

President José Lopez Portillo talks about Ixtoc I

Following is a partial transcript of Mexican President Jose Lopez Portillo's Aug. 24 press conference, largely on the topic of the Ixtoc affair, held at the inauguration of a major petrochemical complex at Salina Cruz on the Pacific coast.

Q: *Mr. President, we would like to know your views on the postures assumed by the U.S. Government in the negotiations about oil and the Ixtoc problem.*

Lopez Portillo: The president's point of view is the one expressed by the Secretary of Foreign Relations, which is an office whose specific function is to deal with this type of situation and who has expressed the point of view of the Republic. We hold that there is no juridical basis for posing a claim of this kind [for oil spill damages to Texas beaches—ed.]. And we could add some other considerations to support our position.

First of all, we were disconcerted that a specially designated ambassador should direct a message of this type as his first act in a relationship of interchange, and do so in public fashion in the U.S. without waiting for a reply. This is unprecedented and entails an attitude which, I repeat, is disconcerting.

Second, we think that the claim lacks juridical basis, because we have complied strictly with all our international and national commitments in the case of the

unfortunate Ixtoc accident. It was drilled in Mexican territorial waters, taking every precaution. It was an accident; there was no negligence. Afterwards, we have taken all possible precautions of a technical nature, and more, to make sure the spill does not spread. We are making three types of efforts to control it: the direct ones—in a few moments you will find out the present situation—bombarding the well with lead and iron pellets; the ones to drill relief wells; and also an emergency effort which I would call “sombbrero,” to take advantage of the products flowing from the well.

We have done everything humanly possible, and more. I believe that never in the history of this kind of accident has any country done so much to reduce the problem, a problem which occurs rather frequently: an average of 60 wells go out of control every year in various parts of the world.

In this case of damage claims, many precedents in international law—including those in which the United States itself has participated—give no basis for such claims. The latest case I recall is that of the 13 Japanese sailors who died as a result of an atomic explosion in the Pacific. In that case the United States ratified the thesis that no system of guilt exists which could substantiate such claims.

I want to tell you that, juridically, international law

U.S. makes Ixtoc damage claim...

Following is an excerpted version of the Aug. 23 U.S. demand that Mexico accept liability for any damages resulting from the Campeche Bay oil spill, delivered at a State Department press conference by U.S. Coordinator for Mexican Affairs Robert Kreuger.

For some time, the governments of Mexico and the United States of America and many people in each of these two countries, have been working together in an effort to minimize the damage to the coastline and coastal waters of our two countries from the oil spill in the Gulf of Campeche. I would like today to review

our joint efforts and to respond to inquiries about some of our government's current actions.

If an accident occurs on a freeway, the first thing to do is to get any injured parties to the hospital; the second is to get the freeway open; and the third, perhaps, to get the names of the parties involved so that, later on, attorneys and insurance companies can get together to determine whatever responsibility is involved. I would say that it now appears we are entering that third stage.

Yesterday afternoon the U.S. government sent a cable to the Government of Mexico indicating that, while it is too early to make a definitive assessment of the damage that may

result to the U.S. coastline, we believe that we should now begin discussion on various issues related to the oil spill in the Bay of Campeche. ... One matter that we suggest be included in that discussion is the question of liability and possible alternatives for dealing with claims for compensation for cleanup costs and any damages that may have occurred to property and resources.

We are hopeful that the Mexican government shares our desire to address this matter together, for our two countries have thus far cooperated very closely in attempting to control this oil spill. We see this as a continuation of efforts to solve this issue jointly.

is not a closed system, unlike national legal systems. National juridical systems have evolved to the point that law can establish what is called "the thesis of objective injury," by which he who benefits from the act has to pay whatever damages it causes. International law does not attain this end. We do not see it as something improper. When we reach the point, when there are resolutions of international law, obligatory to all and with which all comply, when there are tribunals to apply those systems in a generalized order, then we will subscribe to them. But we will not, under any circumstances, accept one-sided agreements: that when it's Mexico, we have to pay damages, but if it's another country, they don't.

I recall the case I've cited. I recall the case of the Colorado River waters in Mexicala and others of that type. Law must be general and apply to all; there can be no particular or circumstantial applications.

In light of these considerations, we judge that the [demand for] reparations is unfounded. We regret that it was made in this way, and we rest confident in our cause, which is valid.

Q: Mr. President, does this change your plans of meeting President Carter? Do you think this is a maneuver to soften up the position of Mexico on natural gas?

Lopez Portillo: I do not want to think that something so fundamental is a pressure maneuver. In view of the nature of what happened, I rather think it is some kind of concession to an internal pressure group, which compels them to break precedent and make it public before waiting for our response. This suggests to me that what they want is to publicize the position of the United States; but I am not softened by that.

Q: Mr. President, does this change the position of Mexico on energy in the United Nations? [Mexico's proposal calls for considering energy "the common responsibility of mankind—ed.]

Lopez Portillo: No, on the contrary, this confirms the necessity of establishing a generally shared responsibility. This type of situation confirms the thesis we are going to bring to the United Nations.

Q: Mr. President, don't you think that this serves as pressure before your meeting with President Carter?

Lopez Portillo: This does not pressure me. I know the country's rights; I am confident that we have done what's right and even more than other countries have done in similar cases. I look upon this with great serenity.

Q: Are you going to deal with this in your meeting with President Carter?

Lopez Portillo: If it occurs, because there seem to be some doubts about

Q: I was asking if you intended to speak of it. ...

...and Mexico replies

The Mexican Ministry of Foreign Affairs delivered this reply to the Kreuger statement, also on Aug. 23.

The Ministry of Foreign Affairs of Mexico presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of its note 1560, dated yesterday, proposing to start conversations on various issues related to the oil spill from the Ixtoc well in the Gulf of Mexico, including issues regarding the question of the liability and possible alternatives for dealing with claims for compensation, for cleanup costs, and any dam-

ages which may have occurred to property and resources.

On the other hand, the Ministry has learned through the international mass media that, without waiting for a response from the government of Mexico on this issue, the United States Government—through Mr. Robert Kreuger, U.S. Coordinator for Mexican affairs—has disclosed, in general terms, the contents of the United States' embassy's note. These circumstances have forced the Government of Mexico to use the same public means to state its position on the issue set forth, which is as follows:

"The Government of Mexico is not in a position to start conversa-

tions with the United States about the question of liability and possible alternatives for dealing with claims and possible damage to other states, or persons, or property of its nations, that may result from the accident which occurred at the Ixtoc well, by virtue of the fact that there are no bases within international law to recognize the existence of international legal responsibility by the Government of Mexico or by Petroleos Mexicanos.

"The Ministry of Foreign Affairs of Mexico avails itself of this opportunity to renew to the Embassy of the United States of America its assurance of its highest consideration."

Lopez Portillo: Well, I think it is always good for us to talk things over, if there is anything to be discussed. We'll see.

Q: *Will Mexico make a protest concerning the way Mr. Kreuger proceeded in this case?*

Lopez Portillo: No, it is not a question of protesting because [the complaint] is not formulated in terms of a tribunal, but merely of a proposed bilateral meeting, which we reject. We do not have to discuss this subject.

Q: *Mr. President, if it were necessary, would you go to the Hague Tribunal [the International Court of Justice]?*

Lopez Portillo: Well, let them go [laughter].

Q: *Mr. President, in the context of our relations with the United States, pressure has been applied in many instances and many situations. Do you feel that this sets a precedent for a permanent reevaluation in Mexican-U.S. policies, not only in the oil field, but in general?*

Lopez Portillo: We are always reevaluating, and since it is a permanent relation, and one linked to the closest geographical proximity, there are always new developments, and we are always reevaluating the relation. This is a new circumstance and a new attitude—one which to us is novel, unexpected, and, I repeat, even disconcerting—which simply obliges us to once again sustain our principles. You know that principles are what are most important to Mexico. The damage claim which seems to be for two or three million dollars—I'm not sure—is of no importance in itself. What is important

in these cases are the principles and the principles which arise in this case are those of international law. Does international law have norms to resolve cases of this sort? Has the United States, the possible claimant nation, taken a position in the past congruent with the claim it now lodges against Mexico? Yes or no? Has Mexico complied with its national and international commitments? In the Ixtoc case, yes.

Hence, gentlemen, we face whatever now happens with a clear conscience.

Q: *Mr. President, new refineries have been placed in operation [at Salina Cruz, site of the press conference—ed.]. What does this mean in relation to the Ixtoc situation?*

Lopez Portillo: [It means] that there has been so much distortion—and we will deal with that in our State of the Union address [Sept. 1—ed.]—there has been so much distortion of the extraordinary, incredible, miraculous activity of Petroleos Mexicanos [Pemex] concerning Ixtoc, that I want to answer as follows: Pemex is a complex institution which, more than ever in its history, is meeting the challenge of our times. Ixtoc is a single incident, one of 60, I repeat, that occur in the world every year on the average. This is one of them, with serious characteristics, because the oil deposit is exceptional. What has happened is bad. But under these conditions, I don't want Ixtoc to distort the many things Pemex is doing. Here you have one [example], and all over the Republic they are working harder than ever.