THE DOCTRINE OF PERMANENT SOVEREIGNTY OVER
NATURAL RESOURCES IN INTERNATIONAL LAW AND
ITS APPLICATION IN DEVELOPING COUNTRIES:
THE CASE OF THE MINING SECTOR IN TANZANIA

Charles Riziki Majinge*

1. Introduction

The doctrine of permanent sovereignty over natural resources emerged and gained prominence meriting serious international consideration after the end of Second World War in the late 1940s.¹

* LL.B (University of Dar Es Salaam, Tanzania), LL.M (Northwestern University School of Law, Chicago, USA), Doctoral candidate (London School of Economics and Political Science, England). <riziki@gmail.com>

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It is recognized as fundamental principle in contemporary international law. Its legal status in international law appears to be settled and its legal character widely recognized. It has been affirmed in different international fora, notably by the International Court of Justice in its two decisions on East Timor and Democratic Republic of Congo.

The permanent sovereignty doctrine was originally championed by developing countries especially from Latin America as a legal tool to consolidate their independence. These efforts culminated into the resolution sponsored by Chile in 1952 in the United Nations General Assembly asking Member States to reaffirm the inalienable right of newly independent States and developing countries to the use and disposal of their natural resources and wealth. The resolution further asked the United Nations General Assembly to provide developing countries with a legal shield against unlawful infringement of their economic sovereignty as a result of property rights claimed by other States, especially the departing colonial powers.

This debate culminated in the adoption by the United Nations General Assembly of Resolutions 523 and 626 of January and December 1952 respectively. These two resolutions recognized the importance of sovereignty over natural resources by the developing