessed 22 February 2026.

In addition to classical military threats, current circumstances shape the security paradigm through other, non-military threats. This fact is noted by Zgurić and Petek, who, citing Williams and McDonald, conclude that modern security policy deals with an increasing number of non-military threats. In this context, they consider the Copenhagen School of security studies to be a theory that relies on constructivism, where security threats are whatever we perceive and construct as such.¹⁴ The significance of the Copenhagen School of security is that it identified societal, political, economic, and environmental security alongside traditional military security,¹⁵ and the primary theorist of said school, Barry Buzan, along with a group of authors, introduced a sectoral approach to studying security (political, environmental, economic, societal, and military security).¹⁶ This theory fully fits into the processes of the energy crisis that engulfed Europe after the start of the war in Ukraine and continued with the crisis toward Iran. Here we observe the presence of energy geopolitics which, unlike classical geopolitics focused on territory, emphasizes energy flows, infrastructure, and technological superiority. The issue of energy sources, energy, and the transport of oil and gas is not merely an economic issue but represents a matter of protecting national interests. Thus, energy, once primarily considered an economic or resource issue, is now viewed through a strategic lens. In this context, the EU and Croatia banned the import of Russian energy products transported by sea in response to the aggression.¹⁷ Such measures directly affect Croatian strategic interests and national security, particularly in the context of the energy sector's operation and companies such as the Adriatic Oil Pipeline (JANAF) and the LNG terminal.¹⁸ The role of this

¹⁴ Williams, M. C., *Words, images, enemies: Securitization and international politics*, International Studies Quarterly, Vol. 47, No. 4, 2003, pp. 511–531 and McDonald, M., *Securitization and the construction of security*, European Journal of International Relations, Vol. 14, No. 4, 2008, pp. 563–587 as cited, in: Zgurić, B.; Petek, A., *Analiza ciljeva hrvatske sigurnosne politike*, HKJU-CCPA, Vol. 22, No. 4, 2022, pp. 735–764.

¹⁵ Emmers, R., *Sekuritizacija*, Suvremene sigurnosne studije, Politička kultura, Zagreb, 2010, pp. 133 – 150.

¹⁶ The sectoral approach to security studies undoubtedly warrants examination within a contemporary context; for a more comprehensive discussion on this framework, see: Buzan, B.; Wæver, O.; Wilde, J., *Security: A New Framework for Analysis*, Boulder, London, 1998, pp. 33–42.

¹⁷ Concerning the restrictive measures in the energy sector adopted by the EU against the Russian Federation, reference is made to the European Commission's website, specifically the *Sanctions in the field of energy section*, Available at: [https://commission.europa.eu/topics/eu-solidarity-ukraine/eu-sanctions-against-russia-following-invasion-ukraine/sanctions-energy_hr], Accessed 17 March 2026.

¹⁸ The Minister of Economy of the Republic of Croatia, Ante Šušnjar, asserts that the Adriatic Oil Pipeline (JANAF) holds broader significance, functioning as a stabilizing factor and a pivotal stakeholder in the energy security of both Croatia and the wider region. For further details, refer to the official website of the Government of the Republic of Croatia: *Šušnjar: Our objective is for JANAF to fulfill its role as a key stakeholder in the energy security of Croatia and the region*, Available at:

sector is crucial because energy security and affordability are becoming foreign policy priorities and a means of gaining political power.¹⁹ We witness this thesis in Croatia's foreign policy relations with Hungary and Slovakia regarding the transport of oil to Hungarian and Slovak refineries.²⁰ Croatia's transformation into a regional energy hub necessitated a strong securitization of resources. By applying the Copenhagen School model, Croatian national security actors have successfully transposed energy dependence from the economic domain into the domain of an existential threat, thereby justifying investments in critical infrastructure and stricter legal protection of energy flows. Securitization theory, which defines the process of assigning security significance to issues that originally do not belong to that field, is clearly visible in the example of the strategic positioning of the Adriatic Oil Pipeline.²¹

Simultaneously, as the Republic of Croatia is situated within a specific space between Central Europe and the Western Balkans—and if we view the region, according to Musladin, as a group of states that are geographically close to one another—regional security should, in the broadest sense, be viewed as security achieved through state cooperation.²² In this sense, the theory of regional security or the Regional Security Complex (RSC) has developed, which can be viewed in parallel with securitization theory. Regarding this theory, Buzan and Waever note that a state's security should be viewed as inextricably linked to the stability of its neighborhood.²³ Musladin, referring to Buzan, Waever, Lake, and Morgan,

[<https://vlada.gov.hr/susnjar-cilj-nam-je-da-janaf-ostvari-svoju-ulogu-kao-kljucni-dionik-energet-ske-sigurnosti-hrvatske-i-regije/45927>], Accessed 16 January 2026.

¹⁹ Goldthau, A., *The Handbook of Global Energy Policy*, Wiley-Blackwell, Oxford, 2013, pp. 1–13 and Dekanić, I., *Geopolitics of Energy: The Role of Energy in the Contemporary Globalized Economy*, Golden marketing – Tehnička knjiga, Zagreb, 2011, pp. 110–125.

²⁰ It has been underscored by the Government of the Republic of Croatia that the State shall continue to facilitate the delivery of non-Russian oil to Hungary and Slovakia, pursuant to the prevailing European and United States restrictive measures concerning Russian oil. Further details are available on the Government of the Republic of Croatia's official portal, under the statement, *Croatia is fully prepared to ensure oil supply to Hungary and Slovakia*, Available at: [<https://vlada.gov.hr/hrvatska-je-potpuno-spremna-osigurati-opskrbu-naftom-madarske-i-slovacke/46242>], Accessed 1 March 2026.

²¹ Securitization is defined as an extreme iteration of politicization, characterized as a speech act through which a designated actor frames a subject of debate as an existential threat to a referent object (including the State, the government, territory, or society). This framing serves to justify the implementation of emergency measures. Further elaboration on this theoretical framework can be found in Buzan, B.; Waver, O.; Wilde, J., *op. cit.*, note 16, pp. 33–42 as cited in Žutić, I., *Važnost koncepta sekuritizacije u okviru uspostave vojske Europske unije*, Doctoral dissertation, 2020, p. 57.

²² Musladin, M., *Republika Hrvatska u kontekstu regionalne sigurnosti: izazovi i prednosti*, *Suvremeni Mediteran*, Vol. 4, No. 1, 2025, pp. 58, 58–70.

²³ Buzan, B.; Wæver, O., *Regions and Powers: The Structure of International Security*, Cambridge University Press, Cambridge, 2003, pp. 43 – 51.

highlights the premise that states most often perceive their geographically close neighbors as primary sources of threats or potential protection.²⁴ In this context, the area of Croatia's southeastern neighborhood or part of the Western Balkans poses a challenge for Croatian foreign and security policy and the strategic determination of foreign policy and security goals. Political events in Bosnia and Herzegovina and the geopolitical interactions of Serbia and Russia require the maintenance of careful diplomacy, not only regarding Bosnia and Herzegovina and Serbia but also in the context of joint action with other EU members within the framework of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) toward the Western Balkans and the policy of providing support for their faster socio-economic convergence.²⁵ This is further supported by the adoption of the Regulation of the European Parliament and of the Council on establishing the Reform and Growth Facility for the Western Balkans in 2024, as well as the joint Declaration of the EU-Western Balkans Summit of December 17, 2025.²⁶ Further significance of regional security theory and its impact on Croatian foreign policy and security actions—and thus through the possible redefinition of strategic acts—is seen through the issue of Bosnia and Herzegovina, which, according to McAuliffe, is an example of a post-conflict state that still faces numerous political and security challenges.²⁷ Such a state status reflects on the constitutional-legal status of Croats in Bosnia and Herzegovina, whereby the position of the Croatian people as a constituent people within Bosnia and Herzegovina ceases to be exclusively a foreign policy issue and becomes a first-order security priority. Consequently, any erosion of the Dayton Agreement

²⁴ Buzan, B., Wæver, O., et al., *Regional Orders: Building Security in a New World*, American Political Science Review, Pennsylvania State University Press, Vol. 92, 1997, pp. 752, 753 as cited in Musladin, *op. cit.*, note 22, p. 58.

²⁵ The cautious nature of Croatian policy toward the aforementioned region is influenced by the fact that the Republic of Serbia has maintained its policy of balancing between the West, Russia, and China. In his research, Weissmann observes this strategic balancing, describing Serbia's friendly stance toward Russia and China, as well as the expansion of their influence—particularly China's—into the Western Balkans as an 'entry into Europe's backyard.' For further details, see: Security and Intelligence Agency, *Public Report for 2025*, p. 19. Available at: [<https://soa.hr/hr/javno-izvjesce-za-2025-godinu/327>], Accessed 30 January 2026 as well as in Weissmann, M., *Chinese and Other Foreign Influence in Serbia and the Western Balkans: A Tale of Cooperation, Competition, and Distrust?* Connections QJ, Vol. 22, No. 4, 2023, p. 14.

²⁶ Regulation (EU) 2024/1449 of the European Parliament and of the Council establishing the *Reform and Growth Facility for the Western Balkans* PE-CONS 80/24, Bruxelles, April 25, 2024 as well as in Brussels Declaration, 2025. For the more see in EU-Western Balkans Summit, *Serbia did not participate, EU-Western Balkans Summit: Enlargement is the right choice*, Available at: [<https://europeanwesternbalkans.com/2025/12/18/eu-western-balkans-summit-enlargement-is-the-right-choice/>], Accessed 17 March 2026.

²⁷ McAuliffe, P., *The post-conflict security dilemma and the incorporation of ethno-cultural diversity* in Pentassuglia G. (ed.), *Ethno-cultural diversity and human rights*, Brill, Vol. 122, 2018, pp. 337-369.

directly affects the protection of the survival of the Croatian people in Bosnia and Herzegovina as a constituent people, as well as the actions of the international community in the context of protecting general regional stability.²⁸

3. DETERMINATION AND HARMONIZATION OF NATIONAL INTERESTS WITH STATUTORY ACTS – A STRATEGIC IMPERATIVE

As demonstrated in the preceding chapter, geopolitical and theoretical frameworks serve as determinants for the (re)definition, significance, and meaning of Croatian strategic acts. In addition to these factors, it is necessary to extend the analysis to the identification of national interests and objectives. The definition and precise articulation of national interests constitute the axiological starting point for the stability and development of a modern state. Indeed, clear definition and precise articulation of national interests are considered key factors in the process of shaping state policies, and consequently, the strategic acts arising from such policies. Thus, the determination of national interest represents an ontological priority, without which strategic acts remain devoid of coherence and purpose. Based on clearly established national interests, the legislator's task becomes the challenge of identifying and (re)defining strategic acts capable of protecting these interests and facilitating their realization. Therefore, the definition of a state's national interests represents the foundation of state decision-making, as it enables the direction, legitimation, and support of reform activities through the clear identification of priorities.

According to Cvrtila, the process of shaping national interests must account for various variable and invariable factors, such as the structure of the international system, the domestic situation, the interests of different social strata, and the perceptions of the political elite.²⁹ Thus, national interest is not merely a static construct but a dynamic category serving as the basis for shaping strategic acts and the entire legal order. In his seminal work, *A Grand Strategy for America*, Art defines national interest as “what a state seeks to protect and promote in relation to other states... It is the starting point for any rational foreign and domestic policy”.³⁰

²⁸ According to the 2025 Public Report of the Security and Intelligence Agency, the significance of Croatia's southeastern frontier—the Western Balkans—is of primary importance for the protection of the national security of the Republic of Croatia, the preservation of the Croat people in Bosnia and Herzegovina as a constituent people within that state, and for the engagement of the international community in maintaining overall regional stability. For a more detailed analysis of such threats, see: Security and Intelligence Agency, *Public Report*, *op. cit.*, note 25, pp. 19-24.

²⁹ Cvrtila, V., *Nacionalni interesi i nacionalna sigurnost*, Politička misao, Vol. 32, No. 2, 1995, pp. 62-69.

³⁰ Art, R. J., *A Grand Strategy for America*, Cornell University Press, Cornell, 2003, p. 45.

Similarly, Tatalović views national security and national interests as an inseparable fabric, where interests are values aimed at community development, and security is the mechanism for their protection.³¹ In his research, Popović, citing Morgenthau—the founder of international studies and political realism—delves into an even deeper analysis of the meaning of national interest. He conceptualizes national interest as a “guidepost” or a “map” that imposes “intellectual discipline” in the articulation and systematization of empirical facts. This process serves to enable meaningful reflection on a specific political subject—which, in this particular case, refers to a strategic act.³²

The intentional reflection on a specific subject—namely, a strategic act or a law that requires (re)definition within today’s profoundly dynamic era and international landscape, where staying abreast of all developments remains a significant challenge—is viewed by Morgenthau through the lens of power. He posits that national interest is inseparable from power, asserting that states must define their interests in terms of power to ensure survival within an anarchic international system. Consequently, he maintains that “the main signpost that helps realism find its way through the landscape of international politics is the concept of interest defined as power”.³³ Consequently, without a clear determination of interests, a state cannot rationally allocate resources or generate power. The adoption or amendment of strategic acts and laws should not be a mere administrative response to transient crises; rather, it must emerge from previously articulated vital interests. According to Huntington, such articulated vital interests—national interests—are rooted in national identity. The author establishes a fundamental link between identity and interest, arguing that national interests are derived from national identity. In this view, we must first define “who we are” before we can determine what our interests are.³⁴

Such scientific reflections regarding the nexus between national interests and national identity must be examined within the context of the measurability and determination of Croatian national interests. Primarily, it must be acknowledged that Croatian national interests are not unequivocally or comprehensively defined

³¹ Tatalović, S., *Nacionalni interesi i nacionalna sigurnost Hrvatske*, Međunarodne studije, Vol. I, No. 1, 2000, pp. 53-64.

³² Popović, P., *Towards a Theory of International Politics of Hans J. Morgenthau*, Anali Hrvatskog politološkog društva, Vol. 14, No. 1, 2017, pp. 0, 178 as well as Morgenthau, H. J. *Politics Among Nations, The Struggle for Power and Peace*, Alfred McGraw Hill, New York, 1948, p. 10.

³³ Morgenthau, H. J., *Politics Among Nations: The Struggle for Power and Peace*, Alfred A. Knopf, New York, 1985, p. 5.

³⁴ Huntington, S. P., *The Erosion of American National Interests*, Foreign Affairs, Vol. 76, No. 5, 1997, p. 28.

within a single legislative act. Instead, they represent a collective of fundamental objectives and values that the Republic of Croatia seeks to achieve and preserve to protect its sovereignty, territorial integrity, security, identity, and the well-being of its citizens. These interests are derived from the Constitution of the Republic of Croatia and key strategic documents, most notably the 2017 National Security Strategy of the Republic of Croatia.³⁵ In a substantive sense, the Constitution of the Republic of Croatia does not explicitly employ the term “national interests.” However, in its Historical Foundations (*Izvorišne osnove*) as well as in Articles 1 through 5, it establishes the foundations from which the meaning of national interests emerges. These include sovereignty, democracy, human and civil rights and freedoms, equality, national equality, the rule of law, economic and cultural progress, peace-building, social justice, the inviolability of ownership, environmental preservation, and a democratic multi-party system. Furthermore, Chapter II of the National Security Strategy explicitly states that the Republic of Croatia derives its national interests from the fundamental values defined by the Constitution and its vision, predicated on its own geostrategy and geopolitical position, as well as international trends. These interests include: The security of the population, alongside the territorial integrity and sovereignty of the Republic of Croatia; The welfare and prosperity of its citizens; National identity; The equal status, sovereignty, and survival of the Croat people in Bosnia and Herzegovina as a constituent nation, as well as the position of the Croatian national minority in other states.

From the aforementioned theoretical definitions concerning the significance and importance of national interests, it is evident that policymakers and legislators face a profound legal and legislative challenge. This entails establishing a legal framework capable of responding to geopolitical challenges while providing competent authorities with the necessary legal and political legitimacy to act in the protection of these interests.

4. LEGAL ASPECTS OF GEOPOLITICIZATION: BETWEEN STRATEGIC, PLANNING AND LEGISLATIVE ACTIVISM – *DE LEGE LATA VS. DE LEGE FERENDA*

We are witnessing a period in which geopolitics has taken centre stage in shaping both the domestic and foreign policies of nation-states. This relentless trend largely aligns with the principles of political realism and neorealism, whereby states strive for survival within an anarchic or erosive international order by maximising

³⁵ Constitution of the Republic of Croatia, Official Gazette, No. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 58/10, 5/14, and National Security Strategy of the Republic of Croatia, Official Gazette, No. 73/2017.

power—both military and political—and wealth, while simultaneously minimising losses. In the view of the author, such geopolitical realities have precipitated a form of ‘geopoliticisation of law’, posing complex legal challenges for states. Although no established definition of the term ‘geopoliticisation of law’ exists in scientific literature, its interdisciplinary nature links the fields of security studies, political processes, and legislative action.

Some authors, such as Charles J. Dunlap Jr., perceive the role of law as a response to geopolitical circumstances as part of a defensive mechanism, viewing the operation of law (*Lawfare*) as an instrument of strategic power, a weapon substituting for conventional military force. Dunlap argues that states design laws through lawfare to achieve strategic objectives; that is, the use of law serves as a „tool of statecraft“, thereby underscoring its indispensable role in contemporary security governance.³⁶ Owing to the connectivity between law and security studies, some scholars refer to this process of legal response to security challenges as the ‘securitisation of law’. Securitisation represents a process in which a specific issue is shifted from the sphere of routine politics into the sphere of security urgency, thereby creating a justification for the use of exceptional measures.³⁷ In a contemporary context, these exceptional measures may be observed through the operationalisation of legislative acts as a strategic practice aimed at achieving social and, consequently, security effects.³⁸

Therefore, the geopoliticisation of law is not merely a matter of technical harmonisation; it is a normative response by the state to existentially defined security challenges. This implies that the geopoliticisation of law must address the need for an effective transposition of identified interests into strategic acts, which are subsequently implemented through concrete legal frameworks.

In this process, prior to the (re)definition of strategic acts, it is essential to apply a teleological approach with a clear definition of purpose (*ratio legis* or *ratio actus*) to avoid a loss of coherence and consistency. Visković, states that teleological interpretation establishes the meaning of a legal norm in relation to the objectives it seeks to achieve. This prevents the reduction of acts to a mere positivist understanding of norms—specifically, the risk of a formal-dogmatic approach that yields socially inadequate solutions.³⁹

³⁶ For more on the concept and meaning of *Lawfare* see in Dunlap, J. C., *Lawfare today*, Yale Journal of International Affairs, 2008, pp. 146-154.

³⁷ Buzan, B.; Waever, O.; Wilde, J., *op. cit.*, note 16, p. 21.

³⁸ Balzacq, T., *Securitization Theory: How Security Problems Effectively Shape Policy*, Routledge, 2011, pp. 3, 10.

³⁹ Visković, N., *Teorija države i prava*, Narodne novine, Zagreb, 2006, p. 251.

The recognition of the objective sought to be achieved constitutes the *condicio sine qua non* of every legal act. This is further affirmed by Barak, who posits that the objective purpose of a legal text encompasses the values, goals, interests, policies, and functions that the law is bound to realize within a democratic society. Consequently, it is crucial to establish a subordination between the content of the act and its normative effect under a clear teleological intent. This ensures coherence between political objectives and legal instruments.⁴⁰

Furthermore, a teleological approach facilitates the legitimate adoption of strategic acts and their transparent implementation through comprehensive legal frameworks that provide measurable criteria for enforceability. It can be concluded that the synthesis of geopolitical interests should strive for a consensus between teleological interpretation and pragmatic execution. Since a state's strategic acts must not be static documents but rather dynamic instruments of adaptation, their (re)definition implies alignment with democratic values, the public interest, and the obligations arising from the Republic of Croatia's membership in European economic and security alliances. Therefore, the recognition of geopolitical realities must not be merely a descriptive exercise for scholars or political enthusiasts; rather, it is a necessary prerequisite for a meaningful reform of the security system. In support of this, it can be argued that geopolitics serves as the primary driver for updating strategic acts and revising legal frameworks, as nations and organizations adapt to shifting power dynamics, economic instability, and security threats. The deterioration of the global security landscape has compelled a transition from the facilitation of open markets toward prioritizing national economic security and strategic autonomy.

The analysis of legal acts that operationalize such determinants primarily originates from those pertaining to the national security and defense sectors. In this regard, the point of departure is the 2017 National Security Strategy of the Republic of Croatia.⁴¹ Although this Strategy is now nine years old, its significance lies in its primary reliance on a sectoral approach to identifying national interests and threats. Zgurić and Petek observe that Croatian security policy, at least declaratively, follows contemporary trends focused on non-military threats.⁴² The authors link the shift in focus from international to internal security to the achievement of key foreign policy objectives—namely, accession to the EU and NATO—which created an illusion of permanent security.⁴³ One can agree with

⁴⁰ Barak, A., *Purposive Interpretation in Law*, Princeton University Press, 2005, p. 148.

⁴¹ National Security Strategy of the Republic of Croatia, *loc. cit.*, note 35.

⁴² Zgurić; Petek, *op. cit.*, note 14, p. 755.

⁴³ *Ibid.*

these authors within the temporal context of their research (conducted in 2022). However, given the global dynamics—specifically the Russian aggression against Ukraine, the instability of Croatia’s southeastern neighborhood, cyber threats, the emergence of energy geopolitics, and geopolitical circumstances shifting almost daily—this assertion, and the very fact of Croatia’s reliance on transatlantic alliances, necessitates new strategic redefinitions. This reliance on transatlantic relations and alliances requires revision, as these ties have been strained since Donald Trump’s return to the White House. This is evidenced by his rhetoric concerning Greenland’s status as United States territory and his stance on the war in Ukraine, where the European Union and the United States maintain diverging positions.⁴⁴

Further deviation from historical alliances will be confirmed by the United States National Security Strategy. The same strategy identifies the primary interest—or rather, the global power shift of the United States—moving from the Atlantic toward Asia. Such facts of allied distancing, coupled with the classic threat of conventional conflict, indisputably affirm the urgency of a pro futuro revision of Croatia’s National Security Strategy. The Republic of Croatia must define its own foreign policy and security position in real time within its strategic security document, without reliance on bygone eras.

Thus, the role of defining foreign and security policy is essential for assuming the state’s societal position vis-à-vis other states, which, according to Michalski and Parker, collectively structure the international social order; in other words, per the same authors, the national role in such circumstances must be constructed from a collective understanding of history, values, and the state’s place in the world.⁴⁵ Such facts, along with the geopolitical situation in Europe and globally—which is complex, subject to rapid changes, and influenced by economic pressures, political instability, and disrupted international relations—should, alongside recognition of non-military threats (informational, energy-related), serve as an additional argument for redefining the National Security Strategy. This would also encompass acknowledgment of the unstable southeastern neighborhood, wherein the Republic of Croatia should assume a greater role in regional security than previously.

⁴⁴ BBC, *Why does Trump want Greenland and what could it mean for Nato and the EU?*, [https://www.bbc.com/news/articles/c74x4m71pmjo], Accessed February 27, 2026 and Ash, T. G., *Only Europe can save Ukraine from Putin and Trump – but will it?* The Guardian, Available at: [https://www.theguardian.com/commentisfree/2025/dec/06/europe-ukraine-putin-trump-eu], Accessed 15 March 2026.

⁴⁵ Michalski, A.; Parker, C. F., *The EU’s Evolving Leadership Role in an Age of Geopolitics: Beyond Normative and Market Power in the Indo-Pacific*, European Journal of International Security, Vol. 9, No. 2, 2024, pp. 268, 263–280.

All the aforementioned has been recognized through the redefinition and adoption of the new Defence Strategy of the Republic of Croatia. This strategy demands the redefinition of long-term defence priorities, including increased investment in defence, development of strategic capabilities, strengthening of the domestic defence industry, and enhancement of the state's resilience. Furthermore, shifts in the global balance of power necessitate the redefinition of strategic priorities, while the United States' new sphere of interest requires bolstering NATO's capabilities and the European Union's capacity for autonomous action, thereby concretizing the concept of strategic autonomy.⁴⁶

Furthermore, the security threats identified as factors in the adoption of the new Defence Strategy have also influenced the fact that the Ministry of Defence of the Republic of Croatia proposed the adoption of the Long-term Development Plan of the Armed Forces of the Republic of Croatia, as a response to challenges through the development of military capabilities and resources. On the basis of such a proposal, and in accordance with the Act on the System of Strategic Planning and Management of the Development of the Republic of Croatia of 2017 as *lex generalis*, the Croatian Parliament adopted the Long-term Development Plan of the Armed Forces of the Republic of Croatia 2025–2036.⁴⁷ The emergence of “conventional fear”, stemming from a neorealist foundation triggered by Russia's aggression against Ukraine and an unstable southeastern neighbourhood, has thrust military security and “hard power” back into the focus of public policies.⁴⁸ In this regard, the further legal response to the disrupted security architecture will manifest multidimensionally: through an increase in the military budget and modernisation of the defence sector, but also through normative action—namely,

⁴⁶ Defence Strategy of the Republic of Croatia, Official Gazette, No. 104/2025.

⁴⁷ Long-term Development Plan of the Armed Forces of the Republic of Croatia 2025–2036, Official Gazette, No. 104/2025.

⁴⁸ One of the authors of this paper, in their earlier research, precisely observed that the issue of security served as key rhetoric and political narrative during the super-election year of 2024, both in many EU member states and in the Republic of Croatia. Assigning importance to security—in all its forms, including conventional and military security—was crucial for electoral success. For more on the work and research itself, see in Dagen, T., *Framing Security: Right-Wing Narratives in the 2024 European Super-Election Year* // Proceedings of the Defense and Security Conference / Smiljanić, Dražen (ed.), Sveučilište obrane i sigurnosti “Dr. Franjo Tuđman”, Zagreb, 2025, pp. 26–45. Furthermore, at the time of writing this paper, an additional factor accelerating not only the arms race in Croatia's neighbourhood, the return to “hard power”, and the emergence of security challenges for the Republic of Croatia—as well as the formulation of public policies in response to such challenges—is represented by the appearance in the Serbian army of a supersonic quasi-ballistic missile with a range of at least 250 kilometres. For more details, see Tportal, *Plenković o novoj kineskoj raketi u Srbiji; Upozorit ćemo saveznike*, Available at: [<https://www.tportal.hr/vijesti/clanak/plenkovic-o-novoj-kineskoj-raketi-u-srbiji-upozorit-cemo-saveznike-20260312#:~:text=CM%2D400>], Accessed 22 March 2026.

the concept of the geopoliticisation of law.⁴⁹ The geopoliticisation of law is evident in the amendments to the Defence Act and the Act on Service in the Armed Forces of the Republic of Croatia, through which basic military training is reintroduced into the legal order of the Republic of Croatia as an integral component of the defence system.⁵⁰ The introduction of this training represented a profound political and societal challenge, as evidenced by the voting in the Croatian Parliament. Instead of political consensus, a division in political worldviews emerged, irrespective of geopolitical realities.⁵¹

In the context of energy geopolitics and the energy sector itself, at the time of writing this article, energy has become the “first line of defence” of national interests due to the wars in the Persian Gulf/Middle East.⁵² Setting aside current events, the war in Ukraine has triggered the issue of Europe’s energy independence—and thereby that of the Republic of Croatia—a matter we have addressed in this article in establishing the geopolitical realities influencing the geopoliticisation of law, energy geopolitics, and energy security. As the first legislative response to such challenges, we see the adoption of the Act Implementing Council Regulation (EU) 2022/1854 on an Emergency Intervention to Resolve Issues of High Energy Prices. As the rationale for adopting the aforementioned act, the Government states in its proposal that Russia’s aggressive war against Ukraine has resulted in insecurity regarding the supply of other raw materials, such as coal and crude oil,

⁴⁹ The Republic of Croatia allocated 2.10% of GDP to defence in 2025, thereby meeting the NATO target. For more on defence allocations, see Republic of Croatia, Ministry of Defence, *Minister Anušić: Croatia has 2.1 percent allocation for defence, we are equipping the Croatian army and have introduced basic military training*, Available at: <https://www.morh.hr/267671/>, Accessed 20 March 2026.

⁵⁰ *Amendments to the Defence Act and Amendments to the Act on Service in the Armed Forces of the Republic of Croatia*, Official Gazette, No. 136/2025.

⁵¹ HRT, *Parliament approves introduction of military service, call-up for review by early December*, Available at: <https://vijesti.hrt.hr/hrvatska/sabor-izglasao-uvodenje-vojnog-roka-12395318>, Accessed 24 February 2026.

Sacchi, Buzzelli, and De La Porte argue that the issue of defence and the actions of the current government in the context of increased military activities and defence spending represent a socio-sociological divide, both between the right-wing and left-wing political spectra and between the highly qualified segment of the population and others. For more on the research itself, see Sacchi, S.; Buzzelli, G.; Porte, C., *Guns versus Butter’ in Public Opinion: The Politicization of the Warfare-Welfare Trade-Off*, Journal of European Public Policy, Vol. 33, No.4, 2026, pp. 1199–1225.

⁵² Government of the Republic of Croatia, *We will intervene regarding the prices of fuel, electricity, and gas*, Available at: <https://vlada.gov.hr/intervenirat-cemo-u-pogledu-cijene-goriva-struje-i-plina/46391>, Accessed 21 March 2026.

which are used in facilities for the production of electrical energy.⁵³ The Russo-Ukrainian war will drive Europe's pivot towards energy independence, as well as the securitisation narrative surrounding the energy sector. This is evidenced by the adoption of the Decision of the Government of the Republic of Croatia on the expansion of the Krk LNG terminal, whereby energy—as an economic activity—is transformed from a purely economic project into one of national and European security.⁵⁴

For an energy system to endure, resilience theory focuses on the system's capacity to absorb shocks. According to Bourbeau, resilience constitutes a response to persistent uncertainty; thus, public policies through legislative activism must identify solutions to such “shocks”.⁵⁵ This theory finds support in the Proposal of the Act on the Development of Nuclear Energy for Civil Purposes, which systematically regulates the legal framework for nuclear energy development in the Republic of Croatia for the first time. Presenting the act to parliamentarians, the Minister of the Economy of the Republic of Croatia, Ante Šušnjar, emphasised that Croatia thereby establishes the foundations of a long-term energy policy oriented towards system stability, secure energy supply, and technological development, and that the act constitutes one of the most important strategic decisions of the Republic of Croatia in this decade.⁵⁶

In conclusion of this chapter, the authors point to the legal anachronism inherent in certain laws pivotal to national security. This primarily concerns the Act on the Security-Intelligence System of the Republic of Croatia, particularly the provisions pertaining to the operations of the National Security Council (Articles 3 and 4). The significance of these provisions within the context of Croatian political disputes manifests in the requirement that sessions of the Council be jointly convened and their agenda determined by the President of the Republic and the

⁵³ Act Implementing Council Regulation (EU) 2022/1854 on an Emergency Intervention to Address High Energy Prices, Official Gazette, No. 71/23, as well as Government of the Republic of Croatia, *Draft Proposal of the Act Implementing Council Regulation (EU) 2022/1854 on an Emergency Intervention to Address High Energy Prices*, Available at: [<https://vlada.gov.hr/UserDocsImages/2016/Sjednice/2023/Lipanj/226%20sjednica%20VRH/226%20-%203.docx>], Accessed 23 March 2026.

⁵⁴ Decision of the Government of the Republic of Croatia on Enhancing Gas Supply Security through the Construction of the Zlobin–Bosiljevo Pipeline and Increasing the Capacity of the LNG Terminal to 6.1 Billion Cubic Metres of Gas Annually, Official Gazette, No. 96/2022.

⁵⁵ Bourbeau, P., *Resilience and International Politics: Premises, debates, agenda, International Studies Review*, Vol. 17, No. 3, 2015, pp. 374–395.

⁵⁶ Republic Croatia, Ministry of Economy, *Strategic Shift in Croatian Energy Policy: Minister Šušnjar Presents the Act on the Development of Nuclear Energy for Civil Purposes in Parliament*, Available at: [<https://mingo.gov.hr/vijesti/strateski-zaokret-hrvatske-energetske-politike-ministar-susnjar-u-saboru-predstavio-zakon-o-razvoju-nuklearne-energije-u-civilne-svrhe/10278>], Accessed 6 March 2026.

Prime Minister.⁵⁷ In light of the Croatian political reality and the phenomenon of “hard cohabitation,” wherein political or personal animosities are prioritised over the disrupted international security architecture, the fact that the last session was held on 9 November 2021 constitutes a national security challenge.⁵⁸ Given that we live in an era of disrupted security architecture and the erosion of the international legal order, the existing Act must be revised to prevent national security issues from becoming a subject of political contention between the two pillars of the executive branch.⁵⁹ Likewise, the Act on Defence, in the textual provisions concerning the convening of the Defence Council as the coordinating body of state authority for harmonising positions and adopting conclusions and recommendations in the field of defence, requires revision. This is due to the fact that Article 11, paragraphs 1 and 2, stipulate that sessions of the Defence Council shall be jointly convened by the President of the Republic and the Prime Minister, and that the President of the Republic and the Prime Minister shall jointly determine the areas to be considered by the Defence Council.⁶⁰ The aforementioned statutory provision demonstrates that a branch of government may, in the absence of political or other interests, utilize its inaction or the withholding of consent as a

⁵⁷ Act on the Security-Intelligence System of the Republic of Croatia, Official Gazette, No. 79/06, 105/06.

⁵⁸ The media currently describe the relationship between the President of the Republic of Croatia and the Prime Minister of the Republic of Croatia as “hard cohabitation.” See further: N1, *Plenković explains the term “hard cohabitation”*, Available at: <https://n1info.hr/vijesti/a475567-Plenkovic-objasnio-pojam-andquotvrde-kohabitacijeandquot/>, Accessed 21 March 2026.

According to data available to the author of this paper, verified through the website of the Office of the National Security Council of the Republic of Croatia, the last session of the said body took place on 9 November 2021. For more details, see the website of the National Security Council, Office of the National Security Council, Available at:

<https://www.uvns.hr/hr/aktualnosti-i-obavijesti/odrzana-sjednica-vijeca-za-nacionalnu-sigurnost-1532>, Accessed 21 March 2026.

⁵⁹ The President of the Republic, Zoran Milanović, proposed to the Prime Minister of the Republic of Croatia, Andrej Plenković, the convening of a session of the National Security Council (NSC) due to an extraordinary and unforeseen situation in the Croatian judicial system, which negatively impacts—and could in the future negatively impact—the coordinated functioning and stability of state authority, as well as the national security of the Republic of Croatia. Office of the President of the Republic of Croatia, *President Milanović Proposes Convening of National Security Council Session to Prime Minister*, Available at:

<https://www.predsjednik.hr/vijesti/predsjednik-milanovic-predlozio-je-predsjedniku-vlade-sazivanje-sjednice-vijeca-za-nacionalnu-sigurnost/>, Accessed 25 January 2006 and Telegram, *The government refused to convene a session of the National Security Council at which Plenković and Milanović would meet*, Available at:

<https://www.telegram.hr/politika-kriminal/vladajuci-odbili-sazivanje-sjednice-vijeca-za-nacionalnu-sigurnost-na-kojoj-bi-se-sastali-plenkovic-i-milanovic>, Accessed 18 January 2026.

⁶⁰ Act on the Defence of the Republic of Croatia, Official Gazette, No. 73/13, 75/15, 27/16, 110/17, 30/18, 70/19, 155/23, 136/25.

mechanism to obstruct the convening of said session. This occurs notwithstanding the previously noted geopolitical circumstances and security imperatives that demand prompt resolution. Furthermore, while such a provision embodies the principle of ‘bicephalism’ (dual leadership) - which, in a democratic context, is fundamentally constructive - it facilitates political arbitrariness when the President of the Republic and the Prime Minister represent opposing political factions and prioritize partisan interests over national security. This is exemplified by the fact that the last session of the Defense Council was held on May 23, 2025, following a prolonged hiatus since November 9, 2021.⁶¹

In light of the foregoing, it is evident that the Republic of Croatia’s response to contemporary geopolitical realities has been only partial. Future challenges pertain to the adoption of a new National Security Strategy and the necessary amendments to the Security-Intelligence System Act and the Defense Act, aimed at preventing the obstruction of key institutional sessions for political reasons. Consequently, in concluding this chapter, the authors align themselves with the proposition of Koskenniemi, who maintains that ‘social reality’ is a foundational prerequisite for understanding the legal and political character of statutory provisions at the critical moment when action is required.⁶²

5. EUROPEAN LEGAL SYSTEMS FACING THE CHALLENGES OF NEOREALISM AND SECURITIZATION

In order to demonstrate that Croatian political reality and legislative action—within the context of the response to current geopolitical circumstances, observed in regional, broader European, and global terms—do not constitute an isolated case, it is necessary, for the purpose of a more precise scientific determination and the emphasizing of its importance, to examine the phenomenon of the geopoliticization of law through a comparative analysis of selected European states. Numerous European countries have recognized the geopoliticization of law as a response to the neorealist conception of the return of conventional threats, which has been primarily caused by the Russian aggression against Ukraine, but also by the redefinition of the American vision of national security directed toward the Indo-Pacific region, as previously stated in this paper. In this sense, the geopoliticization of law becomes a strategic reaction of individual European states within

⁶¹ Government of the Republic of Croatia, *Session of the Defense Council held on*, Available at: [<https://vlada.gov.hr/vijesti/odrzana-sjednica-vijeca-za-obranu-44489/44489?lang=hr>], Accessed, 30 January 2026.

⁶² Koskenniemi, M., *From Apology to Utopia The Structure of International Legal Argument*, Cambridge University Press, Cambridge, 2005, p. 613.

the framework of their own security operations and the pursuit of achieving the strategic autonomy of Europe. This process takes place without nostalgia for former Euro-Atlantic relations and the traditional American security partnership that has defined the European order since the end of the Second World War.⁶³

In the comparative analysis of national legislative and strategic acts, we observe the responses of the majority of European states to the aforementioned challenges through the redefinition of their own interests within strategic acts and statutory provisions. The most striking example of the impact of conventional war on European soil (the Russian aggression against Ukraine) and of conventional threats to the territorial integrity and sovereignty of states—which have become a geopolitical reality—is the historic departure of Sweden and Finland from the policy of military neutrality and their accession to NATO: Finland on April 4, 2023, and Sweden on March 7, 2024.⁶⁴ To access the Union, Finland had to amend a number of laws and thereby incorporate the strategic shift into its legislative framework, including the Penal Code, the Border Guard Act, the Policy Act, the Income Tax Act, as well as other statutory instruments related to such a strategic policy change.⁶⁵ The most significant legislative change refers to the amendments to the Nuclear Energy Act, which permit the import, transport, supply, or possession of nuclear devices in Finland within the context of homeland defense, NATO collective defense, or defense cooperation.⁶⁶ We also observe a legal response to geopolitical realities in Germany. The German model is notable for its historical adoption of a constitutional reform of the national fiscal framework. Three key innovations were introduced, among other measures, enabling a substantial increase in defense spending.⁶⁷ The key change is manifested in the establishment of a new

⁶³ Beaucillon, C., *Strategic Autonomy: A New Identity for the EU as a Global Actor*, European Papers, Vol. 8, 2023, pp. 417–428, also in Fiott, D., *The Three Images of EU Strategic Autonomy: Perspectives on Wedging, Binding and Hedging*, Journal of European Integration, Vol. 47, No. 6, 2025, pp. 825–842, and on the website of the European Commission, *Open strategic autonomy, economic and research security in EU foreign policy*, Available at: [https://cordis.europa.eu/programme/id/HORIZON_HORIZON-CL2-2025-01-DEMOCRACY-04], Accessed 2 March 2026.

⁶⁴ NATO, *Enlargement and Article 10*, Available at: [<https://www.nato.int/en/what-we-do/partnerships-and-cooperation/enlargement-and-article10#:~:text=They%20completed%20accession%20talks%20on%204%20July%2C,April%202023%20and%207%20March%202024%2C%20respectively>], Accessed 15 March 2026.

⁶⁵ Ministry of Justice of Finland, HE 90/2023, Available at: [<https://www.finlex.fi/fi/hallituksen-esitykset/2023/90>], Accessed 21 March 2026.

⁶⁶ Finnish Government, Ministry of Defence, *Finnish Government proposes to amend Nuclear Energy Act and Criminal Code to strengthen NATO's deterrence and defence*, Available at: [<https://valtioneuvosto.fi/en/-/236553176/finnish-government-proposes-to-amend-nuclear-energy-act-and-criminal-code-to-strengthen-nato-s-deterrence-and-defence>], Accessed 21 March 2026.

⁶⁷ Bundesgesetzblatt, Year 2025, Part I, No. 94, issued in Bonn on March 24, 2025.

infrastructure fund valued at EUR 500 billion (representing 11.6% of the 2024 GDP), which has been placed outside the scope of the constitutional “debt brake” (*Schuldenbremse*). The fund is intended to finance critical projects in the areas of transportation, health, energy, education, research, digitalization, and primarily defense.⁶⁸ This German historical precedent has also generated new legislative activism. Although Germany has not reintroduced a classic compulsory military service (which existed until 2011), on 5 December 2025 amendments to the Military Service Modernisation Act (*Wehrdienst-Modernisierungsgesetz*) were enacted. The Act introduces a framework for the “New German Military Service” (*Neuer Deutscher Wehrdienst*), which is based on voluntary participation. Nevertheless, the law imposes an obligation for males born in 2008 or later to participate in the military registration process, which entails completing a questionnaire and undergoing a medical examination by Bundeswehr personnel.⁶⁹

A similar trend of treating conscription as a matter of supreme national importance is also evident in Lithuania, which, in response to geopolitical instability and inadequate staffing of the armed forces, addressed parliament (Seimas) with a decision to reintroduce mandatory military service.⁷⁰ In the realm of strategic documents, an indicative example is Poland, where the process of adopting the Government’s National Security Strategy was halted by a veto from President Karol Nawrocki. The reason for the veto was the need to revise the document to achieve full alignment of Polish doctrines with the newly issued American Security Strategy.⁷¹

⁶⁸ The “debt brake” is a German constitutional fiscal rule embedded in the Basic Law for the Federal Republic of Germany. Prior to the reform, it limited federal net new borrowing to 0.35% of GDP per year. More information on the fund itself can be found in European Commission, *The potential economic impact of the reform of Germany’s fiscal framework*, Available at: [\[https://economy-finance.ec.europa.eu/economic-forecast-and-surveys/economic-forecasts/spring-2025-economic-forecast-moderate-growth-amid-global-economic-uncertainty/potential-economic-impact-reform-germanys-fiscal-framework_en\]](https://economy-finance.ec.europa.eu/economic-forecast-and-surveys/economic-forecasts/spring-2025-economic-forecast-moderate-growth-amid-global-economic-uncertainty/potential-economic-impact-reform-germanys-fiscal-framework_en), Accessed, 23 March 2026.

⁶⁹ In his speech to the Bundestag, the Federal Minister of Defence of the Federal Republic of Germany, Boris Pistorius, cited as a rationale for the introduction of the “New Military Service” and the accompanying amendments to the legislation: “Sweden, Latvia, Lithuania, Croatia: In response to the threat posed by Russia, several EU member states have reformed their conscription models — now Germany is following suit.” Federal Ministry of Defence, *Stärkung der Verteidigungsbereitschaft: Bundestag beschließt Neuen Wehrdienst*, Available at: [\[https://www.bmvg.de/de/aktuelles/bundestag-beschliesst-neuen-wehrdienst-6048520\]](https://www.bmvg.de/de/aktuelles/bundestag-beschliesst-neuen-wehrdienst-6048520), Accessed 20 February 2026.

⁷⁰ Lithuanian Armed Force, *Military Service*, Available at: [\[https://kariuomene.lt/en/who-we-are/military-service/23649\]](https://kariuomene.lt/en/who-we-are/military-service/23649), Accessed 18 March 2026.

⁷¹ TVP World, *EU in ‘chaos’: Nawrocki says Poland’s security strategy should align with US*, Available at: [\[https://tvpworld.com/90504757/nawrocki-eu-in-chaos-poland-should-align-with-us-security-roadmap\]](https://tvpworld.com/90504757/nawrocki-eu-in-chaos-poland-should-align-with-us-security-roadmap), Accessed 22 February 2026.

Almost identical motives can be found in the French National Strategic Review. In this document, primary analytical attention is given to Russia, which is identified as the main threat to European security. The Review proceeds from the assumption that by 2030, France and its allies must be fully prepared to wage high-intensity warfare. Simultaneously, the document emphasizes the strengthening of the European pillar within NATO as a response to the American strategic distancing from Europe. China is also identified as a source of threat due to activities that undermine Western cohesion, including the development of military capabilities, economic expansion, and control over supply chains and technological development.⁷²

As previously stated, securitization theory defines the process of assigning security significance to issues that do not originally belong to that domain. In this sense, the issue of energy within EU member states, alongside conventional threats, assumes primary national security importance. Such a conclusion stems from the first energy crisis caused by the Russian aggression against Ukraine, as well as the new crisis provoked by conflicts in the Persian Gulf.⁷³ Energy thus becomes a key factor in the strategic survival of Europe, which is manifested in the promotion of energy independence through the revitalization of nuclear energy production.⁷⁴ The President of the European Commission, Ursula von der Leyen, clearly articulated this pivot at the Paris summit, stating that the abandonment of civil nuclear energy was a strategic mistake that exposed the continent's vulnerability to fossil fuels.⁷⁵ The reflection of these policies is visible in the transformation of national legislations, such as that of Italy. On October 2, 2025, the Council of Ministers of Italy approved a bill delegating responsibility to the government for the reintroduction of sustainable nuclear energy within the framework of European decarbonization policies by 2050.⁷⁶ The significance of this change and the

⁷² Republique Francaise - *National Strategic Review*, Available at: [https://www.sgdsn.gouv.fr/files/Publications/20250713_NP_SGDSN_RNS2025_EN_0.pdf], Accessed 17 March 2026 and Defence24, *France's New Strategic Review 2025*, Available at: [https://defence24.com/geopolitics/frances-new-strategic-review-2025], Accessed 18 March 2026.

⁷³ European Commission, *Sanction on Energy*, Available at: [https://commission.europa.eu/topics/eu-solidarity-ukraine/eu-sanctions-against-russia-following-invasion-ukraine/sanctions-energy_en], Accessed 20 March 2026.

⁷⁴ European Commission, *EU to invest €330 million to accelerate fusion energy and support nuclear technologies and skills*, Available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip_26_651], Accessed 24 March 2026.

⁷⁵ Le Monde, *EU chief calls Europe shift from nuclear energy a 'strategic mistake'*, Available at: [https://www.lemonde.fr/en/energies/article/2026/03/10/eu-chief-calls-europe-shift-from-nuclear-energy-a-strategic-mistake_6751287_98.html], Accessed 13 March 2026.

⁷⁶ Senato della Repubblica, *Delega al Governo in materia di energia nucleare sostenibile*, A.C. 2669, and Ministero dell'Ambiente e della Sicurezza Energetica, *Nucleare sostenibile: MASE, via libera al disegno*

geopoliticization of law is even more pronounced given that Italy had abolished the production of nuclear energy via a referendum in 2011.⁷⁷

From the excerpts above it is evident that contemporary legal systems cannot be considered in isolation from geopolitical realities. These realities primarily pertain to the reemergence of conventional threats to territorial integrity and sovereignty, as well as to the erosion of confidence in the international legal order that has characterized the post-World War II era. Shifts in United States foreign and security policy toward Europe directly influence the public policies of EU Member States, which respond to these challenges by enacting new strategic instruments and legislative solutions. Legislative activism, therefore, is not merely an administrative act but a direct response to geopolitical circumstances through which states seek to operationalize the protection of their national security.

6. CONCLUSION

Through the conducted research, the authors of this article confirm the fundamental hypothesis that the contemporary security architecture—disrupted by the Russian aggression against Ukraine, the loss of confidence in international law, the crisis in the Middle East, and the paradigm shift in American foreign policy at the beginning of 2025—demands an urgent and comprehensive adaptation of the Croatian strategic and legislative framework, which we have termed in this research as the geopoliticization of law. The analysis has shown that the international order, established after the Second World War, is in a phase of deep erosion, whereby trust in international legal institutions and international law is being replaced by the politics of power and deterrence; this theoretically correlates with the return of neorealism from the historical domain as the dominant theory in the security realities of today. Under such circumstances, which change almost on a daily basis, the geopoliticization of law ceases to be merely a theoretical construct and becomes a necessary doctrine of public policy in the process of normatively organizing issues of national security and the protection of democratic values. The research has identified several key areas that require normative intervention by the Croatian executive and legislative authorities — *de lege ferenda*.

Firstly, there is an urgent need for a strategic redefinition of the field of national security, as the existing National Security Strategy, adopted in 2017, established

di legge delega, Available at:

[<https://www.mase.gov.it/portale/-/nucleare-sostenibile-mase-via-libera-al-disegno-di-legge-delega>], Accessed 19 March 2026.

⁷⁷ BBC, *Italy nuclear: Berlusconi accepts referendum blow*, Available at:

[<https://www.bbc.com/news/world-europe-13741105>], Accessed 17 March 2026.

a sectoral model of threats. While a sectoral threat model was an understandable form of strategic planning in past years, given the current geopolitical circumstances and the return of conventional threats, such an approach to threat identification is becoming anachronistic. Therefore, factual geopolitical realities necessarily require the (re)definition of national security interests through the prism of strategic autonomy within the European Union and NATO, taking into account—as we have stated in the paper and research—the global instability of the southeastern neighborhood, as well as the shift of American interest toward Asia and the Indo-Pacific region.

Regarding the energy sector, specifically the securitization of energy, if we apply the model of the Copenhagen School, the research has determined that energy has moved from the energy policy sector into the security and existential sector; it represents a security priority that requires more decisive legal protection and continuous legislative activism in order to strengthen resilience against geopolitical challenges. In this sense, the executive and legislative branches, precisely through the geopoliticization of law (*de lege ferenda*), have responded in a fully timely manner to the aforementioned geopolitical threats and realities.

What has been established in this paper and the research itself is the urgent need to remove institutional blockades in favor of national security protection. Here we refer primarily to the legal anachronism identified within the normative framework (*the Act on the Security-Intelligence System of the Republic of Croatia* and *the Defense Act of the Republic of Croatia*) which regulates the work of the National Security Council and the Defense Council. Current legal solutions, which require the consensus of the two pillars of executive power under conditions of “hard cohabitation,” represent a direct risk to national security, as political disputes are prioritized over national interests in times of a disrupted security architecture and the return of conventional threats. Therefore, the authors are of the opinion that a revision of these laws is essential to ensure the functionality of the system and prevent the political blockade of strategic decision-making in times of crisis.

In conclusion, the Republic of Croatia has transformed certain strategic acts in accordance with existing, current, and predicted future challenges, while others specifically require deeper revision and redefinition in line with such recognized challenges. The legal standardization of security policy must not be merely an administrative response to the recognition of geopolitical realities and threats; rather, it should be a reflection of a teleological approach that places the *ratio legis* of protecting sovereignty and the security of citizens at its center. Thus, we can say that the recognition of geopolitical realities—and consequently legal standardization and legal certainty—must be primarily grounded in democratic values and

the rule of law. It is our opinion that on such principles, the state—and in this case, the Republic of Croatia—could successfully respond to the challenges of a fragmented and insecure world order in the 2020s.

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