

International Law and the Exploitation of Natural Resources in Western Sahara

- Advisory opinion of 16 October 1975, the International Court of Justice
- Legal opinion of the UN Legal Counsel, dated 12 February 2002, addressed to the President of the Security Council
- Clarifications of the legal opinion



Questions answered by the International Court of Justice

- Was Western Sahara at the time of colonization a territory belonging to no one?
- What were the legal ties between this territory and the Kingdom of Morocco and the Mauretanian entity?



The UN legal opinion

- Article 73 of the UN Charter:

The administering power recognizes

”.....that the interests of the inhabitants of these territories are paramount...”

”...accept as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants of these territories...”



- A distinction is made between economic activities that are detrimental to the peoples of these Territories and those directed to benefit them.



Conclusion

- The mineral activities in a Non-Self Governing-Territory are illegal **if conducted in disregard of the needs and interests of the people of that Territory.**



Other resources

- What conclusions can be drawn from the legal opinion in relation to other resources in Western Sahara than mineral resources?



Thank you!



