

§ 1 Introduction

I. The world order of states

1) The principle of the territorial state

- Neither our planet nor mankind constitute a legal unity. Numerous distinct communities (*peoples*) form independent (*sovereign*) governing entities (*states*). Each state is allocated a delimited portion of the earth's surface (*state territory*), over which it has exclusive power to rule (*state power*), but to which its authority is generally restricted (*territorial principle*). In this system, rule by virtue of higher law (*sovereign/public power*) is the rule of the state over the territory over which it has control (state territory). Only states can obtain a sovereign public power which is not derived nor dependent.

2) Public internal law as rudimentary legal world order

- There is not one comprehensive global legal order but a plurality of coexisting heterogeneous legal orders of the individual states. However, public international law (the law of the states) serves as a universally recognized rudimentary legal world order.

3) The prominent role of the sovereign territorial state

- Each state enjoys *sovereignty*: the basically *unlimited, underived and independent legal capacity to act in internal and external affairs* (only few restrictions under public intern. law). It includes
 - the (quasi-) unlimited public power of the state
 - the control of the state over all other public power exercised on its territory
 - a (quasi-) unlimited constituent power within the state
 - recognised restrictions: prohibition of war, genocide, slavery and other huge-scale extreme human rights violations
- Sovereignty is absolute. It cannot be shared, divided, in transition or in suspense.

II. International cooperation and integration in the world order of states

- see **Diagram 1**

III. The dualism of the European Union and the Council of Europe

- two European organisations based on public international law but with different functions:
 - an advanced organisation of supranational geo-regional integration (EU)
 - a specialised organisation to promote human rights, democracy and the rule of law (CoE)