

# CASE: British Petroleum Oil Spill in the Gulf of Mexico

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## GENERAL INFORMATION

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## THE FACTS

On April 20, 2010 there was an explosion on the Deepwater Horizon that caused an estimated five million barrels of oil to be spilled into the Gulf of Mexico and the death of 11 workers. The BP oil spill is the largest oil spill in marine waters, according to the flow estimates announced on August 2 by a federal panel of scientists, called the Flow Rate Technical Group. This panel has claimed the spill to have gone well beyond 4.9 million barrels of oil.

The oil slick affected the States of Texas, Mississippi, Alabama and Florida (southeast) and Louisiana. The most severely impacted was more than 110 kilometers off the coast of Louisiana. The spill also affected the coasts of Mexico and Cuba. The scientists discovered oil plumes located from 35 kilometers to 1,066 kilometers below the surface of the Gulf.

The BP spill cleanup was the largest use of chemical dispersants in the history of the United States. 1.8 million gallons of dispersant were used both on the surface and directly in the well with a technique never tested before. Both types of dispersants used in the Gulf spill, Corexit 9500 and Corexit 9527, can kill or affect the growth of a wide variety of aquatic species.

**April** – Whole ecosystems were subjected to critical and long-term state of the effects of the spill and the use of chemical dispersants, threatening the stability and the possibility of existence of different species living in the Gulf. Mass mortality of populations of animals, plants, microorganisms occurred. There were changes in reproduction and overall health of wildlife. The oil accumulation in algae and sessile species caused widespread suffocation.

**May** – An unpredictable chain of events that will seriously affect thermo-regulating of the climate of the entire planet systems is expected. The impacts will be felt in even remote locations from the scene. Real time satellite data from the area of the spill from May to June 2010 show first a rapid breaking of the Loop Current, a warm ocean current which is a crucial part of the Gulf Stream. This breaking could generate a chain reaction of unpredictable critical phenomena with serious consequences on the dynamics of thermo-regulation of the Gulf Stream and the global climate.

## WITNESSES

Presented in court to represent victims and their class:

- **The mockingbird**

Around 96 species of neo-tropical birds (warblers, orioles, buntings, flycatchers and swallows) make a trip of 500 miles without a stop across the Gulf of Mexico. A month after the spill was the peak of their migration northward from Central and South America to breed in North America. Smoke from burning oil affected their migration, some were lost, others were killed by a poisoned air exhausted.

- **The bluefin tuna**

On the way to extinction, tuna travels across the Atlantic, and spawn in the Gulf of Mexico between mid-April and mid-June. The oil destroys their skin, causes the airway tears and causes hypothermia in the offspring, a threat to tuna that spawn between the months of April and June.

- **Sea turtle**

The Gulf region is where they live, migrate, are done 5 of the 7 sea turtles in the world. The oil causes the interruption of the normal development of the young especially the accumulation of oil in hatcheries. Eggs and shells become thin, penetrating crude embryos and hatchlings. Numerous deformities were detected as a result of the spill. Added to this is food shortage for caves and juveniles.

- **The tiger shark**

The seagrass beds south of the Chandeleur Islands, which is very close to the spill area, are the spawning and nursery area for several species of sharks.

- **Dolphin**

Not only does the oil pose an immediate threat, the toxins released into the air a threat to marine mammals, which need to surface and breathe. Cetaceans (dolphins, whales and sperm whales) use complex communication systems for guidance and to catch food have flaws in their auditory physiology, many of them were lost in the vast sea

- **The brown pelican**

The brown pelican, which is the symbol of the state bird of Louisiana, had just been removed from the list of species in danger of extinction just a year before the spill. Return to their status as endangered species existence is expected.

- **Seahorses**

Seahorses live only among the seagrass in the shallow waters of the Gulf of Mexico. Already facing risk of extinction, suffered from suffocation and poisoning.

- **The sargazo**

Among the thousands of fish were affected by the spill. Depending on their life cycle and ecosystem some suffered more than others. Some could not migrate, died of suffocation, without food, in a toxic environment. In the rare stationary sargassum before sea teeming with marine organisms, there is little animal life.

- **Seagrass**

During the first three months, seagrasses became oil collection points. Some pastures were burned in an attempt to stop the oil washing on shore. Moreover, the dense clouds of oil in the water killed the seagrasses because they had no light for photosynthesis.

- **The mangrove**

The Mangrove ecosystems that regulate and protect the shoreline dynamics, were covered with oil. There is no known way to clean sediment contamination without destroying the forest.

- **Bacteria**

Propane and ethane as part of the spill emanated, was caught in the deep sea, which triggered the proliferation of bacteria that metabolize hydrocarbons. The micro-organisms metabolize desperate for oil depleted the oxygen in the sea.

## **RIGHTS**

Affected the following rights :

- The right to existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes in the Constitution of Ecuador (art. 71)
- The right to have advocates. Any person, community, village or nationality may require the public authority to enforce the rights of nature in Ecuador 's Constitution (art. 71)
- The right to have information advocates. Universal Declaration of Human Rights (art. 19), the International Covenant on Civil and Political Rights of the United Nations (Article 19.2) and in the constitution of Ecuador (art. 18)
- The Right to Food Convention recognized biodiversity (art. 8f) which states that countries will rehabilitate and restore degraded ecosystems and promote the recovery of threatened species and the Constitution of Ecuador (art. 72)

- The precautionary principle widely discussed in international law. It is incorporated in the World Charter for Nature, 1982 (prin. 11.b), the Montreal Protocol on Erosion of the Ozone Layer, the Declaration of the Economic Summit of Industrialized Nations 1990 in Recommendations Beech International Law 1991 (prin. I.3d), Agenda 21, 1992 (para 35.3), the Convention on Biological Diversity 1992 (preamble), the Rio Declaration on Environment and Development of the same year (principle 15), the Framework Convention on Climate Change signed in Rio92 (art. 3.3) in 1993 Nuuk Declaration on Environment and Development in the Arctic (mainly 8) in the ministerial meeting of the Conference Bremen protection of the North Sea from 1984, among other international instruments.

## **RESPONSIBLE**

1. The BP for their irresponsible operations, deficient studies (several of which were a replica of other totally different regions) for their inability to respond, to hide information, for negligence.
2. The U.S. government for permission to tender and deliver operating permits minimizing risks and breach of warranties for nature and human communities linked to it and not to apply the precautionary principle despite the imminent risks.

## **REQUESTS**

- **In terms of information :**

Delivery to this court to make public all the information it has on the Deep Water Horizon disaster. Including : composition, quantity, ways of applying dispersants and other products and techniques used during the emergency. pre-disaster of reasonable doubt that the risks advised to refrain from exploring in the Deep Water Horizon was apparent events. reports on the impacts to coastal and marine ecosystems and species from the sea. list of scientific institutions and individual scientists who have been commissioned by the company to undertake study, research or technical reports related to the disaster.

Delivery all related to monitoring the spill and the impacts the evolution of information derived from spill

The display of the lobbying strategy that performed for the purpose of obtaining the operating license for the Deepwater Horizon.

- **In terms of repair and restoration:**

The abandonment of oil exploration in deep waters. Repair Plan effective to guarantee the rights of existence of nature, maintenance and regeneration of its vital cycles, structure, functions and

evolutionary processes, regardless of the restoration obligations towards the people who depend on natural systems affected measures.

Participatory restoration plans and full compensation

- **Compensation**

An equivalent to the amount of oil spilled in the Gulf

- **No repetition**

The abandonment of offshore operations and declarations of intangibility of deep seas.

Moving away from the sea farms.

- **Satisfaction**

Recognition of the sea as a subject of rights and as a matrix of the planet's existence