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Research methodology in oil and gas law course

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Abstract

Oil and Gas Law Course is an interdisciplinary branch of law which has been recently, for the first time in the Middle East States, introduced and established in Tehran University. This Course deals with various aspects of law, including "private law" and "international investment law" while dealing with the NOC with IOC, relationship and "public Law" while dealing with the host government (HG) and IOC relationship. On the one hand, since this Course has an international nature and character, thus it should be looked upon and studied as practical and operational. On the other hand, since this Course is a multidisciplinary course, its research methodology should be different from an ordinary law course. In this article, four methods including "Abstract", "Allegory," "Procedural" and "Deductive" will be discussed and the advantages and disadvantages of each will be studied.

Keywords: abstract method, allegory method, deductive method, oil and gas law course, procedural method, research methodology.

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Analyzing new enactments in petroleum industry and investigating the existing legal capacity to amend Iranian Petroleum Contractual Framework

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Abstract

Recently, by introduction of provisions which seem to contain new rules on *permitted contractual framework* and *ownership of petroleum*, new enactments in Iranian petroleum industry, raised many controversial debates. References which are made by new enactments to phrases such as “*various approaches on Exploration, Development and Production*”, “*Designing new contractual models*” and “*Joining foreign investors*” raise this question that whether legislator intended to permit introduction of new contractual frameworks such as production sharing contract. It also creates debates on whether or not it is allowed to draw distinction between ownership of in placed oil and ownership of production and vested the former in Government while transferring the latter to the contractor in delivery point. This study aims to investigate new enactments and examines them based on Constitution and other laws and regulations. Such analysis which is carried on within the framework of legal system of Iran shows that the phrase “*Joining foreign investors*” cannot be interpreted as production sharing contract. Also the new enactments may hardly be considered as a permission for transferring ownership of production.

Keywords: joining with foreign investor, new enactments, ownership of petroleum, permitted contractual framework.

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The governing rules on offshore oil field development operation insurance policies

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Abstract

Offshore is ready for terrible events for oil and gas industry. Differences between fixed / submersible offshore oil facilities and onshore facilities is that the latter is fenced at least and protected while no such boundary exists for offshore facility. Classical lawyer and insurance practitioners believe that the insurance policy is categorized in the adherence contracts group, therefore it is not negotiable. But I believe insurance contracts are seeking to meet project and contractual requirements. In fact, it follows to share risks which is incompatible with the nature of the adherence contracts. On the other hand, offshore facility insurance has its own special characteristics that require examining and comparing with other onshore samples. In this article, the governing rules on offshore oil field development operation insurance policies will be studied.

Keywords: development operation, insurance policy, offshore, peril, risk.

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Provisional application of CTBT and its effects on Iran

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Abstract

The way of entering into force of treaty is too sensitive. Most of them, especially those which are concluded in the late 20th century on disarmament, provide for an institution called "provisional application" (art. 25 of Vienna treaty on the law of treaties). Accordingly, parts of treaties are applied provisionally pending the definitive entry into force of the instrument concerned; the purpose of this institution is to provide some measures to full application and to ensure member states. The Comprehensive Nuclear-Test-Ban Treaty (CTBT) has not yet been entered into force, but its inspection body must fulfill its duties until it becomes operative and effective. For this reason, preparatory commission of the treaty has been established temporarily. Given the security nature of the treaty, under the art 176 (2) of CC of IRI, the authoritative body to decide on the provisional application of CTBT is the national Security Council.

Keywords: CTBT, entry into force, legal effects of treaty, preparatory commission of CTBT, provisional application, ratification, treaty.

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A comparative study of environmental provisions in international oil contracts

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Abstract

While strict environmental laws, regulations and standards are in place in order to effectively protect, manage and conserve natural resources and living species in the developed countries, the problem lies in the majority of the world's proven oil reserves which are located within the territories of the developing countries, which often lack sophisticated laws, and regulations for the protection of environment and/or effective compliance and enforcement regimes in this respect. The emergence of new drilling technologies such as hydraulic fracturing, oil contracts, both in the developed and developing countries, necessitates such regulations. The present study aims to conduct a comparative study of the environmental provisions of the international oil contracts taking into account some Iranian petroleum contracts, including the recent IPC. The paper will conclude with the requirement for comprehensive environmental rules and regulations and effective supervisions by the host states.

Keywords: contractual provisions, environmental impact assessment, environmental law, international standards, ESHIA, IPC, oil contracts.

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A review of engineering, procurement, construction and finance (EPCF) contracts in the new system for oil industry contracts

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Abstract

Nowadays, various methods of international contracts in the oil and gas industry can be used by the oil companies and investors. According to the project finance problems in the oil industry, it is necessary to identify the new model contracts that can lead to more active participation of the private sector in the project finance. In this situation, the EPCF contract can be appropriate for solving the project finance problems. However, due to the lack of development of this contractual model in the oil industry, its implementation will be difficult and complicated. The wide diversity of activities in this method increases the management mistakes of contractor and this new method will cause legal and contractual deficiency; also it will affect the determination of the rights and obligations of the parties and the implementation of this method.

Keywords: contractors, employer, EPCF contracts, finance, financier, oil projects, oil companies, project implementation.

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Development of renewable sources of energy from an international law perspective

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Abstract

In the current development of international law, the promotion of energy produced from renewable sources of energy has gained tremendous growth. In this regard, several international instruments have been adopted in order to direct national environmental and energy policies of states involved. These directives have been introduced by a wide range of instruments, including binding conventions and soft law. Hence the scattered international environmental law setting, and unclear status of the relevant rules and principles of international law justify the necessity of studying the recent situation of renewable sources of energy under international law. Due to the considerable importance of the development of renewable energy as a global issue, this paper aims to examine the relevant rules and principles of international law in this context.

Keywords: clean energy, energy law, international environmental law, Iranian energy law, new energy, renewable energy, sustainable development.

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