

# International Cooperation in Managing Offshore Hydrocarbons in the Gulf of Mexico



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# 1982 United Nations Law of the Sea Convention

- Completed after 10 continuous years of negotiations
- Extraordinarily important because:
  - Involved every nation on earth
  - Decisions were made based on consensus
  - Created instantaneous customary law (with a few exceptions)

160 nations are parties to UNCLOS

Mexico ratified Convention in 1983

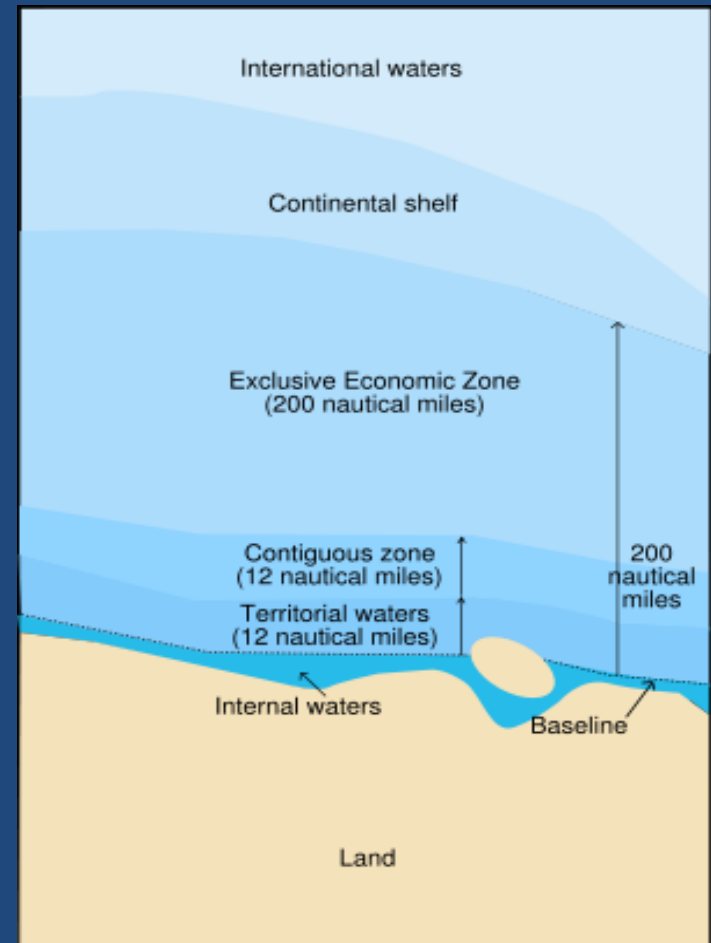
Cuba ratified Convention in 1984

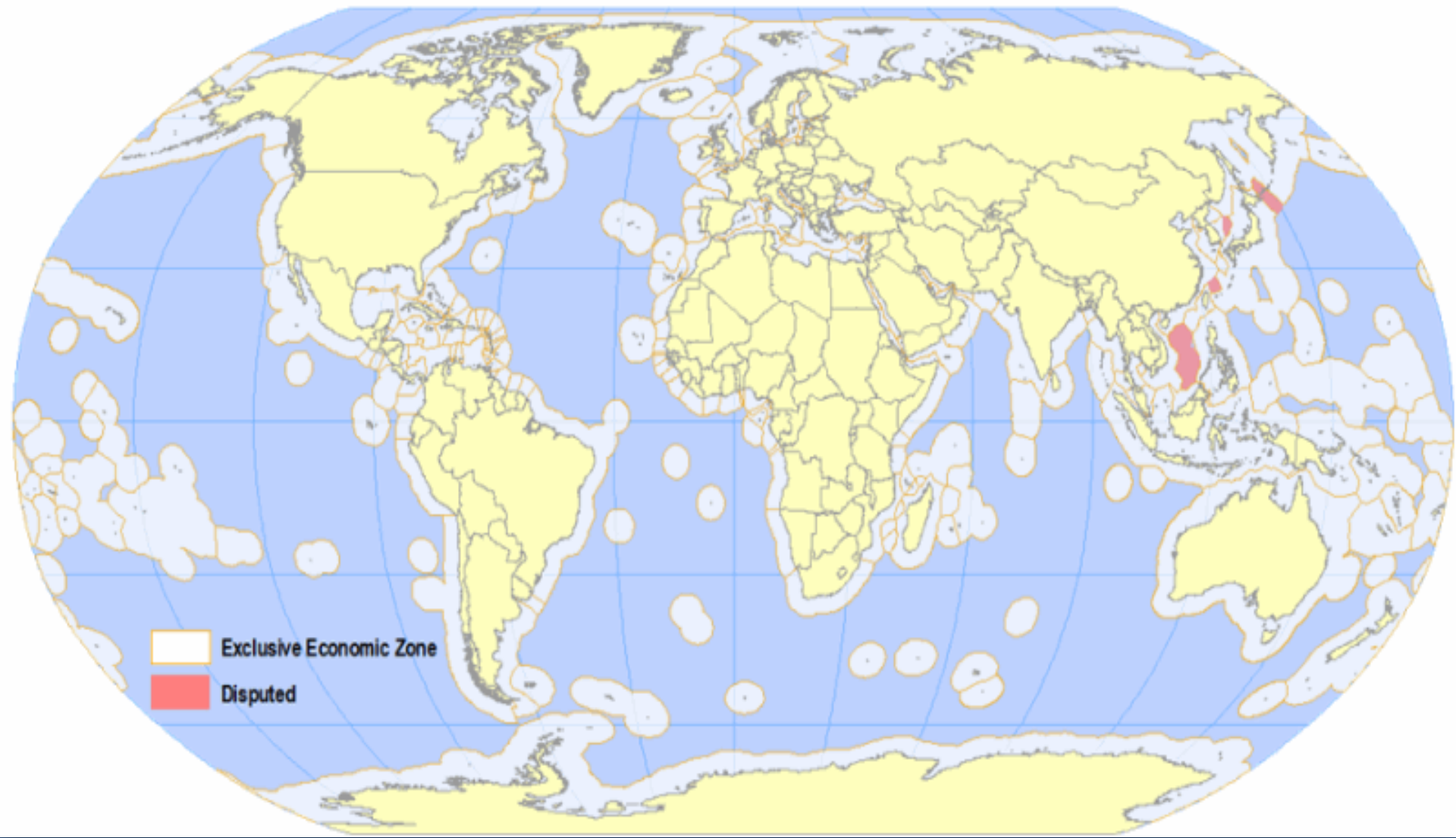
U.S. refused to become party but accepts as customary law – Senate is currently debating accession

Entered into force in Nov. 1994 without U.S.

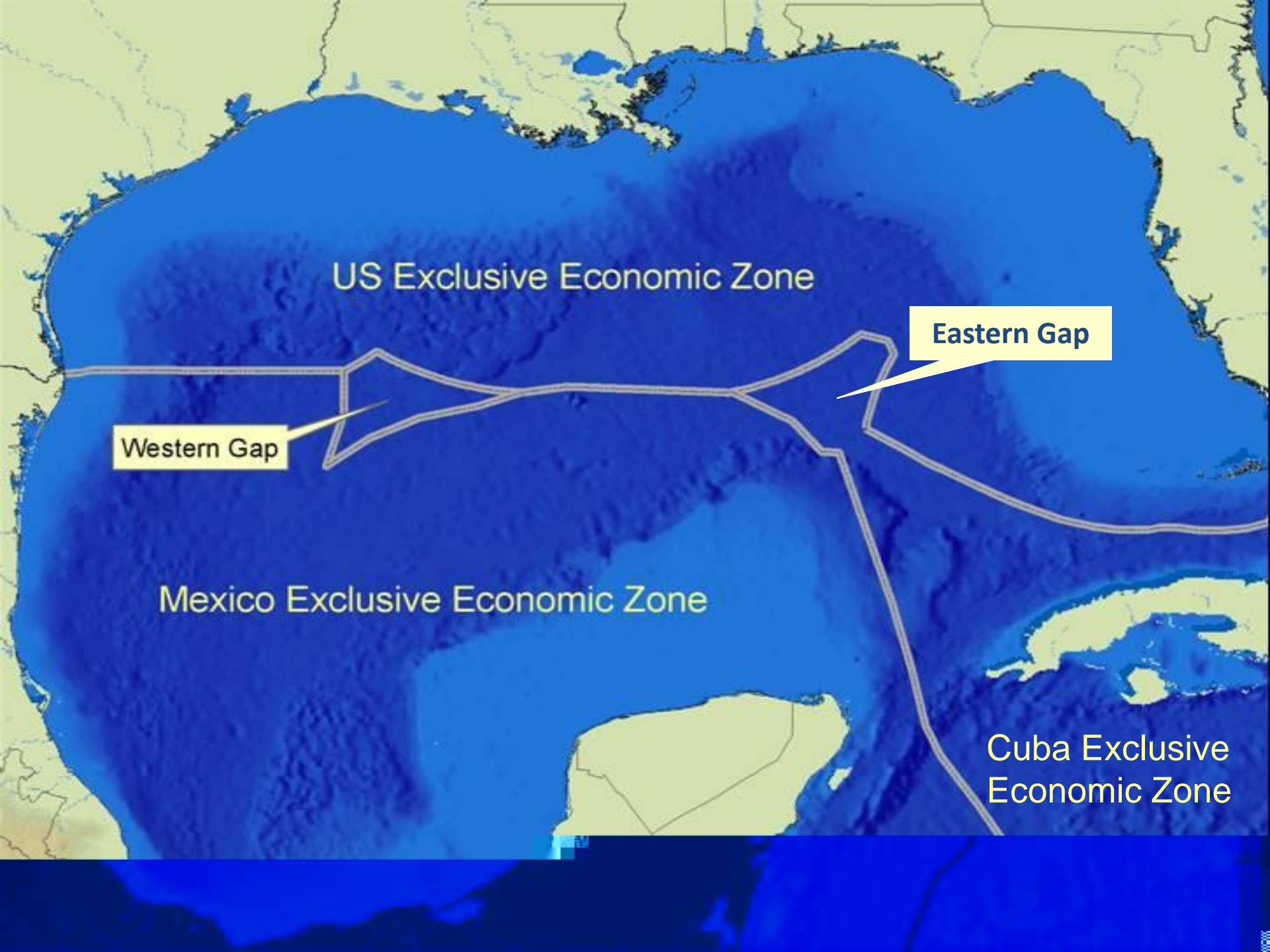
# Marine Juridical Zones

- UNCLOS creates marine juridical zones from land seaward into the oceans
- The coastal nation has the most legal rights close to shore and the least legal rights farther out to sea
- These zones begin at the low-tide baseline





- Map of Exclusive Economic Zones



US Exclusive Economic Zone

Eastern Gap

Western Gap

Mexico Exclusive Economic Zone

Cuba Exclusive Economic Zone



# Lower Tertiary Wilcox Trend

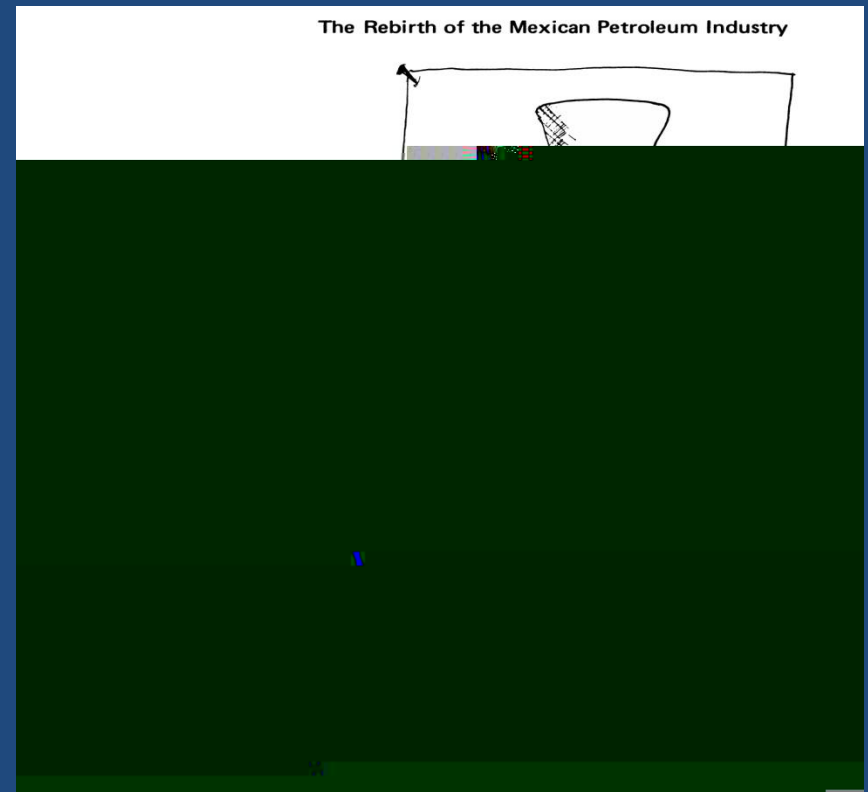


# Mexican Energy Policy

- Mexico's Constitution Art. 27 declares all subsoil hydrocarbons and minerals are owned by the Mexican people
- PEMEX is the nation's operator and controls all production
- No foreign corporation may share revenues, production or reserves

# Oil Remains a National Symbol of Economic Independence

- March 18<sup>th</sup> continues to be celebrated as “Petroleum Day” a day of national commemoration
- All attempts to significantly reform the energy industry have failed



# Oil Spills and International Law

- Article 194(2) of the Law of the Sea Convention requires states to “take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.”
- Well recognized customary legal duty for nations to prevent pollution by activities within their jurisdiction from affecting other nations.
- Most existing international treaties deal with spills from tankers not rigs

# RATIFICATION OF CARTAGENA CONVENTION & OIL SPILLS PROTOCOL



\*Caribbean Netherlands: Special Public Bodies of the Netherlands. Alternatively known as Bonaire, St Eustatius and Saba, BES Islands.

# Cartagena Protocol on Combating Oil Spills in Wider Caribbean Region

- Requires timely reporting of oil spills
- Encourages information sharing
- Mutual assistance to respond to oil spills is encouraged but only “within [each nation’s] capabilities” = discretionary

U.S. Department  
of Transportation  
United States  
Coast Guard



# MEXUS PLAN

EMERGENCY PLAN BETWEEN MEXICO AND THE  
UNITED STATES REGARDING POLLUTION OF THE MARINE  
ENVIRONMENT BY DISCHARGES OF HYDROCARBONS AND  
OTHER HAZARDOUS SUBSTANCES

JOINT CONTINGENCY PLAN  
BETWEEN MEXICO AND THE  
UNITED STATES REGARDING  
POLLUTION OF THE MARINE  
ENVIRONMENT BY  
DISCHARGES OF  
HYDROCARBONS AND  
OTHER HAZARDOUS  
SUBSTANCES

# PLAN MEXUS

PLAN DE CONTINGENCIA ENTRE MEXICO Y LOS  
ESTADOS UNIDOS DE AMERICA SOBRE CONTAMINACION DEL  
MEDIO AMBIENTE MARINO POR DERRAMES DE  
HIDROCARBUROS Y OTRAS SUBSTANCIAS NOCIVAS

PLAN CONJUNTO  
ENTRE MEXICO Y  
ESTADOS UNIDOS  
DE AMERICA  
SOBRE CONTAMINACION  
DEL MEDIO AMBIENTE  
MARINO POR  
DERRAMES DE  
HIDROCARBUROS  
Y OTRAS  
SUBSTANCIAS  
NOXIVAS

# MEXUS Agreement

- Mexico/U.S. bilateral treaty (1980) created after Ixtoc spill to respond to transboundary pollution events
- Single national-level plan with detailed annexes for GOM and Pacific Ocean
- Unlike Cartagena, MEXUS contains mandatory provisions to ensure implementation of the following items:

# MEXUS Provisions

- Identifies a joint response team
- Defines the role of an on-site coordinator
- Provides mechanism for rapid incident notification
- Designates joint operation centers
- Lists communication protocols to coordinate response
- Requires regular exercises and regional meetings
- In accompanying Annexes, provides expedited customs and immigration procedures for equipment, vessels and personnel

# Next Steps to Improve Cooperation on Offshore Oil and Gas

- 1) Grant general licenses or narrow emergency exemptions to the embargo to ensure that U.S. companies can respond to oil spills in Cuban waters
- 2) Actively participate in this week's Regional Oil Pollution Preparedness, Response and Cooperation Seminar sponsored by the IMO in the Bahamas
- 3) Finalize and ratify U.S./Mexico Treaty on Shared Maritime Boundary Hydrocarbons
- 4) Negotiate a cooperation agreement with Cuba (and the Bahamas/Jamaica?) on oil spills, followed by the development of a joint contingency plan similar to the MEXUS agreement
- 5) Resolve remaining maritime boundary issues including the Eastern Gap