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International law and governance of natural resources in conflict and post-conflict situations

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Part I

The legal framework for the governance of natural resources in States

INTRODUCTORY REMARKS TO PART I

The objective of this part of the book is to examine the international legal framework for the governance of natural resources within States. In an independent State it is obviously the government that first and foremost has the right to exercise political authority in relation to the exploitation of natural resources. This is explored in more detail in Chapter 2. That chapter discusses the principle of permanent sovereignty over natural resources as the organizing principle for the governance of natural resources within States and their economic jurisdiction. However, the right of the government to exploit the State's natural resources is qualified by obligations arising from international human rights and environmental law. Furthermore, this chapter discusses the legal position of the government itself. Chapter 3 discusses the obligations for governments under human rights law, while Chapter 4 examines obligations for governments resulting from international environmental law.

