

The Right of Peoples over Natural Resources

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Each of the two main human rights treaties declares one right twice. This is not the right against torture, against enslavement, or against discrimination, nor is it the right to life, to education, or to an adequate standard of living. The human right that both of these treaties affirm more than any other is the right of all peoples over their natural resources.

The right of peoples over natural resources is a neglected right, the subject of widespread misunderstandings. This article discusses the bases in international law for affirming this right as one dimension of peoples' right to self-determination. Although international law has not settled on an exact specification of the right of peoples over natural resources, there is sufficient agreement among the relevant sources to reach the following conclusions:

- 1) The right is held by the people of the state;
- 2) The definition of 'the people' is 'all citizens of the state.' Specific sub-groups of citizens also have additional rights to natural resources on the basis of a particular interest, geographic proximity, or status as indigenous or other recognized group;
- 3) The right correlates to both substantive and procedural duties in the state. The right requires the state to ensure that citizens
 - a. benefit from the exploitation of natural resources,
 - b. are afforded meaningful participation in decision-making over these resources, and
 - c. have access to remedy in case these duties are not fulfilled.

Plan of the Article

After an introductory section, the article is divided into two major sections, on the right's holder and the right's content.

I. The section on the right's holder discusses

- A) the relation between the people's rights and the state's rights over natural resources;

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- B) the definition of a 'people';
- C) the rights of peoples and the rights of indigenous and other sub-groups;
- D) peoples as holding and exercising rights.

II. The section on the right's content discusses

- A) substantive rights;
- B) procedural rights;
- C) remedial rights.

III. A brief final section discusses obligations of corporations as an emerging area of international law.

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