

## Appendix XII

### R. Knox Message on Mexican Clearance Problem

#### Mexico Clearance Chronology - Langmuir/Bender Cruise - RN Melville Background

In early November, 1997 a research cruise on R/V Melville of the Scripps Institution of Oceanography, led by Dr. Charles Langmuir of LDEO and Dr. John Bender of the University of North Carolina, sustained a loss of planned scientific operations due to lack of research clearance from the Government of Mexico until about four days after the departure of the ship from San Diego. The following chronology and notes are an attempt to set forth the facts of the situation, as one input into any future discussions - American, Mexican or bilateral - of ways to reduce or avoid such losses to science in the future.

Except as noted, all references to "DOS" mean the US State Department Office of Oceans Affairs, represented by Tom Cocke. "Embassy" means the principal vessel clearance contact person, Angelica Narvaez, at the US Embassy in Mexico City. "SRE" means Dolores Viaga, principal contact on research clearance matters at the Mexican Foreign Ministry (Secretaria de Relaciones Exteriores). "Navy" means the Mexican Navy. "SIO" means the Ship Scheduling Office at SIO, Rose Dufour and Elizabeth Rios, Schedulers/Clearance Officers. Times are Pacific Standard Time.

#### Chronology

3/21/97 Clearance package faxed by SIO to DOS/Embassy requesting clearance for Oct. 24 - Dec. 21. A large window was requested to allow for adjustments to the schedule. This action was 217 days before the clearance was needed; giving the DOS/Embassy 37 days to prepare a diplomatic note to arrive at SRE in time.

4/4 SIO received from J. Bender a Mexican support letter stating that students of Luis Delgado of CICESE in Ensenada would participate, and faxed this letter that same day to Embassy.

8/12 SIO sent email to Embassy with correct dates of cruise, since R/V Melville schedule had finally been settled.

9/25 SIO checked on clearance status with Embassy; no information yet.

10/14 SIO called Embassy asking for the status on this cruise, and was advised that all agencies had approved, so approval was just awaiting action at SRE. Called J. Bender with this info (C. Langmuir was out of country)

10/23 SIO called Embassy to check status of observers, and discovered that Embassy had sent dip. note based on SIO email dated 8/12, but with a typo. Start date of 11/ 3 in SIO email had been sent in dip. note as 11/ 13.

Also Embassy had misspoken in saying on 10/14 that all agencies had approved; in fact Navy approval was unresolved.

10/24 W. Gibbonsfly of Embassy called SRE to explain typo. He reported to SIO that SRE was not greatly concerned about the typo, since SRE had been working with the original 10/24 sailing date. He said everything appeared to be back on track, although final approval was now unlikely to happen until just before sailing.

10/28 Embassy informed SIO that two Mexican observers were named, Jose Luis Frias of INEGI and one other, name/agency not given.

10/29 SIO called C. Langmuir about observers. He said he did not have the money to pay for observers and was already paying for L. Delgado's students per the 4/4/97 entry above. He asked that these students be the "official" observers. SIO said it would indicate that the two additional observers of 10/28 were welcome, but that the scientific project did not have money for their travel support.

10/29 SIO spoke with L. Delgado regarding the observer situation. L. Delgado called Embassy.

10/30 SRE and INEGI revised their stance and chose not to send the additional observers, but said that they would instead be sent on the subsequent cruise leg (N. Kanjorski, chief scientist). Embassy said that L. Delgado had perhaps given J. Bender/C. Langmuir an incorrect impression with regard to the status of observers, as he himself was misinformed. Embassy explained that even though US scientists collaborate with Mexican counterparts and make official requests that these collaborators be the "official observers," Mexico has the right to appoint observers from a government agency, e.g. INEGI or Navy. SRE via Embassy told SIO that unfortunately clearance would not be in by Friday 10/31, but that clearances would be in by noon 11/3 (10/31 was a Friday; Mexico City is 2 hours ahead of PST). Embassy explained that SRE was probably very busy with President Zedillo's visit to the US.

11/2 Shipsailed on schedule; initial tests in US waters off San Diego

11/3 Embassy informed SIO that in fact the Navy had not approved clearance by the end of the previous workweek. Embassy had no reliable Navy contact and at this point felt that any phone call from SIO or Embassy would do more harm than good. Embassy said it was hoping for clearance in AM on 11/4.

Note - in all these conversations SIO stressed that ship would enter Mexican waters, thus need clearance, 11/3.

11/4 00:12 AM Ship entered the Mexican EEZ, unable to make underway geophysical observations as

planned, for lack of clearance. Therefore science was being lost as of this time.

6:15 AM SIO called Embassy about clearance; still no information.

9:30 AM SIO called Embassy again, asked for the phone number at Navy in order to find out status directly. Embassy gave the number, with the advice that a Mexican national, not an American, make any calls to Navy.

SIO spent the day trying to locate L. Delgado to make such a call; he was out of town. SIO finally called ship at 3:00 PM asking that Mexican students aboard try to find L. Delgado, and/or call Navy to explain. At 4:30 these students on the ship found out that within the Navy Capt. Francisco Arias had given approval that day. But Capt. Arias' approval was not the final Navy approval, only a step; this fact was not learned until 11/6.

11/5 SIO spent another day on the phone with Embassy and ship. SRE told Embassy that it expected resolution today of this issue and others. Shipboard personnel wanted to begin calling SRE themselves. Embassy advised ship not to call SRE until after 3PM since Embassy wished to credit SRE's intent to get dip note out today. After 3PM the ship called SRE directly. SRE was forthcoming with information but said that approval from Navy had not yet been received and that in fact that Melville did not have clearance to be in Mexican waters! Embassy was informed of same information from SRE, DOS advised. Embassy asked that ship contact Navy again and get copy of the approval. If in fact the approval has been made by Navy, Embassy advised ship to contact Dolores Viaga's supervisor to show proof of such approval. Capt. Buck on Melville felt uneasy about SRE's statement of ship not having clearance to be in Mexican waters. Ship called Capt. Arias and was told ship was OK to be in Mexican waters, and that he had approved the note but that it was against policy to fax the note to the ship.

11/6 Morning: some confusion at Navy due to several offices involved. At SRE Sergio Gomez, supervisor of Dolores Viaga, informs Embassy that the permit was signed the previous night by Navy and that he had the permit physically in his office.

Ship informs SIO that ETA at work area is 2:30 PM, so need to know whether to stay at that site and wait, or abandon the site and sail on.

SIO asks Embassy to pass this request on to SRE. SRE asks Embassy (Paul Maxwell) to have both Embassy and SIO be patient, let SRE do its job.

3:15 PM: The Mexican students on the ship were able to call SRE and to find out that clearance was done and would arrive in an hour; ship informs SIO. SIO calls Embassy (Paul Maxwell) to ask for confirmation- he confirms.

3:45 PM: Ship arrived at first dredging station, unable to dredge for lack of clearance. Ship stopped on station, awaiting clearance and losing time.

11/6 Clearance came in at 4:30 PM was immediately faxed to ship. Scientific work began.

The net result is that from 00:12 on November 4 until 15:45 on November 6 the ship was unable to conduct underway geophysical observations as planned (so those data are irretrievably lost for this cruise), and that the ship remained idle at the first station for about two additional hours awaiting clearance to begin sampling operations. Any practicing scientist, Mexican or American, will recognize this outcome as an extremely large waste of valuable ship and personnel time and capability. The question is what to do to prevent repetitions of such outcomes in the future.

This is a matter of considerable importance for SIO and also for the UNOLS fleet as a whole. Although SIO has had considerable experience of obtaining Mexican clearances only barely in time, this is the first instance in recent memory in which a tangible loss of planned science occurred for lack of clearance. On behalf of SIO I will attempt to bring this unfortunate history to bear on the problem of creating a more science-friendly regime for the future. I will also be presenting the matter to UNOLS and to US science agencies for their information and support in establishing such a regime.

Robert A. Knox  
Associate Director, SIO