



Institut
océanographique
Fondation Albert II^e, Prince de Monaco

“Towards an international regulation of offshore oil exploitation”

Report of the experts workshop held at the Paris Oceanographic Institute on 30 March 2012

Julien Rochette (IDDRI)

THE DEEP AND ULTRA-DEEP OFFSHORE CONQUEST: INCREASING RISKS FOR MARINE ENVIRONMENT

Recent accidents on offshore oil platforms (Australia 2009; United States, 2010; China, 2011; Brazil, 2012) have raised public awareness on the extent to which offshore oil exploitation is moving into increasingly deep waters (over 2 kilometres, compared to around 10 metres after the Second World War). This undoubtedly brings up questions of risks prevention and management when conducting these activities. Geological hazards, weather conditions, technological limits, and human factors can indeed, at such depths, lead to dramatic consequences in case of accidents.

A FRAGMENTED AND INCOMPLETE INTERNATIONAL FRAMEWORK ON OFFSHORE OIL EXPLOITATION

A study of the current international framework on offshore oil exploitation highlights both its fragmented and incomplete nature. At global level, the United Nations Convention on the Law on the Sea provides the legal basis to create an international regime for offshore oil activities, but no such a regime has been established so far. Moreover, regional initiatives, such as those developed in the North East Atlantic, the Mediterranean or Western Africa, are limited in their coverage and there still are many regions where offshore oil exploration and exploitation are on-going without any regional regulation.

THE WAY FORWARD

The weaknesses and gaps of the current international regulatory framework therefore need to be addressed by both strengthening the safety of offshore oil exploitation, and adopting rules on liability and compensation. In that perspective, participants to IDDRI's workshop identified key issues that must be addressed as soon as possible, including scale of action and States' capacities.

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1. INTRODUCTION

On 30 March 2012 at the Paris Oceanographic Institute, the Institute for Sustainable Development and International Relations (IDDRI) organised an experts workshop on the international regulation of offshore oil exploitation. The objectives of this event, organised in partnership with the Prince Albert II of Monaco Foundation, the MAVA Foundation and the FIBA Foundation, were threefold: (i) launching officially the one-year IDDRI project dedicated to this specific issue; (ii) gathering experts from different sectors in a non-official arena for a brainstorming; (iii) feeding the discussions that currently take place in various international fora. This workshop was part of an analysis process independent from the negotiations underway. Hence, participants were invited in a personal capacity rather than as representatives of the institutions to which they belong. This document provides a summary of the presentations and discussions held during this workshop. The agenda is provided in Annex 1 and the participants are listed in Annex 2.

2. THE DEEP AND ULTRA-DEEP OFFSHORE CONQUEST: INCREASING RISKS FOR MARINE ENVIRONMENT

Presentations to the participants first noted that **the recent series of accidents on offshore oil platforms have raised public awareness on the extent to which offshore oil exploitation is moving into increasingly deep waters.** Underwater oil drilling really took off in the 1970s, as the dual effect of a political factor—the desire of consumer countries to lessen their dependence on the Persian Gulf States by developing their own activity—and technological developments making

it possible to drill ever further from coastlines and at ever greater depths. Whereas just after the Second World War industries were only drilling in around 10 metres of water, it is now increasingly common for rigs to drill at a depth of over 2 kilometres. As of today, almost a third of the oil consumed in the world comes from underwater areas. However, human domination of the world's oceans does not look set to abate. The sea has so far revealed only a tiny fraction of its energy potential and new ultra-deepwater drilling technologies are being developed. Consequently, despite their environmental, economic and social impacts, the recent accidents in Australia (Montara, 21st August 2009), United States (Deepwater Horizon, 20th April 2010), China (Penglai 19-3, 4th June 2011), Brazil (P-34 platform, 15 March 2012) or in the North Sea on a gas platform (Elgin / Franklin, 25th March 2012) are unlikely to halt the rush towards offshore drilling. This is all the more true as the technical cost of deepwater drilling has been significantly reduced in recent years. **This undoubtedly raises questions of risks management when conducting these activities.** Participants therefore discussed the nature of the risks related to offshore oil exploration and exploitation.

In this regard, it is worth noting that **there are different types of risk according to the nature of operations in progress.** In the first stage of exploration, risks are mostly related to potential geological hazards. In the appraisal drilling stage, the neighbouring environment starts to be understood and risks then depend on specific local conditions (e.g. harsh environments) and technological limits (temperature, sour gas). Last, in the development and production stage, risks are mainly related to the quality of the design and compliance with procedures. However, contrary to common thought, risks are actually similar when drilling is made inland or in deep waters. Indeed, even if offshore

techniques slightly differ from onshore or shallow waters operations, the type of risk is very similar. The real difference comes from the remediation aspects: fixing a problem in deep waters is obviously more complex, as has been illustrated in many recent accidents on offshore platforms. Additionally, deepwater reservoirs are often high pressure and temperature with high flow rate potential. In this matter, participants underlined that **three main lessons can be learnt regarding the causes of these recent accidents**. First, there is generally a late understanding of the situation which makes the accident more acute. Second, evidence shows that the industry is not fully prepared to remedy the crisis situation in deep and ultra-deep waters. Last, human errors can be systematically and retroactively pointed out, be they engineering errors, non-compliance with procedures or lack of attention to early warnings. The same errors lead to the same type of accident onshore, but with a lower impact since they are much easier to control and repair.

This difficulty to resolve problems in deep waters has been dramatically illustrated during the accident of the Deepwater Horizon, an event analysed in a presentation and discussed by the participants. In September 2009, the rig drilled the deepest oil well in history at a vertical depth of 10,683 metres in the Tiber field at KC block 102, approximately 400 kilometres southeast of Houston, in 1,259 metres of water. 7 months later, on 20 April 2010, an explosion started a fire that killed eleven workers and engulfed the Deepwater Horizon. Two days later, the rig sank to the seafloor, releasing nearly 5 million barrels of oil into the sea over a period of three months, before it was possible, on 15 July 2010, to cap the well. Even if this region had always known operating accidents—between 1996 and 2009 there were 79 reported losses of well control accidents in the United States (US) Gulf of Mexico (see Map 1)—and while the full consequences ecological consequences are unknown, this event could be one the most severe ecological disasters in the US history.

Following this event, **the President of the United States of America, Barack Obama, created the “National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling”** in order to (i) determine the causes of the tragedy, (ii) evaluate the containment and clean up responses, and (iii) advise the President and the nation on how future energy exploration should take place responsibly in environmentally sensitive and more challenging deepwater areas. The Commission found that the Deepwater Horizon disaster was foreseeable and preventable, that errors and misjudgments by three companies (BP, Halliburton and Transocean) played key roles in

the disaster and that government regulations and regulators were remarkably ineffective. In particular, the Commission pointed out that the blowout was the product of human errors, engineering mistakes and management failures. Specific causes included inadequate risk evaluation and management of late-stage design decisions; flawed cement slurry design; failed negative test that was judged a success; inattention to signals of the hydrocarbon “kick” that became the blowout; and ineffective response to the blowout once it began.

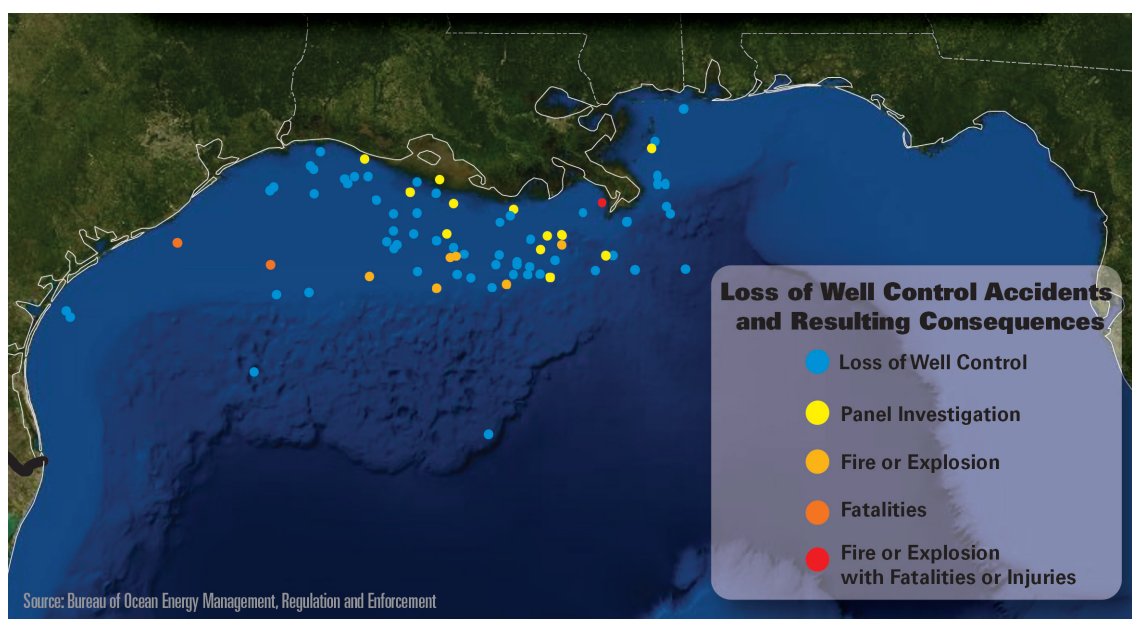
In discussing the development of drilling activities in deep and ultra-deep environment as well as the increasing number of accidents on offshore platforms, the question was raised as to whether the current international framework is comprehensive enough to ensure the protection of marine environment and to address the liability and compensation issues when an accident occurs.

3. A FRAGMENTED AND INCOMPLETE INTERNATIONAL FRAMEWORK ON OFFSHORE OIL EXPLOITATION

Participants analysed and discussed the international framework on offshore oil exploration and exploitation, highlighting both its fragmented and incomplete nature.

At the global level, **the 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides for a strict application of the 1945 Truman Doctrine** which states: “the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation [in this case the United States] is reasonable and just”. The Convention resumes this principle, while adding obligations related to the protection of the marine environment, among which are: (i) Article 60, which enables States to establish drilling installations with safety zones; (ii) Article 194-1, which calls on States to take “all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment”, (iii) Article 194-3-c which asserts that coastal States should limit the “pollution from installations and devices used for the exploitation or exploration of the natural resources of the seabed and its subsoil”, (iv) Article 208-5 which invites Parties to establish “global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment” from seabed activities. UNCLOS therefore provides the legal basis to create an international regime for offshore oil activities but no such a regime has been established so far.

Map 1. Loss of well control accidents in the US Gulf of Mexico between 1996 and 2009



In terms of liability and compensation however, participants noted that a **"Convention on Civil Liability for Oil Pollution Damage resulting from Exploration for and Exploitation of Seabed Mineral Resources"** (CLEE) was elaborated in 1977. The Convention sets out the principles of a limited objective liability, compulsory insurance and the possibility to take action against the insurer. This convention, however, never entered into force. An important gap is therefore to be filled in this matter, as illustrated by the recent discussions within the International Maritime Organisation (IMO). **The issue of liability and compensation for oil pollution damage resulting from offshore oil exploration and exploitation was indeed brought to the attention of IMO in March 2010** at the 60th session of the Marine Environment Protection Committee (MEPC) by the Indonesian delegation which made a general statement regarding an accident at the Montara offshore oil platform located in Australian waters, resulting in a significant release of oil into the Timor Sea. As liability and compensation issues are generally dealt with by the Legal Committee, the MEPC agreed that this matter be discussed within the Legal Committee. Accordingly, the Indonesian delegation submitted a proposal in this regard to the 97th session of the Legal Committee, which met in September 2010. The Montara platform, which was located in the Australian economic exclusive zone (EEZ), blew out during the drilling of a new well. According to Indonesia, the oil slick damaged

the marine environment in Indonesian waters in the Timor Sea and caused socio-economic damage to coastal communities whose livelihoods depend on the sea and its living resources. While the company does carry appropriate insurance, no payout has yet been made due, in part, to a dispute as to the alleged extent of the damage. The wider concern of Indonesia was that, while such companies generally do carry insurance, this is usually determined in accordance with the regulatory limits set by national bodies which regulate offshore drilling in the company country and may be, in certain cases, present in regional agreements. However, the amount of such insurance may be limited and may vary according to national law. What was missing, according to the Indonesian delegation, is a uniform international standard which could apply to all incidents of this nature. **Indonesia therefore invited the Legal Committee to include this item on its work agenda and to consider the possibility of establishing an international regime for liability and compensation for oil pollution damage resulting from offshore oil exploration and exploitation activities.** The Indonesian proposal has, to date, been considered at three successive sessions of the Legal Committee and during an informal intersessional consultative group led by Indonesia. The debate has revolved around two main issues, one procedural and the other substantive.

The procedural issue is a fundamental one. In years past, each Committee was able to determine

for itself whether to include a new item on its work agenda. These days, however, the IMO Council requires that all proposed new agenda items fit into the IMO Strategic Plan developed for each biennium. However, the Indonesian proposal does not fit into the current Strategic Plan and any amendment of the Plan would require the Council’s agreement.

The Committee’s consideration on the substantive issue has been even more difficult to resolve and a wide range of views was expressed, both for and against the Indonesian submission. Among the arguments in favour of including the item in the Committee’s agenda were the following: (i) it is appropriate at this time for the organisation to discuss this issue in light of recent accidents; (ii) the Committee should not wait for another serious incident to occur before acting; (iii) IMO is the only reliable and appropriate forum to address the issue due its characteristics, experience and expertise as a specialized agency of the United Nations; (iv) incidents involving transboundary pollution damage from offshore platforms might occur in any part of the world and not every country is unable to tackle the problem on its own – accordingly, international regulation is advisable; (v) oil pollution knows no borders and accordingly it seems important to have a mechanism in place to compensate victims. On the other side, arguments against the Indonesian proposal, or expressing caution, were the following: (i) according to UNCLOS, IMO’s competence relating to offshore platforms is limited to their impacts on maritime navigation; (ii) Article 1 of the IMO Convention confines the Organization’s pollution prevention activities to vessel-source pollution; (iii) the proposal to amend the Strategic Plan does not clarify which authority would regulate and control the offshore oil exploration activities in order to ensure the necessary effectiveness to a system based on the liability of operators; (iv) IMO cannot duplicate, for the offshore oil sector, the liability rules applicable to oil leaks caused by ships. Offshore oil exploration activities only exceptionally have an international impact while shipping normally involves many jurisdictions and may potentially affect any country; and (v) the issue of transboundary pollution damage arising from offshore oil activities would be better addressed through bilateral or regional agreements. Participants discussed the pros and cons of each of the positions.

A few days after the seminar, during its 99th Session held in April 2012, the IMO Legal Committee agreed to inform the Council that it wished to analyse further the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration

and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements, without revising SD 7.2. The Committee recognised that bilateral and regional arrangements were the most appropriate way to address this matter; and that there was no compelling need to develop an international convention on this subject. The delegation of Indonesia informed the Committee that it would continue coordinating an informal consultative group to discuss issues connected with transboundary pollution damage from offshore exploration and exploitation activities.

Participants reviewed the work by the Comité Maritime International (CMI), an NGO for maritime law unification, at the request of the IMO, which resulted first in a draft **Convention on offshore mobile craft in 1977** and then further work from the 1990s. The 1977 draft convention aimed at applying to offshore mobile craft various conventions already adopted in the field of navigation. In 1990 the IMO Legal Committee asked the CMI to review the 1977 draft convention. The CMI established a working group which first proposed in 1994 a similar draft convention following the principle of incorporation by reference of existing treaties. The principle of incorporation by reference did not find favour with the IMO Legal Committee which in 1995 encouraged the CMI to pursue an entirely new approach. The CMI working group then expanded its work with the encouragement of several national maritime law associations including the Canadian Maritime Law Association (CMLA) which issued in March 1996 a “Discussion Paper” pronouncing in favour of the preparation by the CMI of a comprehensive international instrument for subsequent negotiation within the IMO framework. While several national maritime law associations expressed support for this concept, some industry associations and the Maritime Law Association of the United States opposed CMI’s work on this process¹³. The CMLA proceeded on its own initiative and in 2000 produced a comprehensive draft convention of 14 articles which addressed technological, legal and environmental developments. The **CMLA draft Offshore Units Convention**, while was not adopted by the CMI, has been published with a view to encouraging further debate²⁴. At the CMI Vancouver conference in June 2004, the offshore convention working group noted IMO’s lack of interest in the initiative. The CMI has discontinued active work on the development of a comprehensive international offshore

1. Document IMO LEG 79/6/2.

2. <http://www.comitemaritime.org/Uploads/Newsletters/2004/Binder1.pdf>

Table 1. Measures regulating offshore activities adopted within the OSPAR framework

Issue	Legal basis	Principles
Discharges of chemicals and oil	Recommendation 2006/5 on a Management Regime for Offshore Cutting Piles	Two-stage management regime: Stage 1: Initial screening of all cutting piles Stage 2: BAT and/or BEP Assessment Results of stage 1 indicate the none of the old cutting piles exceed the threshold.
	Decision 2000/3 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF Contaminated Cuttings	The use of diesel-oil based fluids is prohibited. The discharge of whole OPF is prohibited. The discharge of cutting contaminated with oil-based drilling fluids (OBF) and synthetic-based drilling fluids (SBF) is only authorised under exceptional circumstances. BAT and BEP for the management of OPF contaminated cuttings.
	Recommendation 2001/1 for the Management of Produced Water from Offshore Installations	OSPAR target of 15% reduction in the total quantity of oil in produced water. OSPAR performance standard of dispersed oil of 30 mg/l.
Use of chemicals offshore	Decision 2000/2 on a Harmonised Mandatory Control System (HMCS), as amended	It sets out management mechanisms on the basis of which national competent authorities shall ensure and actively promote the continued shift towards the use of less hazardous substances (or preferably non-hazardous substances).
	Recommendation 2010/4 on Pre-screening	The pre-screening scheme allows national competent authorities on basis of PBT-assessment, to identify substances used as, or in, offshore chemicals with the aim of substituting those substances which are hazardous and regulating and controlling the other substances.
	Recommendation 2010/3 on a Harmonised Offshore Chemical Notification Format (HOCNF)	It provides national competent authorities with data and information about chemicals to be used and discharged offshore and enables the authorities to carry out the pre-screening process.
Decommissioning	Decision 1998/3 on the Disposal of Disused Offshore Installations	The dumping and the leaving wholly or partly in place of disused offshore installations is prohibited. Annex I: Derogation categories (excluding topsides) (1) Footings of a steel installation: steel installations $\geq 10\,000$ tonnes + placed in the maritime area before 9 February 1999; (2) Concrete installations: floating or gravity-based concrete installations; (3) Concrete anchor base that could affect other uses of the sea; (4) Any other disused offshore installations when exceptional and unforeseen circumstances can be demonstrated
Offshore drilling activities	Recommendation 2010/18 on the Prevention of significant acute pollution from offshore drilling activities	Establishment of a process to review the results of investigations into drilling conditions and to assess their relevance to OSPAR with a view to taking additional measures

units convention, but has continued to monitor the activities of the IMO.

In order to compensate for the shortcomings of the international law and fill in the regulatory gaps, **initiatives have recently been launched at the regional level.** In this regard, participants specifically reviewed the recent developments within the North-East Atlantic, Mediterranean and Western Africa regional seas framework.

In the North East Atlantic, governed by the 1992 Convention for the protection of the marine environment of the North-East Atlantic (the OSPAR Convention), the Environment Strategy adopted by the Contracting Parties³ include a thematic strategy on “Offshore Oil and Gas Industry” whose general objective is to “prevent and eliminate pollution and take the necessary measures to protect the OSPAR maritime area against the adverse effects of offshore activities”. In this context decisions and recommendations have been adopted dealing, *inter alia*, with the discharges of chemicals and oil, the use of chemicals offshore, the decommissioning of disused offshore installations and the prevention of significant acute pollution from offshore drilling activities (see Table 1).

In the Mediterranean, a specific Protocol, namely the “Protocol for the protection of the Mediterranean sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil”, was adopted in 1994 and entered into force in March 2011. This regional instrument covers the full range of activities concerning exploration and exploitation of resources in the Mediterranean: scientific, exploration (e.g. seismological activities, exploration drilling) and exploitation activities (installations establishment, development drilling, recovery/treatment/storage, transportation to shore). It also covers all types of installations⁴. Regarding the safety of offshore activities, the Protocol states in particular that all activities, including erection on site of installations, shall be subject to the prior written authorisation for exploration or exploitation from the competent authority: “such authority, before granting the authorization, shall be satisfied that the installation has been constructed according to international standards and practice and that the operator has the technical competence and the financial capacity to carry out the activities”⁵. “Authorization

shall be refused if there are indications that the proposed activities are likely to cause significant adverse effects on the environment that could not be avoided by compliance with the conditions laid down in the authorization”⁶. Moreover, the Protocol also covers the liability and compensation side of offshore activities. In particular, the Protocol binds States “to cooperate as soon as possible in formulating and adopting appropriate rules and procedures for the determination of liability and compensation for damage resulting from the activities dealt with in this Protocol”⁷. In the meantime, States “shall take all measures necessary to ensure that liability for damage caused by activities is imposed on operators, and they shall be required to pay prompt and adequate compensation” and “take all measures necessary to ensure that operators shall have and maintain insurance cover or other financial security of such type and under such terms as the Contracting Party shall specify in order to ensure compensation for damages caused by the activities covered by this Protocol”⁸. A set of Guidelines for the Determination of Liability and Compensation for Damage Resulting from Pollution of the Marine Environment in the Mediterranean Sea Area has been adopted on 18 January 2008 at the 15th ordinary meeting of the Parties to the Barcelona Convention. Covering both the safety and liability and compensation issues, the Protocol was recognised by the participants as a comprehensive and relevant agreement but many regretted that neighbouring European countries and the European Community have so far refrained from ratifying the text.

The Western Africa is an important region for oil and gas activities, including offshore (see Map 2). The legal basis of the regional cooperation is the Convention for co-operation in the protection and development of the marine and coastal environment of the West and Central African Region (the Abidjan Convention), adopted in 1981. **During the last COP held in Accra, Ghana, from March 28th to April 1st, Contracting Parties⁹ to the Abidjan Convention made important steps to address oil spills, including those related to offshore platforms.** The 1985 Protocol concerning cooperation in combating pollution in cases of emergency in the Western and Central African region has first

3. Belgium Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the European Union.

4. Article 1f.

5. Article 4-1.

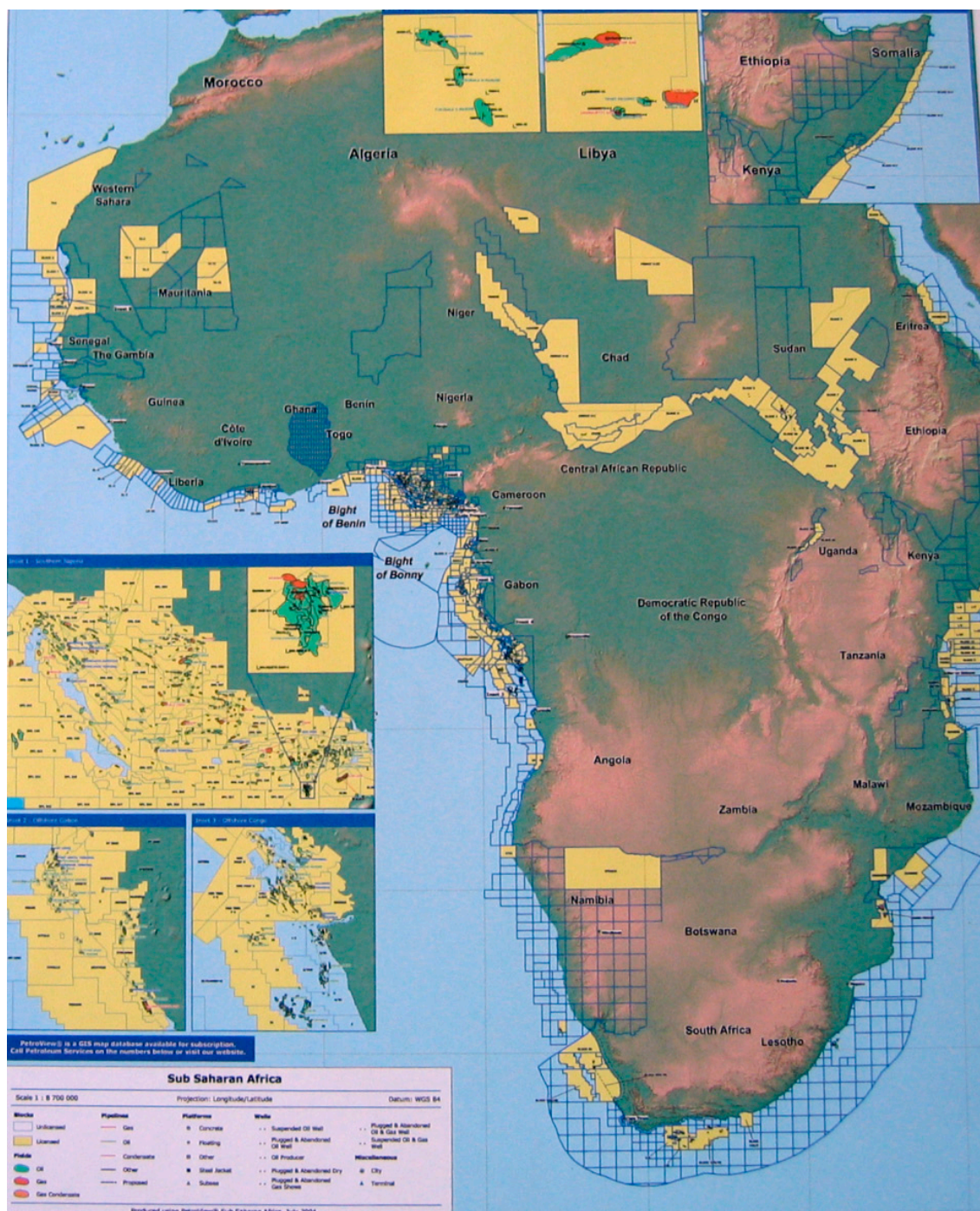
6. Article 4-2.

7. Article 27-1.

8. Article 27-2.

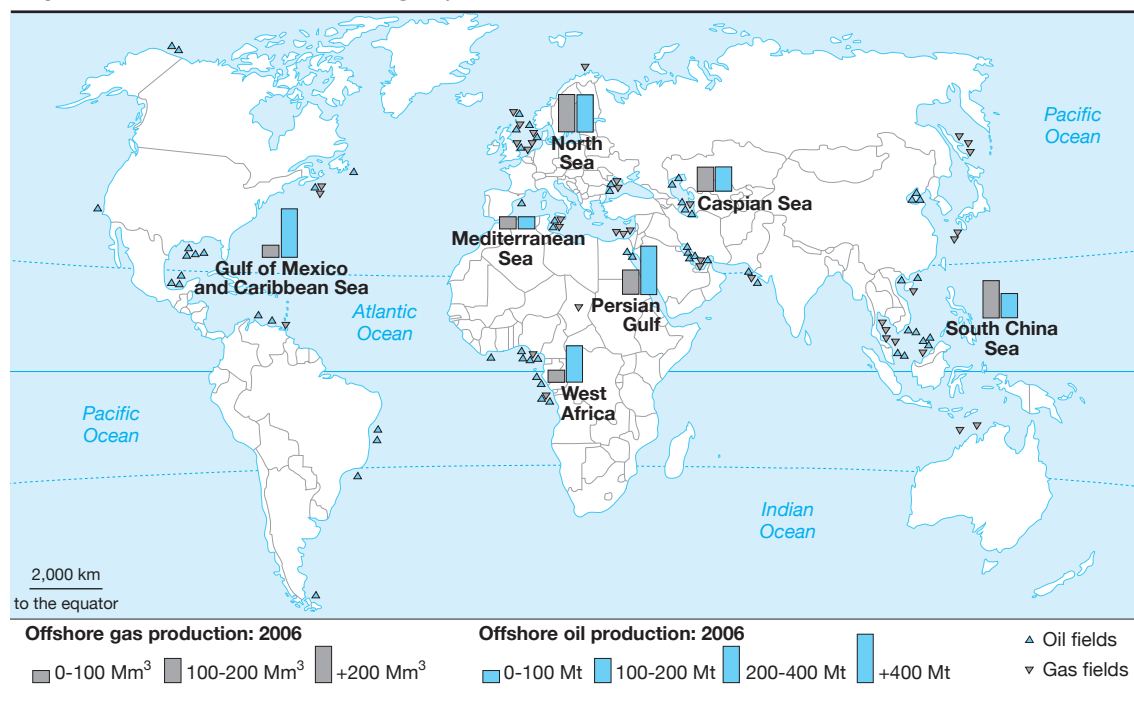
9. Angola, Benin, Cameroon, Cape Verde, Congo, Cote d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo.

Map 2. Oil and gas blocks in Africa



Source: Deloitte Petroleum Services, 2003.

Map 3. Worldwide offshore oil and gas production



Source : Jacquet P., Pachauri R.J., Tubiana L., (Eds), *Oceans: the new frontier*, Delhi: TERI Press, 2011, p.217.

been amended, creating in particular a Regional Centre for Cooperation in Case of Emergency¹⁰. A Regional Contingency Plan has also been adopted in order to organise a prompt and effective response to oil spills affecting or likely to affect the region¹¹. Last, Contracting Parties committed themselves to “build national capacity in oil and gas development to manage the sector, elaborate and adopt appropriate national policies, conduct Strategic Environmental Assessments and social/ Environmental Impact Assessments (...), enact national legislation to address liability, compensation, safety and security- related matters for offshore platforms¹²”.

In conclusion of this brief review, the subsequent discussion underlined that **the international framework does not comprehensively address the safety and liability issues related to offshore oil activities**. While efforts made by the International Association of Drilling Contractors and the International Regulators Forum to

improve risk management must be underlined, the international law is still incomplete, even if initiatives have been taken to fill the gaps. Regional initiatives are welcome but they are currently limited in their coverage: beyond the North East Atlantic, the Mediterranean and Western Africa, there are many other regions where offshore oil exploration and exploitation are on-going (see Map 3), without any regional regulation instrument.

4. CONCLUSION: THE WAY FORWARD

The weaknesses and gaps of the current international regulatory framework need to be addressed by both strengthening the safety of offshore oil exploitation, and adopting rules on liability and compensation. In that perspective, participants identified **key issues that must be addressed as soon as possible**.

First, it appears very important to determine the most relevant scale to address the regulation of offshore oil activities. Should the international community launch a process towards the elaboration of a global agreement or are regional seas the appropriate framework to adopt legal instruments? In this regard, the discussion pointed out that the regional approach is promising, the

10. Article 7 and Decision CP.9/5 Creation of a Regional Centre for Cooperation in Case of Emergency.

11. Decision CP 9/6 Adoption of the Regional Contingency Plan.

12. Decision CP 9/3 Protection of the marine and coastal environment from oil spills emanating from offshore and coastal oil exploration and exploitation.

best example being the Mediterranean Offshore Protocol which is considered by many as both comprehensive and ambitious. However, participants also asked whether all regional frameworks are able to initiate the development of regional agreements and then provide States with the necessary technical support and assistance to help them comply with the rules. In some regional systems lacking funds and human resources, the challenge is immense, as is therefore the risk to adopt a “paper agreement”. Hence, even if the regional approach should be developed where it is possible, discussions must also be held at the global level.

Second, participants discussed and tried to identify **the most relevant way to internationally address the safety issues of offshore oil activities**, for which no initiative is currently under progress. In this regard, they first underlined that it would be difficult to address it within the IMO Legal Committee and therefore envisage a unique convention addressing both safety and liability issues.

In this context, the question is therefore to identify the international organisation which could take the lead in the discussion on the safety of offshore oil activities. Participants recognised that UNEP is the natural interlocutor, even if this institution has not demonstrated a real interest in this question in recent years. The discussion revealed that a joint UNEP / IMO initiative would also make sense.

Last and in the meantime, the discussion stressed the **need to strengthen States’ capacity to effectively control the safety of the offshore activities developed in their EEZ and to develop contingency plans in case of accident**. Today, in most countries, and especially in developing ones, there is a lack of human resources and funding to deal with these activities. The international community should therefore make a particular effort towards strengthening of States’ capacity. Funding from international donors, and from the industry itself, should be channeled on this crucial challenge. ■

ANNEX

Annex 1. Agenda of the workshop

Opening session

- 08:30 Welcome and participants' registration
- 09:00 Welcome addresses
 - Olivier Dufourneaud**, Policy officer on ocean protection, Oceanographic Institute, Foundation Albert I Prince of Monaco
 - Lucien Chabason**, Senior Advisor, IDDRI
- 09:15 Presentation of the seminar
 - Julien Rochette**, Research Fellow Oceans and Coastal Zones, IDDRI

Session 1: Looking back on past initiatives dealing with off shore oil activities

- 09:25 Flashback to and lessons learnt from the Canadian Maritime Law Association / Comité maritime international s initiative for an international convention on offshore units, artificial islands and related structures used in the exploration for and exploitation of petroleum and seabed mineral resources
 - William M. Sharpe**, Barrister & Solicitor, Canada
- 09:45 The US National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling: process, outcomes, next steps
 - Hobson Bryan**, National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling
- 09:55 Questions / Discussion

Session 2: Current initiatives for the regulation of offshore oil exploitation

- 10:15 Current initiatives within the International Maritime Organisation regarding liability and compensation for oil pollution damage resulting from offshore oil exploration and exploitation
 - Rosalie Balkin**, Director, Legal Affairs and External Relations Division, International Maritime Organisation
- 10:30 Questions / Discussion
- 11:00 Coffee break
- 11:30 Recent initiatives at regional scales
 - Luisa Rodriguez Lucas**, Deputy Secretary, OSPAR Commission
 - Dan Tzafrir**, Lawyer, Former Advisor to the Ministry of the Environment, Israel
 - Abou Bamba**, Regional Coordinator, Abidjan Convention
- 12:00 Questions / Discussion
- 12:30 Lunch

Session 3: Moving forward: challenges and opportunities

14:00 Strengthening the security of deep off shore oil exploitation

Bruno Burban, Former Chairman of Geosciences

14:20 Questions / Discussion

15:00 Liability and compensation: state of the art and challenges

Tullio Scovazzi, University of Milan Bicocca

15:20 Questions / Discussion

16:00 Way forward

Odile Roussel, Ambassador and Permanent Representative of France to the International Maritime Organisation

16:20 Conclusion and farewell

Lucien Chabason, Senior Advisor, IDDRI and **Julien Rochette**, Research Fellow Oceans and Coastal Zones, IDDRI

16:30 End of the seminar

Annex 2. List of participants

Zulkurnain Ayub, Maritime Attache, High Commission of Malaysia

Rosalie Balkin, Director, Legal Affairs and External Relations Division, International Maritime Organisation

Abou Bamba, Regional Coordinator, Abidjan Convention

Hobson Bryan, Former Analyst, National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

Bruno Burban, Former Chairman of Geoservices

Chris Carroll, Policy Officer, Seas at risk

Lucien Chabason, Senior Advisor, Institute for Sustainable Development and International Relations (IDDRI)

Olivier Dufourneaud, Policy officer on ocean protection, Oceanographic Institute, Foundation Albert I Prince of Monaco

Sylvie Goyet, Director, International Foundation for the Banc d’Arguin (FIBA)

Paul Holthus, World Ocean Council

Elisabeth Lanteri-Minet, Prince Albert II of Monaco Foundation

Luisa Rodriguez Lucas, Deputy Secretary, OSPAR Commission

Haris Nugroho, Minister Counsellor, Political Section, Indonesian Embassy, London

Julien Rochette, Research fellow Oceans and coastal zones, Institute for Sustainable Development and International Relations (IDDRI)

Odile Roussel, Ambassador and Permanent Representative of France to the International Maritime Organisation

Tullio Scovazzi, Professor, University of Milano Bicocca, Italy

William M. Sharpe, Barrister and Solicitor, Canada

Sahattua P. Simatupang, Alternate Permanent Representative of Indonesia to the International Maritime Organisation

Dan Tzafrir, Lawyer, Former Advisor to the Ministry of the Environment, Israel

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IDDRI'S PUBLICATIONS

- L. Chabason, “Offshore oil exploitation: a new frontier for international environmental law”, IDDRI, *Working Papers* N°11/11.
- J. Rochette, R. Billé, “Are ICZM Protocols the new silver-bullet for sustainable coastal development?”, IDDRI, *Policy Briefs* N°03/11.
- E. Druel, R. Billé, S. Treyer, “A legal scenario analysis for marine protected areas in areas beyond national jurisdiction - Report from the boulogne-sur-Mer seminar, 19-21 september 2011”, IDDRI, *Studies* N°06/11.

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Given the rising stakes of the issues posed by climate change and biodiversity loss, IDDRI provides stakeholders with input for their reflection on global governance, and also participates in work on reframing development pathways. A special effort has been made to develop a partnership network with emerging countries to better understand and share various perspectives on sustainable development issues and governance.

For more effective action, IDDRI operates with a network of partners from the private sector, academia, civil society and the public sector, not only in France and Europe but also internationally. As an independent policy research institute, IDDRI mobilises resources and expertise to disseminate the most relevant scientific ideas and research ahead of negotiations and decision-making processes. It applies a crosscutting approach to its work, which focuses on five threads: global governance, climate change, biodiversity, urban fabric, and agriculture.

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