

Sovereignty*

HANS KELSEN

THE CONCEPT OF SOVEREIGNTY

The expression 'sovereignty' denotes one of the most significant concepts of both the doctrine of international law and of international law. It is fraught with an ambiguity of dire conse-

quences. Although the concept is fundamental, that of inter-

national law, it is fraught with an ambiguity of dire consequences. Although the concept is fundamental, that of international law, it is fraught with an ambiguity of dire consequences.

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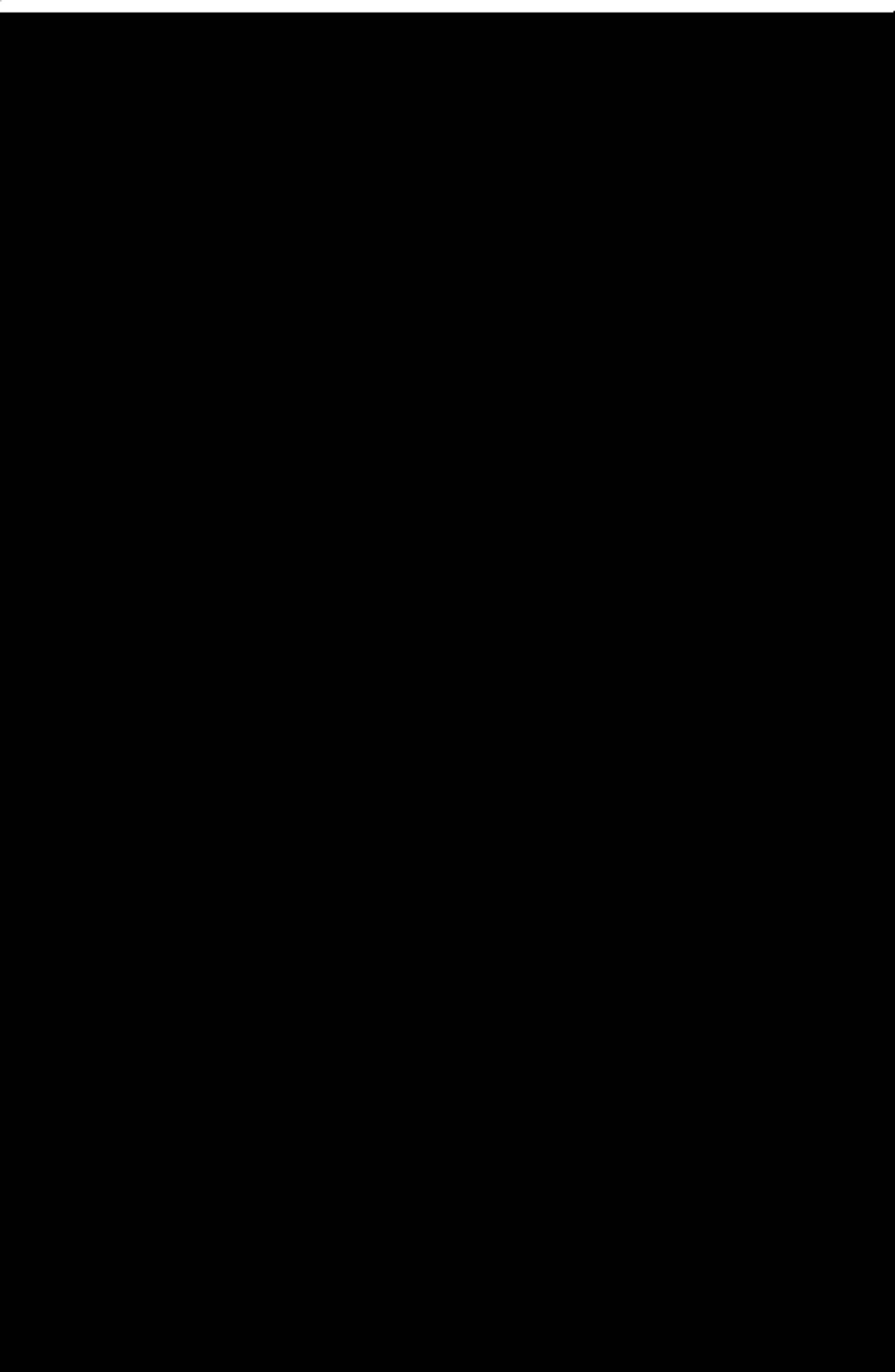
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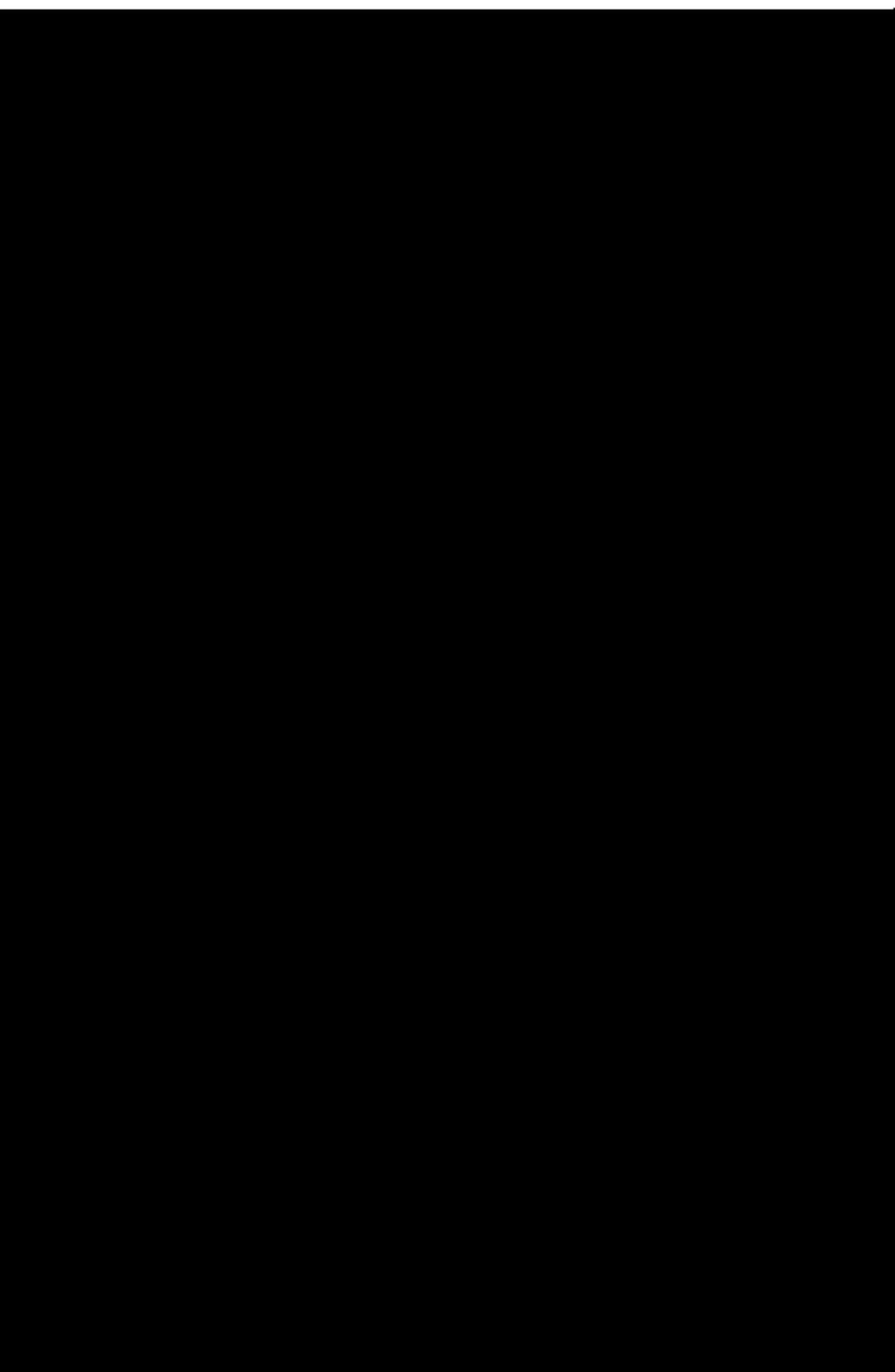
confers rights on a being that is not human but a kind of superman or superhuman organism. There is no such superman or superhuman



construction. For according to this construction only the sovereignty of a single state can be presupposed as the basis of the law of the state. If, on the other hand, the sovereignty of all states is presupposed, then the law of the state is based on the equality of all states, and the sovereignty of all states is not the basis of the law of the state. In this sense, the sovereignty of a single state is not the basis of the law of the state, but the sovereignty of all states is the basis of the law of the state. The point of departure for this construction is, indeed, the fact that a state is always a sovereign state. The construction of the law of the state is based on the fact that a state is always a sovereign state.

expressed when one says that the state that recognizes international law

subject to international law and since international law is the higher legal system in relation to state law, it follows that in case of a conflict between international law and state law international law has priority and so the conflicting part of state law is subject to international law. However, it is not a violation of international law if a state acts in accordance with international law.



state. An international treaty can create an international organization or

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