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A TRIBUTE TO NAWZAD YASIN AND OTHERS: PART 1: NAWZAD

OWEN L. ANDERSON*

This essay began in March 2020 as a tribute to Nawzad Yasin, one of my former students who aspired to become a full-time academic, but who succumbed to cancer early that month. When I realized how many of my former students had become academics, I decided to also pay tribute to them. Part 1 is about Nawzad—a story of tragedy and triumph. Much of Part 1 comes from recent correspondence with Nawzad’s brother and his fiancée. Part 2 is all triumph. Although paraphrased and shortened, much of Part 2 comes directly from the students who are the focus of the essay.

A surprisingly large number of my former students are full-time academics. Currently, five were my students at the University of Oklahoma (OU), two were my students at the University of Dundee (Dundee), and one was my student at the University of Melbourne. All five currently serve as full-time academics. Another former student taught full-time for a few years but has since retired. One former OU student and one former Dundee student hope to become full-time professors after completing their Ph.D. studies. Nawzad would have been one more. In addition to oil, gas, and energy law, Nawzad would also have likely taught water law—another specialty of mine, though I no longer teach or write on that subject. Several

* Professor and Distinguished Oil and Gas Scholar, The University of Texas School of Law and Eugene Kuntz Chair in Oil, Gas & Natural Resources Emeritus and George Lynn Cross Professor Emeritus, The University of Oklahoma College of Law. Professor Anderson cordially thanks Nawzad’s fiancé, Jill Nehkorn, and his brother, Barzan, for providing much of the information included about Nawzad. Professor Anderson also thanks Dr. Kathie Anderson for her editorial comments to a draft of this essay.

former students teach part-time as adjunct professors, but I have not included them in this essay.

While I am proud of all my students, students who become academics hold a special place in a professor's heart—especially a professor who has taught for over 41 years. In the field of oil, gas, and energy law, I am confident that I have the largest number of former students teaching full-time in this discipline. While many may believe that oil and gas are in decline, I think both will remain important for a long time, and the broader topic of energy in general will continue to be the feedstock of a modern and bountiful economy. Thus, I am confident that these students will have long and rewarding careers that will contribute to the betterment of all people globally.

Nawzad Yasin

Nawzad was among my first OU LL.M. students. Although quiet, warm, and always gracious, he carried himself in a manner that commanded respect and admiration. Yet, he was also modest. One could, and perhaps should, write a book about him. He led a remarkable life—albeit too short. As incredible as his life was, I could tell that Nawzad had much triumph and sadness that he could have shared. He occasionally gave me brief glimpses however, in our many conversations. His prematurely graying hair hinted at a stressful life, but his demeanor was always calm and comforting.

Although Nawzad was born in Iran, he was Kurdish, and his ancestral home was Zet, located on the border of present-day Iraq and Turkey,¹ in the heart of the Kurdish region in the Middle East. He lived a fascinating and dangerous life—albeit a life that was cut short by a disease that he fought for over two years. Although a proud Kurd, he interacted personally and

1. After World War I, most Ottoman Empire territories were partitioned by France, the United Kingdom, and Russia. The Kurds lived in a homeland that was partitioned among four states. The largest parts of the Kurdish homeland fall within the boundaries of Turkey and Iraq, with Iran and Syria claiming smaller shares.

Britain and France drew border lines between Turkey and Iraq without considering differences in culture, language, and customs of the local people. See generally James Barr, *A Line in the Sand: How Britain and France redrew the map of the Middle East to satisfy their own interests* (Simon & Schuster 2011). For this reason, many villages were divided into two parts. Zet was separated into two sections—one section inside Turkey and the other section inside Iraq. Residents rely on animal husbandry and crops for their livelihood. Most of the land suitable for crops is located on the Turkish side. Due to its location and the partition, Zet has been a place of conflict. Residents have long fought for an independent Kurdistan.

professionally with many Iraqis, Iranians, and Turks, including all Islamic, Jewish, and Christian sects. He was very personable, professional, and smart. Above all, he was kind.

In 1961, well before Nawzad was born, his father, Mirali Yasin Zeti, joined the Kurdish military forces (the Peshmerga or “those that face death”), fighting for an independent Kurdistan. Although the Peshmerga won a war against Saddam Hussein in 1974, the Algiers Agreement signed in 1975, between Iran and Iraq, settled border conflicts but did not recognize an independent Kurdistan. In the fall of 1975, the Peshmerga forces were in retreat, and Mirali and his extended family fled to Iran along with the Kurdish leader, Mustafa Barzani. Unbeknownst to the Kurds and Peshmerga forces, Saddam Hussein and the Shah of Iran were plotting to further separate Kurds from each other by separating families and suppressing Kurdish culture.² Simultaneously, with the Khomeini revolution in 1978, the Zeti family was forced to move far away to the Gilan Province. This forced move, away from their homeland, did not deter Nawzad’s father from raising his children to preserve Kurdish culture, pride, and patriotism.

Nawzad was born in Rasht, Gilan Province, along the Caspian Sea, on June 4, 1979,³ to Mirali and his wife, Halima Mohammad Amin. The family—including Nawzad and his four brothers and three sisters—remained in Gilan for twenty years.⁴ Nawzad became a top student in primary and secondary school. He excelled in sports, earning a Black Belt in Judo.

During his childhood education, the Kurdish region was a center of conflict. In the final stages of the Iran-Iraq war (1986-89), when Nawzad was in elementary school in Iran, Saddam Hussein planned and orchestrated a systematic attempt to exterminate the Kurdish population in Iraq. Called the “Anfal Genocide”, it was an eight-staged genocidal campaign that led to

2. Compared with Iranians, Kurds are a distinct ethnic group, not Persian; they are predominantly Sunni, not Shia Muslim; and they speak Kurmanji, not Persian. Kurds are not allowed official Iranian documentation or identity cards.

3. When Nawzad relocated to the Kurdish region, he was able to get “documented.” Although he was born on June 4, his official documents say July 1. Owing to the large numbers of displaced Kurds, the Kurdish bureaucracy “standardized” the birth month and day, caring only to get the year right. Nawzad’s parents do not know when they were born, so their real age is unknown.

4. Nawzad has a half-sister—born to his mother and her first husband who was killed in war. As is customary, she was raised by the first husband’s family. Nawzad first met her in 2001—thirty years after her birth. The eldest brother, whom Nawzad never met, was killed in infancy by a bomb dropped by the forces of Saddam Hussein.

the killing of hundreds of thousands of men, women, and children, including people in Zet. After graduating from high school, Nawzad left his family and chose to move to his ancestral region, where he supported the continuing fight for human rights and an independent Kurdistan.

His move to the Kurdish region reinforced his thirst for learning. Nawzad attended the College of Law at Salahaddin University in Erbil, Iraq from 1999-2003. While there, he became politically active, working on behalf of the Kurdistan Democratic Party (KDP or PDK). Like most Kurdish students, he wanted to serve the Kurdish region concurrently with getting an education. He assisted many students who, like himself, had moved back to the ancestral homeland from Iran. From his own personal experiences, he understood the difficult hardships each student faced. His brother advised that “even when Nawzad had no food for himself, he would be a servant to those in need and facilitate getting financial funds from the PDK to help those less fortunate.”

In 2003, the United States and coalition forces defeated Saddam Hussein, with support from the Kurds. Although Nawzad was still a student, he managed a group of nine students who voluntarily went to Mosul to assist the Kurdistan Regional Security Council (KRSC) in gaining control of the city. It was then that PDK officials recognized Nawzad for his leadership and began training him in intelligence.

After graduating with a Bachelor of Arts degree in Law, in spring 2003, he took and passed the Iraq Kurdistan Region bar exam. In early 2004, he was asked to join Major General Hussein Ali Kamal, the Director of the Iraqi Intelligence Service in Baghdad. Nawzad’s brother states that “Nawzad stood out amongst others because he was a very trustworthy individual, and his intellect was a step above most others.” Kamal sent Nawzad to Jordan for a demanding officer training course, which he completed with honors. When he returned to Baghdad, he served for ten months in the Iraqi Intelligence Service. However, the political situation quickly worsened in Baghdad, forcing Nawzad back to the Kurdistan Region.

Nawzad transitioned back to the KRSC. His work ethic and ability to speak fluent Farsi led to his promotion to the Head of the Iranian Branch in the KRSC. And because of his Black Belt in Judo, he became the lead teacher of Judo to senior KRSC officers. Nawzad quickly advanced to the rank of Lieutenant Colonel, but he wanted to further his education.

Nawzad applied for and received a fully funded scholarship from the Kurdistan Regional Government (KRG). In July 2011, he began learning English at EC San Diego English Language School in La Jolla, California. He spent two semesters mastering English at age 32. When I first met him in the fall of 2012, upon his arrival at OU, he was fluent in English—both speaking and writing. However, the LL.M. admissions committee had previously decided that he should first successfully complete a legal research and writing class before commencing his official LL.M. program. He easily completed this task and received a top grade.

Every law professor is blessed with truly exemplary students. Nawzad was one of mine. As is the case with many foreign students, he was eager to learn everything that he could about law and about American society and culture. His classmates and the many J.D. students, with whom he was friends, valued his friendship. Whether in or out of class, whether at the school or at an extracurricular function, Nawzad was always at ease and happy. But his time at OU was not without challenges. At the end of the spring semester in 2013,⁵ he stopped by my office to tell me that he was returning to Iraq to visit his family. I wished him well and told him that I would look forward to seeing him in the fall. I did not see him again until April 2014.

Nawzad's LL.M. studies were interrupted by a visa problem. When he tried to return for the fall semester in 2013, he was denied reentry into the United States—apparently due to having a name that was similar to the name of a person listed as a security threat by the U.S. Department of Homeland Security. He was already en route back to Oklahoma when he was removed from a flight that he had already boarded for Houston. Nawzad returned to his family and through special arrangements, took his fall classes and a major portion of his spring classes remotely. Class sessions were taped and posted on a website for him. He also wrote two major research papers while in Kurdistan. He returned to Oklahoma in April 2014. It was then that I had a long conversation with him about his future and when he told me about his past life. He planned to return to the Kurdish Region to teach energy and natural resources law at a university level, but he told me that he would need a doctoral degree to do so. I contacted my long-time friend and colleague, John Lowe, Professor and Associate Dean at Southern Methodist Dedman School of Law (SMU) about admitting Nawzad into SMU's S.J.D. program, where he could

5. Nawzad enrolled at OU in the fall of 2012, taking a class in legal research in writing. He began his regular LL.M. classes in the spring of 2013.

continue his study of energy and natural resources. Upon receiving his LL.M. degree in May 2014, Nawzad was accepted at SMU.



Nawzad's LL.M. Graduation Picture, May 2014

Nawzad's brother advises that KRG officials did not support his decision, wanting him to return to the Kurdish Region. To drive home their position, they refused further financial support. Although under great pressure to return to the Kurdish Region, Nawzad's passion for learning was greater. In 2015, to further pressure Nawzad, the KRSC advised him that he would no longer be welcomed back to that agency. Nawzad was quickly in financial turmoil. To raise funds to continue his education, he sold his home and property in Erbil to finance his education. Fortunately, Nawzad became a part-time consultant for Hunt Oil Company, which had petroleum investments in the Kurdish Region, and he received several scholarships throughout his tenure at SMU, including support from the

Association of International Petroleum Negotiators, the Energy and Mineral Law Foundation, and the Rocky Mountain Mineral Law Foundation. He never regretted his decision to pursue a doctoral degree and remained focused on his dream to be a professor.

Professor Lowe asked me to serve on Nawzad's dissertation committee. During his doctoral studies, I saw him frequently at various conferences, including at some where he was asked to make presentations. Both Professor Lowe and I invited Nawzad to give guest lectures in our respective classes in international petroleum law.

When I relocated to the University of Texas School of Law in 2016, I asked Nawzad if he would assist me in teaching a specialized interdisciplinary class. Several other professors and I offer an interdisciplinary class in petroleum investment. Law students and graduate students from the McCombs School of Business, the Jackson School of Geosciences, the Cockrell School of Engineering, the LBJ School of Public Affairs, the School of Law, and occasionally other departments work in teams—each team consisting commonly of five or six students—to evaluate and prepare a bid proposal for a petroleum investment opportunity on behalf of “Longhorn Petroleum Company” regarding a “prospect.” In a nutshell, students are required to evaluate the geology, fiscal and contract terms, and commercial, legal, and political risks associated with a possible investment opportunity. In the 2017 class, students evaluated a proposed petroleum investment in the Kurdish Region, which offered production sharing contracts (PSCs) that the Iraq federal government regarded as unlawful.

We chose the Kurdish Region because I knew that Nawzad would help make the students' task as realistic as possible. Nawzad played two roles: first, he gave a presentation, playing the role of a legal and political consultant. Following that presentation, students engaged in research on “surface risk” and were permitted to contact him for advice, but only after they had first done their own research. Then, each student team presented its report to Longhorn's Board of Directors (roles played by the professors and invited guests)—reports that included a proposed bid and an exploration and tentative development plan. Thereafter, students were required to negotiate a final deal with the Kurdish Regional government. Nawzad returned to play the role of a Kurdish official having authority to negotiate final investment terms. On the day of the negotiations, Nawzad was dressed in official Kurdish attire. Students were anticipating that they would make requests to modify certain provisions of the PSC and get clarification on some of the fiscal terms. But Nawzad turned the tables and

made demands for changes that each student team had to instantaneously consider—perhaps the most realistic scenario that could have been imagined. Nawzad did a masterful job, and students were thrilled to have this learning opportunity.

Nawzad knew that he would be the first person from his homeland to earn a doctoral degree in law and that it would be a great achievement not only for him, but for Kurdistan. Yet, his studies were interrupted again due to his strong support for the independence referendum for the Kurdish Region, which took place in September 2017. Nawzad's role in the referendum was noticed by key members of the Kurdish Region Parliament. Nawzad returned to Kurdistan in January 2018 and was warmly welcomed by family, friends, and Kurdish leaders. Nawzad received several job-offers from global and local oil companies as well as from the Kurdish Regional Government. PDK officials convinced him to stand for election to the Kurdish Parliament. Unfortunately, in February 2018, he was diagnosed with stage 3c colon cancer. He had immediate surgery to remove the tumor and withdrew from the race for Parliament. Nawzad chose to return to the U.S. to undergo chemotherapy in March 2018 and to complete his S.J.D. degree.

Nawzad continued to work on his dissertation while receiving chemotherapy. On November 7, 2019, he was advised that he had only a few months to live. When he shared this with me, he was at peace and still upbeat, telling me that the Almighty had a different plan for him. He vowed to complete his dissertation though. Sadly, his illness became critical, and he entered hospice care in early 2020.

In February 2020, I visited him at the T. Boone Pickens Hospice and Palliative Care Center in Dallas. Although frail and thin, he was smiling and at peace, but he tired easily. We reminisced and spoke of happier times. When I asked about his dissertation, he said that it was complete except for a bibliography. I already knew this because I had been asked to serve on his dissertation committee and had read several drafts. His dissertation concerned the difficulties and desirability of unitizing several oil fields that straddled the Kurdish Region's border with Iran. While transnational unitization is difficult in the best of circumstance, it is obviously especially challenging in this part of the globe.

Before visiting Nawzad, I had contacted Professor Lowe, asking him to move "heaven and earth" to award Nawzad the S.J.D. he had worked so hard to earn. Just days before he died, Professor Lowe, Dean Jennifer Collins, and Assistant Dean Stephen Yeager held a special commencement ceremony at the hospice, awarding Nawzad his S.J.D. Nawzad was

overwhelmed, and the hospice caregivers who attended the ceremony wept. He died knowing that he had formally been awarded an S.J.D. Although I was unable to attend the commencement ceremony and had only planted the seed with Professor Lowe about awarding the degree, I was especially proud to be associated with higher education on that day.



Nawzad's Graduation Day Picture: Back row, Dean Jennifer Collins, Professor John Lowe, and Assistant Dean Stephen Yeager

Nawzad passed peacefully on March 6, 2020. His bodily remains were returned to Erbil. He was dressed in traditional Kurdish clothing, and his

casket draped with the Kurdistan flag. Nawzad was buried on March 14, 2020 in Kawrin cemetery located in Soran, Erbil province.



Nawzad's Tombstone with inscriptions in English and Kurmanji

During his brief life, Nawzad was well connected with several universities in the Kurdish Region. Several had indicated an interest in hiring him. He wanted to contribute to the Region's water and energy sectors. I have no doubt that he would have realized this dream, but I also believe that he would have received offers from schools in other countries, including the United States.

Having taught for over 40 years, I have learned much about teaching; however, I believe that teaching is a discipline that comes more naturally to some than to others. Nawzad was not only a good student; he was a natural-born teacher. Alas, cancer prevented Nawzad from fulfilling his dream, but he remained upbeat and studious to the end. I will never forget him, and I keep him in my prayers.