

1. Record Nr.	UNINA9910963404303321
Autore	Zedalis Rex J
Titolo	Oil and gas in the disputed Kurdish territories : jurisprudence, regional minorities, and natural resources in a federal system // Rex J. Zedalis
Pubbl/distr/stampa	Abingdon [UK] ; ; New York, : Routledge, 2012
ISBN	1-136-30024-4 1-280-67151-3 9786613648440 0-203-11674-7 1-136-30025-2
Edizione	[1st ed.]
Descrizione fisica	1 online resource (321 p.)
Classificazione	BUS070040LAW000000LAW070000
Disciplina	343.07/72095672
Soggetti	Petroleum law and legislation - Iraq - Kurdistan Petroleum law and legislation - Iraq Petroleum industry and trade - Iraq - Kurdistan Petroleum industry and trade - Iraq
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di contenuto	Cover; Title; Copyright; Contents; Preface; Acknowledgments and dedication; Part I Contextual background of oil and gas in disputed Kurdish territories; 1 Background regarding the question of Iraq's Kurdish territories; I Introduction; II A review of the early history of the Kurdish peoples; III The Iraqi Kurdish peoples from the overthrow of Faisal II to the present; IV The Iraqi Kurdish provinces or governorates and petroleum resources; V Conclusion: where things stand; 2 Oil and gas deposit location and extant contracts with International Oil Companies (IOCs); I Introduction II Oil and natural gas deposits in KRG territory III Reserves made available to international oil and gas companies; IV Position of the central government on Kurdish oil and gas; V Conclusion; Part II Federal constitutional allotment of oil and gas authority; 3 Articles 110-112, and 114-115 of Iraq's Constitution (2005): The respective powers of the central versus the Kurdish government when it comes to oil and gas; I Introduction; II The basic principles: an overview; III Articles 111

and 112: the Constitution's explicit provisions on oil and gas; IV The limited reach of article 112

V Article 110's exclusive federal powers VI The significance of articles 114 and 115; VII Conclusion; 4 Articles 25(E), 26(B), and 54(A) and (B) of the Transitional Administrative Law (TAL); I Introduction; II The general structure of the TAL; III The distribution of authority over oil and gas under the TAL: illuminating the meaning of relevant constitutional provisions; IV Some hypothetical situations; V Conclusion; 5 The matter of disputed territories: Articles 53 and 58 of the TAL, and articles 140 and 143 of the Iraq Constitution (2005); I Introduction; II Articles 53 and 58 of the TAL

III Hypothetical oil and gas situations: the effect of articles 53 and 58 of the TAL IV Article 143 of the 2005 Iraqi Constitution; V Article 140 of the 2005 Iraqi Constitution; VI Oil and gas situations under articles 140 and 143; VII Conclusion; Part III How the Kurdish Constitution and relevant federal and regional legislation address oil and gas in disputed territories; 6 The Kurdish Constitution and provisions of the Oil and Gas Law (No. 22) of the Kurdistan region of Iraq; I Introduction; II Relevant provisions of the KRG's 2007 Oil and Gas Law (No. 22)

III Relevant provisions of the 2009 Constitution of the Kurdistan region of Iraq IV Conclusion; 7 Article 23 of the 2008 Provincial Elections Law and relevant articles of the proposed Federal Oil and Gas Law; I Introduction; II Article 23 of the Provincial Elections Law (2008); III Provisions from the proposed Federal Oil and Gas Framework Law; IV Conclusion; Part IV Disputed territories, the terms of the KRG's model and negotiated PSCs, and observations regarding federalism; 8 Language of both the KRG's Model PSC and its existing public PSCs; I Introduction

II The Genel Energi/Aaddax and the DNO PSCs

Sommario/riassunto

"Much of Iraq's considerable oil and gas reserves are thought to lie in the areas of northern Iraq claimed by the Kurds. Some of this area is under the control of Kurdish Regional Government (KRG) but much of the oil and gas is in disputed territories. The question of authority over these oil and gas reserves is important not only to the international energy companies with negotiated agreements with the KRG for the exploitation of these resources, but also because the issue is a major factor in the relations between the central government in Baghdad and the KRG regional authorities undermining the prospect for a unified Iraq. This book examines the historical and contextual background to the oil and gas in the Kurdish territories placing particular emphasis on the reserves situated in the provinces disputed with the central government. The book examines the legal basis of the current dispute looking at the relevant legislation including the Iraqi federal constitution, the KRG's own constitution and extant contracts with international oil companies. It also considers the developing international law on traditional peoples and their claims to natural resources. The book connects the legal questions which form the basis of this dispute and considers the larger issues of access to natural resources, as well as the place of regional minorities in federal systems. The book offers a critical assessment of the existing law as well as current efforts to address the Kurdish oil and gas controversy, especially from the perspective of federal systems"--

"This book examines the historical and contextual background to the oil and gas resources in the Kurdish territories, placing particular emphasis on the reserves situated in the disputed provinces. The volume is singularly unique in focusing on an examination of the rules reflected in both the national and the regional constitutional, legislative, and contractual measures and documents relevant to the

question of whether the central government in Baghdad or the Kurdish Regional Government (KRG) in Erbil has a stronger claim to legal control over the oil and gas resources in the disputed Kurdish territories. As a subsidiary focus, the author also draws attention to how the basic thrust of the volume connects to broader jurisprudential issues regarding the nature and purpose of law, the matter of claims by native peoples to natural resources on traditional lands, and the place of regional minorities operating in a federal system. Since the law examined is domestic or municipal in origin, additional reference is made to the role that such law can play in the "bottom up" (as opposed to more conventional "top down") development of international law. The book's opening chapters provide a valuable contextual introduction, followed by a number of substantive chapters providing an analytical and critical assessment of the controlling legal rules. Written in a scholarly, yet accessible style, and covering matters of basic importance to academics, lawyers, political scientists, government representatives, and students of energy and natural resources, as well as those of developing legal structures, *Oil and Gas in the Disputed Kurdish Territories* is an essential addition to any collection"--
