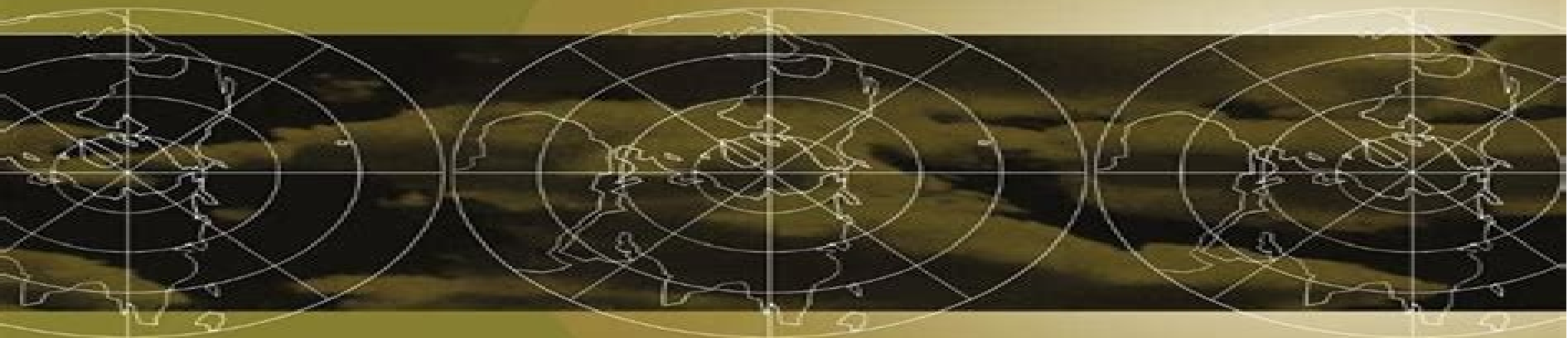


CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

# **Sovereignty Over Natural Resources**

**Balancing Rights and Duties**



NICO SCHRIJVER

# Sovereignty Over Natural Resources Balancing Rights And Duties

**Tullio Treves, Francesco Seatzu, Seline  
Trevisanut**



## **Sovereignty Over Natural Resources Balancing Rights And Duties:**

**Sovereignty Over Natural Resources** Nico Schrijver, 1997-07-24 In modern international law permanent sovereignty over natural resources has come to entail duties as well as rights This study analyses the evolution of permanent sovereignty from a political claim to a principle of international law and examines its significance for a number of controversial issues such as people's rights nationalization and environmental conservation Although political discussion has long focused on the rights arising from permanent sovereignty Dr Schrijver argues that this has been at the expense of the consideration of the corollary obligations it also entails His book thus identifies directions sovereignty over natural resources has taken in an increasingly interdependent world and demonstrates its relevance to debate on foreign investment regulation the environment and sustainable development

**Law and Practice of Investment Treaties** Andrew Paul Newcombe, Lluís Paradell, 2009-01-01 The book focuses on the substantive protections accorded to investors and investments and on the variations among jurisdictions Among the many specific issues and topics that arise in the course of the discussion are the following problems of transparency and conflict of interest the recent growth in IIAs between and among developing nations the effect of new model bilateral investment treaties BITs the ability of non disputing parties to participate in investor state arbitration theories of the interaction of foreign direct investment FDI and BITs investor state arbitration as an evasion of public regulatory authority the role of investment funds in international investment law in the road provisions and institutional versus ad hoc arbitration International business and other investors will greatly appreciate the in depth information and insightful guidance in this solidly useful book It will also be welcomed by jurists and students as a significant milestone in the development of principles in a quickly growing field of practice that is still plagued with inconsistencies

**Natural Resources and Human Rights** Jérémie Gilbert, 2018-10-18 Natural resources and their effective management are necessary for securing the realisation of human rights The management of natural resources is linked to broad issues of economic development as well as to political stability peace and security but it is also intimately connected to the political economic social and cultural rights of individuals and communities relying on these resources The management of natural resources often leads to ill planned development misappropriation of land corruption bad governance misaligned budget priorities lack of strong institutional reforms and weak policies coupled with a continued denial of the human rights of local communities This book argues that human rights law can play an important role in ensuring a more effective and sustainable management of natural resources putting forward the idea of a human rights based normative framework for natural resource management It offers a comprehensive analysis of the different norms procedures and approaches developed under human rights law that are relevant to the management of natural resources Advocating for a less market and corporate approach to the control ownership and management of natural resources this book supports the development of holistic and coherent integration of human rights law in the overall international legal framework governing the management of natural

resources      *Sovereignty in the Exercise of the Right to Self-Determination* Jane A. Hofbauer, 2016-09-12 Sovereignty in the Exercise of the Right to Self Determination detangles the relationship between a number of principles of international law and the exercise of sovereign power Jane Hofbauer s assessment is conducted through an analysis of the different tiers of self determination ranging from the right to exercise external self determination the right to exercise forms of autonomy as a form of de facto independence and the right to a type of spatial independence exemplified through the principles of permanent sovereignty over natural resources PSNR and free prior and informed consent FPIC The book not only highlights the intentional uncertainties within each of these principles but identifies the non discretionary limits to their normative evolution It thereby explores to what extent indigenous peoples can be designated as sovereign entities      Resource Nationalism in International Investment Law Sangwani Patrick Ng'ambi, 2015-11-06 Foreign direct investment in the natural resource industries is fostered through the signing of concession agreements between the host State and the investor However such concessions are susceptible to alteration by the host State meaning that many investors now require the insertion of stabilization clauses These are provisions that require the host State to agree that they will not take any administrative or legislative action that would adversely affect the rights of the investor Arguing that it is necessary to have some form of flexibility in concession agreements while still offering protection of the legitimate expectations of the investor Resource Nationalism in International Investment Law proposes the insertion of renegotiation clauses in order to foster flexible relationships between the investor and the host State Such clauses bind the parties to renegotiate the terms of the contract in good faith when prevailing circumstances change However these clauses can also prove problematic for both State and investor due to their rigidity Using Zambia as a case study it highlights the limitations of the efficient breach theory to emphasise the need for contractual flexibility      **Global Forest Governance** R. Maguire, 2013-03-01 This work provides an important broad and legal critique and assessment of transnational trends structures and innovations currently in use for managing forests      **Natural Resources Grabbing: An International Law Perspective** Francesca Romanin Jacur, Angelica Bonfanti, Francesco Seatzu, 2015-10-14 The growing demand for natural resources has triggered a race to their exploitation and possession especially in developing countries Most desired are water land forests raw materials oil gas mineral and precious stones fisheries and genetic resources Emerging economies Western states multinational corporations and international financial institutions have become the biggest buyers in a race that on one hand strengthens economies and creates investment opportunities and on the other threatens local communities and environmental protection Natural Resources Grabbing An International Law Perspective aims at filling a gap in the legal literature by addressing the adverse effects that large scale investments in natural resources may pose to fundamental human rights and the protection of the environment      **The Oxford Handbook of International Arbitration** Thomas Schultz, Federico Ortino, Jason Mitchenson, 2020 The Oxford Handbook of International Arbitration A team of leading experts from across academia and

practice provide an authoritative account of international arbitration Discussion ranges from the practicalities of how arbitration technically works to big picture analysis of the forces that underpin it Incorporates insights from a range of disciplines beyond law including history sociology literature and economics Book jacket

**Property and the Law in Energy and Natural Resources** Aileen McHarg, 2010 The law of energy and natural resources has always had a strong focus on property as one of its components but there are relatively few comparative book length treatments of both property law and energy and natural resources law The aim of this edited collection is to explore the multiple dimensions of the contemporary relationship between property and energy and natural resources law Its genesis was the growing resurgence of global interest in questions of property in energy and resources and how it manifests itself across legal regimes around the world With an international and comparative character the collection seeks to capture differences in the meaning of property and the different views about the role it should play in a diverse range of contexts civil law and common law the law of indigenous communities public law and private law and national and international law Key issues discussed include private rights and common property situations privatization and regulation competition for land use and resources the role of property rights in environmental protection and the balance between national sovereignty and the security of foreign investment The collection thus has relevance for a wide readership interested in the legal dimensions of property as an increasingly important aspect of the law for energy and resources across diverse countries and at the international level The contributors are established experts in the energy and natural resources law field and the collection builds upon a body of previous collaborative work in this area

**Peoples and International Law** James Summers, 2007-08-13 Peoples and International Law is the most comprehensive current account of the right of self determination in international law The book examines the law of self determination as the product of the interaction between nationalism and international law This broad and interdisciplinary work charts this interaction through different aspects of the legal process in international instruments judicial decisions legal obligations and historical context critically and in extensive detail The book is essential reading for those with an interest both in peoples rights in international law and the study of nationalism

*Peoples and International Law* James Summers, 2014-04-09 Peoples and International Law is a detailed survey of the law of self determination with a focus on the concept of nations and peoples It engages with different aspects of this law with particular emphasis on the drafting and implementation of international instruments The second edition includes new coverage of the Declaration on the Rights of Indigenous Peoples and the African and Arab charters It considers recent practice by the Human Rights Committee Committee on Economic Social and Cultural Rights and African Commission on Human and Peoples Rights dealing with the emerging political economic and environmental aspects of the right The book looks at the interaction of international law nationalism and liberalism in theories of nationhood and self determination as well as the historical development of the right and the decisions of international bodies Lastly it examines practice in this area including new

developments in remedial independence and international territorial administration Also available in hardback

*Alternative Approaches to Human Rights* Christopher Roberts, 2022-11-24 This book explores the comparative historical evolution of the European Inter American and African regional human rights systems The book devotes attention to various factors that have shaped the systems the different circumstances in which they were founded the influence of major states and inter state politics within their respective regions gradual processes of institutional evolution and the impact of human rights advocates and claimants Throughout the book devotes careful attention to the impact of institutional and procedural choices on the functioning of human rights systems Overarchingly the book explores the contextually generated differences between the three systems suggesting that human rights practice is less unitary than it might at times appear Prescriptively the book proposes that contrary to the received wisdom in some quarters the Inter American system's dual track approach may provide the most promising model in regards to future human rights system design

**The UN Declaration on the Rights of Indigenous Peoples** Jessie Hohmann, Marc Weller, 2018-03-23 The rights of indigenous peoples under international law have seen significant change in recent years as various international bodies have attempted to address the question of how best to protect and enforce their rights The United Nations Declaration on the Rights of Indigenous Peoples is the strongest statement thus far by the international community on this issue The Declaration was adopted by the United Nations on 13 September 2007 and sets out the individual and collective rights of indigenous peoples as well as their rights to culture identity language employment health education and other issues While it is not a legally binding instrument under international law it represents the development of international legal norms designed to eliminate human rights violations against indigenous peoples and to help them in combating discrimination and marginalisation This comprehensive commentary on the Declaration analyses in detail both the substantive content of the Declaration and the position of the Declaration within existing international law It considers the background to the text of every Article of the Declaration including the travaux préparatoires the relevant drafting history and the context in which the provision came to be included in the Declaration It sets out each provision's content interpretation its relationship with other principles of international law and its legal status It also discusses the significance and outlook for each of the rights analysed The book assesses the practice of relevant regional and international bodies in enforcing the rights of indigenous peoples providing an understanding of the practical application of the Declaration's principles It is an indispensable resource for scholars students international organisations and NGOs working on the rights of indigenous peoples

**Development without Destruction** Nico Schrijver, 2010-07-14 Since 1945 the UN has been actively engaged in conceptualizing strategies for both economic development and a sustainable environment From a broad historical perspective Development without Destruction sketches the role played by organizations and individuals in the UN system in developing and consolidating principles of international law and international governance with respect to natural resource management Nico Schrijver highlights the UN's efforts to

generate and implement strategies to resolve tensions between economic development and environmental protection conservation and exploitation sovereignty and internationalism and armed conflict and peaceful access to natural resources Schrijver's thorough analysis is an indispensable guide to management of the critical environmental issues on today's global agenda

*International Environmental Law* Pierre-Marie Dupuy, Jorge E. Viñuales, 2018-06-07 International Environmental Law offers a concise conceptually clear and legally rigorous introduction to contemporary international environmental law and practice The book covers all major environmental agreements paying particular attention to their underlying structure main legal provisions and practical operation It blends legal and policy analysis making extensive reference to the jurisprudence and scholarship and addressing the interconnections with other areas of international law including human rights humanitarian law trade and foreign investment The material is structured into four sections foundations substantive regulation implementation and influence on other areas of international law which help the reader to navigate the different areas of international environmental law Each chapter includes charts summarising the main components of the relevant legal frameworks and provides a detailed bibliography Suitable for practicing and academic international lawyers who want an accessible up to date introduction to contemporary international environmental law as well as non lawyers seeking a concise and clear understanding of the subject

**Sovereignty Over Natural Resources: Balancing Rights and Duties in an Interdependent World** Nico Schrijver, 1995

International Documents on Corporate Responsibility Stephen Tully, 2008-01-01 International Documents on Corporate Responsibility includes the principal international regional and national instruments drafted by intergovernmental organisations or states as well as codes of conduct formulated by industry associations trade unions and non governmental organisations The coverage includes the fields of human rights international criminal and environmental law labour standards international trade armed conflict sustainable development corruption consumer protection and corporate governance Each document is accompanied by a brief explanatory commentary outlining the historical origins of the instrument the principal actors involved controversial negotiation issues applicable implementation procedure and identifies further reference material

**International Law and the Environment** Tuomas Kuokkanen, 2002-01-01 This work contributes to the study of international environmental law addressing its development over three time periods the traditional period the modern era and the post modern period It challenges the reader to think about the subject and its development within a broader framework

**Indigenous Peoples, Marine Space and Resources, and International Law** Endalew Lijalem Enyew, 2024-02-26 This book addresses the rights of indigenous peoples to marine space and associated marine resources under international law Examining the rights of indigenous peoples relating to marine space and marine resources both in international human rights law and the law of the sea the book provides an in depth critical analysis of the existing legal framework whilst identifying the gaps and possible further mechanisms for recognizing the rights of indigenous peoples to marine space The book addresses three main issues 1 the

extent to which international law recognizes and protects the rights of indigenous peoples in relation to marine space and marine resources 2 if and how the law of the sea and international human rights law pertaining to the rights of indigenous peoples to marine space and marine resources interact 3 whether and to what extent the law of the sea regime limits the capacity of coastal States to recognize and implement the rights of indigenous peoples relating to marine space and resources In response and in a context where indigenous marine rights are under increasing threat the book develops an important critical theoretical and methodological approach which moves beyond the current doctrinal focus of much existing work in this area The book will appeal to academics researchers and practitioners in the areas of indigenous peoples and the law international law the law of the sea and human rights

Foreign Investment, International Law and Common Concerns  
Tullio Treves, Francesco Seatzu, Seline Trevisanut, 2013-10-23

Increasingly transnational corporations developed countries and private actors are broadening the boundaries of their investments into new territories in search of a higher return on capital This growth in direct foreign investment involves serious concerns for both the investor and host state Various exponents of international civil society and non governmental organisations persuasively claim that such growth in foreign investments constitutes potential and serious hazards both to the environment and the fundamental rights and freedoms of local populations This book explores from an international law perspective the complex relationship between foreign investments and common concerns i e values that do not coincide or do not necessarily coincide with the interests of the investor and of the host state It pays particular attention to the role of the main international development banks in reconciling the needs of foreign investors with the protection of common concerns such as the environment human rights and labour rights Among its collection of essays the volume asks how much regulatory space investment law leaves whether international investment law is an effective means of balancing contrasting interests and whether investment arbitration currently constitutes a mechanism of global governance In collecting the outlooks of various experts in human rights environmental and international economic law this book breaks new ground in exploring how attention to its legal aspects may help in navigating the relationship between foreign investment and common concerns In doing so the book provides valuable insights into the substantive issues and institutional aspects of international investment law

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