1. This document has been prepared by the Secretariat.

**Background**

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.292 to 18.295 on Totoaba (*Totoaba macdonaldi*), as presented in Annex 1 to the present document.

3. In November 2020, the Secretariat prepared information document SC2020 Inf. 14 to update the Standing Committee on progress with implementation of the CoP18 Decisions on totoaba. Due to the COVID-19 pandemic, the 73rd meeting of the Standing Committee was convened online (SC73, online, May 2021) with a reduced agenda that did not include the issue of totoaba. The Secretariat prepared document SC74 Doc. 28.5 on Totoaba (*Totoaba macdonaldi*) for the 74th meeting of the Standing Committee (SC74, Lyon, March 2022).

4. The Committee, in accordance with the provisions of Decision 18.295, reviewed and assessed the information presented to it at SC74, and agreed a number of Recommendations as outlined in paragraph 28.5 of document SC74 Sum. 4 (Rev. 1). The Committee *inter alia* noted the reporting provided by Mexico in accordance with Decision 18.293, paragraph d), the Secretariat’s assessments of Mexico’s efforts, and the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba*. The Committee also requested China, Mexico and the United States of America (USA) to set and agree a timeline to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well as to establish and operationalize the group; and the Secretariat to undertake a second mission to Mexico to evaluate progress on the implementation of Decision 18.293. The Committee further invited the Secretariat to propose, in consultation with the Standing Committee through its Chair and following the second mission to Mexico, revisions to Decisions 18.292 to 18.295 for consideration at the 19th meeting of the Conference of the Parties (CoP19, Panama City, November 2022).

5. The Secretariat elaborates in more details on this work, the implementation of the Decisions on Totoaba (*Totoaba macdonaldi*), the Recommendations agreed by the Standing Committee and the work undertaken in this regard following SC74, as well as other relevant matters, in the paragraphs that follow.

**Meeting of Range, Transit and Consumer States of Totoaba**

6. The Secretariat hoped to organize the meeting called for in Decision 18.294, paragraph a), in the first half of 2020, but these plans had to be postponed due to the COVID-19 pandemic. Since prospects for an in-person meeting remained unlikely, the Secretariat on 18-20 and 22 October 2021, convened an online *Meeting of*
The meeting culminated with the agreement of a comprehensive set of measures and activities to be undertaken to address illegal fishing and trafficking of totoaba and the threat this poses to the vaquita. These measures and activities entail: Strengthening law enforcement measures and activities and international collaboration to address illegal totoaba specimen trafficking; Mobilizing specialized tools and measures to combat organized crime associated with totoaba trafficking; Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba; and Financing, reporting and communications.

The Secretariat as required by Decision 18.294, paragraph d), reported on the outcomes of the meeting to the Standing Committee. The Committee at SC74 noted the agreed outcomes presented to it in Annex 4 to document SC74 Doc. 28.5. The Committee encouraged all Parties affected by illegal trade in totoaba specimens to make every effort to implement the measures and activities agreed as relevant to them. The agreed meeting outcomes document is available on the Enforcement webpage under Documents and Notifications, and is also available as Annex 8 to the present document.

The measures and activities outlined in the agreed meeting outcome document provide a strong basis to act against the illegal fishing and trafficking of totoaba and the threat this poses to the vaquita. Active follow up from the meeting to implement the agreed measures and activities is essential and cannot be over emphasized. In this regard, the Secretariat, based on its consultations, propose to add a new paragraph a) to the revised version of Decision 18.292 (Rev. CoP19), as shown in Annex 2 to the present document.

Study on vaquita and totoaba

Regarding the study on vaquita and totoaba called for in Decision 18.294, paragraph c), the Secretariat reported at SC74 that it would be advisable to review the terms of reference taking into consideration the outcomes of the online Meeting of Range, Transit and Consumer States of Totoaba held in October 2021 and SC74, so they reflect current conditions and needs.

Based on its deliberations, the Standing Committee at SC74 agreed to submit the following draft decisions to CoP19:

Directed to the Secretariat

19.AA The Secretariat shall revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online Meeting of Range, Transit and Consumer States of Totoaba held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise, and report on the outcomes of this work to the Standing Committee.

Directed to the Standing Committee

19.BB The Standing Committee shall review and assess the study undertaken in accordance with Decision 19.AA and any recommendations from the Secretariat concerning the study and make recommendations as appropriate.

In considering the revision of Decisions 18.292 to 18.295, the Secretariat, in consultation with the Standing Committee Chair, proposed draft decisions 19.AA and 19.BB presented in paragraph 11 above be incorporated into the revised versions of Decisions 18.294 and 18.295, as shown in draft Decisions 18.294 (Rev. CoP19), paragraphs c) and d) and 18.295 (Rev. CoP19), paragraph b) in Annex 2 to the present document.

Establishing and operationalizing the trilateral enforcement contact group

Decision 18.293, paragraph a), iv) urges Mexico, together with relevant Parties, to establish and operationalize the trilateral enforcement contact group called for in the outcomes of the 2017 trilateral meeting held in Ensenada, Mexico, between China, Mexico and the USA on combatting totoaba trafficking.

The Secretariat noted in its SC74 document that, in November 2019, the CITES Secretary-General wrote to China, Mexico and the USA, stressing the importance of the Decisions adopted at CoP18 and their
implementation. The Secretary-General emphasized the urgency of addressing illegal fishing of, and trade
in, totoaba specimens, as well as the impact this illegal activity has on the vaquita. These letters reiterated
the need for strengthened collaboration amongst the Parties affected by the illegal trade in totoaba
specimens. During a visit to China in November 2019, the Secretary-General also met with high level officials
at the Ministry of Foreign Affairs, General Customs Administration, the National Forestry and Grassland
Administration and the Fishery Department of the Ministry of Agriculture, conveying the concerns about
illegal totoaba trafficking and the threat it poses to the vaquita.

15. The Secretariat in its report to SC74, also noted that Mexico reported it was making efforts to strengthen
international cooperation, in particular with China and the USA, in order to combat totoaba trafficking. Mexico
stated in its report that this trilateral collaboration is a shared responsibility between the three Parties and
that investment in this issue by the Parties concerned has been uneven. Mexico reported that it prepared a
draft proposal for the “Terms of Reference for the Creation, Organization and Functions of the Trilateral
Contact Group on Law Enforcement”, which was made available to China and the USA for review and
comment. This process was ongoing at the time of SC74, and the Secretariat noted in document SC74 Doc.
28.5 that it welcomed the development of these draft terms of reference and the activities conducted by
Mexico to engage with authorities in China and the USA, but that progress has been slow. In the light of this,
the Standing Committee agreed Recommendation c) on Totoaba (Totoaba macdonaldi), as presented in
document SC74 Sum. 4 (Rev. 1), requesting China, Mexico and the USA to set and agree a timeline to
finalize the terms of reference for the establishment and operationalization of the trilateral enforcement
contact group, as well as to establish and operationalize the group, and to communicate this timeline to the
Secretariat by 31 May 2022.

16. Mexico, in its 5th six monthly report submitted to the Secretariat on 30 April 2022, again reiterated the
importance of international collaboration and full engagement by Parties from source, transit and destination
countries to combat totoaba specimen trafficking.

17. Representatives from Mexico briefed the Secretariat on progress concerning the trilateral enforcement
contact group on 30 May 2022 during the mission of the Secretariat to Mexico.¹ The Secretariat also received
written reporting from Mexico on progress with the establishment and operationalization of the trilateral
enforcement contact group at the end of May 2022. Mexico provided the Secretariat with the second version
of the terms of reference and working plan for the trilateral enforcement contact group, and reported that this
version was approved by both China and Mexico, and that approval from the USA was pending. The
associated timeline provided by Mexico is available as Annex 4 to the present document, in the language
received (English), for the information of Parties.

18. Mexico further enclosed a chart outlining the chronological order of activities that the Government of Mexico
has undertaken to facilitate the development of the terms of reference and working plan for the trilateral
enforcement contact group. This chart is available as Annex 5 to the present document, in the language
received (Spanish), for the information of Parties.

19. The Secretariat welcomes the progress made since SC74. The terms of reference represent an important
step to formalizing the framework for the operation of the trilateral enforcement contact group. It provides a
basis for the three Parties to progress and strengthen collaboration and information exchange, as well as
activities aimed at addressing illegal supply and demand. The Secretariat notes that in accordance with the
terms of reference, the trilateral enforcement contact group will meet twice per year, with the possibility of
convening additional extraordinary meetings when requested by at least two of the Parties concerned. The
Secretariat further notes that the terms of reference includes a clause stating that they will be valid as soon
as accepted by representatives from all three Parties concerned. In this regard, the Secretariat encourages
the USA as the only Party that has not yet approved the terms of reference, to urgently validate them.

20. Considering the developments since CoP18 and the current status of this matter, the Secretariat consulted
with the Standing Committee Chair, and it is proposed that Decision 18.293, paragraph a) iv) be deleted,
and replaced with a new decision, presented in Annex 2 to the present document as draft decision 19.CC.

Implementation of Decision 18.292 directed to Parties

21. The Secretariat issued Notification to the Parties No. 2019/061 of 1 November 2019 inviting Parties and
relevant stakeholders to provide information to the Secretariat on their implementation of Decision 18.292.
Replies were received from China and the USA, and from four non-governmental organizations (Animal

¹ The mission is elaborated upon in more detail in paragraphs 34 to 64 below.
Welfare Institute, Center for Biological Diversity, Environmental Investigation Agency and Natural Resources Defense Council) in a joint submission. Mexico included information on its implementation of Decision 18.292 in its reports to the Standing Committee in accordance with Decision 18.293, paragraph d), as well as in its regular six-monthly reports to the Secretariat. The replies to the Notification, as well as the reporting from Mexico, were made available to the Standing Committee in the Annexes to document SC74 Doc. 28.5.

22. The Secretariat, in document SC74 Doc. 28.5, highlighted that continued seizures of totoaba swim bladders demonstrate the ongoing nature of this illegal trade and emphasized the need for further strengthened collaboration and information exchange between Parties affected to ensure that criminal networks are disrupted from source to destination.

23. The Secretariat noted that the sharing of information in accordance with Decision 18.292, paragraph a), has been limited and unsatisfactory, but also that sharing of information is often not possible or appropriate due to the nature and sensitivity of some investigations. The difficulty of implementing Decision 18.292, paragraph a), was raised by several Parties that participated in the online *Meeting of Range, Transit and Consumer States of Totoaba*. The Secretariat encouraged Parties to use recognized and secure law enforcement communication channels and tools for the sharing of information so facilitating information and intelligence exchange is more effective. In this regard, INTERPOL agreed to serve as a central depository for such information and to assist with data analyses and exchange support, as anticipated by activity 1.5 in the totoaba meeting agreed outcomes document. In addition, the World Customs Organization (WCO) established a totoaba closed user group as anticipated by activity 1.10 in the same document. Representatives from Parties that participated in the online *Meeting of Range, Transit and Consumer States of Totoaba* were informed about the establishment of the closed user group and encouraged to use it. The closed user group provides an additional tool for Parties to share information quickly and securely.

24. The Standing Committee at SC74 agreed a Recommendation encouraging Parties to scale up information and intelligence exchange in support of disrupting criminal networks from source to destination and bringing the perpetrators involved to justice, including by drawing upon the support available through INTERPOL, as well as the functionalities available through the WCO closed user group on totoaba.

25. Considering the above, the Secretariat, in consultation with the Standing Committee Chair, proposes that Decision 18.292, paragraph a) be revised as proposed in draft decision 18.292 (Rev. CoP19) paragraph b), in Annex 2 to the present document.

26. Regarding demand reduction campaigns and awareness-raising activities, and eliminating supply and demand as anticipated by Decision 18.292, paragraphs b) and c), the Secretariat notes that the online *Meeting of Range, Transit and Consumer States of Totoaba* agreed outcome document, under the heading *Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba*, contains various relevant actions and measures to be pursued by Parties as agreed at the meeting. In the light of this, the Secretariat, in consultation with the Standing Committee Chair, proposes that Decision 18.292, paragraphs b) and c) be revised as proposed in draft decision 18.292 (Rev. CoP19) paragraph c), in Annex 2 to the present document. In addition, it is considered that the matter of strengthening national policies and law enforcement measures to prevent and address their illegal trade as outlined in Decision 18.292, paragraph c), is sufficiently addressed by the new paragraph a) of Decision 18.292 (Rev. CoP19) and can therefore be deleted.

27. Lastly, it is proposed that Decision 18.292, paragraphs d) and e) be deleted and replaced with a new decision directed to Parties, proposed as new draft decision 19.DD in Annex 2 to the present document.

**Implementation of Decision 18.293 by Mexico**

28. The reporting from Mexico to the Standing Committee in accordance with Decision 18.293, paragraph d), was made available in Annexes 2 and 3 to document SC74 Doc. 28.5. The Secretariat also prepared a summary of the information provided by Mexico in its reports to the Standing Committee and in the first to fourth regular six-monthly reports from Mexico submitted to the Secretariat. This summary, together with the final observations and assessments of the Secretariat concerning these reports and other information received, was provided in Annex 1 to document SC74 Doc. 28.5.

29. The Committee at SC74 noted the reporting provided by Mexico and the Secretariat’s assessments of Mexico’s efforts. The Committee further noted the efforts made and substantial resources deployed by Mexico to address illegal fishing and trade of totoaba, and the associated threats posed to the vaquita. The
Committee, however, also noted ongoing concerns about fishers illegally operating in the vaquita refuge and zero-tolerance area and highlighted the urgency of addressing this.

30. The Committee encouraged Mexico to pursue actively the urgent implementation of all aspects of the Agreement regulating gear, systems, methods, techniques and schedules for carrying out fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establish landing sites as well as monitoring systems for such vessels. It further requested Mexico to strengthen measures to ensure that a “zero tolerance policy” is strictly applied in the vaquita refuge and zero-tolerance area, and that consistent measures are taken, and strict penalties imposed against fishers that are found operating in areas where fishing is prohibited. The Committee also encouraged Mexico to further scale up and expand maritime surveillance and patrol activities in the vaquita refuge and zero-tolerance area to ensure that authorities are present on a full-time basis to prevent fishers from engaging in illegal activities in these areas and take action to address any illegal activities detected. The Committee requested Mexico to include information on the steps taken to address these matters in its next regular six-monthly reports to the Secretariat.

31. The Committee requested the Secretariat to continue to monitor Mexico’s implementation of Decision 18.293, and to bring any matters of concern that may arise to the attention of the Standing Committee. The Committee also requested the Secretariat to undertake a second mission to Mexico to evaluate progress with the implementation of Decision 18.293, and with a particular focus on the areas of concern identified in document SC74 Doc. 28.5. These areas of concern are outlined in paragraphs 29 and 30 above.

32. The fifth six-monthly report from Mexico was submitted to the Secretariat on 30 April 2022, as required. The report outlines the activities conducted by authorities in Mexico during the period 1 November 2021 to 15 April 2022. The Secretariat assessed this report and also conducted the second mission to Mexico as reported upon below.

33. The Secretariat prepared a brief summary highlighting key aspects from Mexico’s fifth six-monthly report. This summary, available in English only, is presented in Annex 6 to the present document. The full report received from Mexico and its Annexes are available in Annex 7 to the present document, in the languages it was received. It is noted that Annex 2 to the report from Mexico has been removed because it contains detailed information on the daily activities and routines of authorities that should not be made public, to protect the integrity of Mexico’s enforcement measures. Mexico may wish to consider providing the detailed daily activity reports to Parties directly upon request.

Second mission of the Secretariat to Mexico

34. Following an invitation received from Mexican authorities, the Secretariat conducted a technical mission to Mexico from 30 May to 6 June 2022. After receiving briefings and having detailed discussions with representatives from all relevant national authorities in Mexico City at the beginning of the mission, field visits were made in San Felipe, Baja California, to the vaquita refuge and zero-tolerance areas, navy facilities, a fish storage, the Malecon, and other access points. The University of Baja California in Ensenada and the Earth Ocean Farms in La Paz were also visited. Further, the Secretariat met with relevant authorities at the federal, state, and local level, and interviewed representatives of the fisheries cooperatives, fishers, civil society representatives, as well as private and academic sector representatives.

35. The Secretariat thanks the Government of Mexico, and in particular the National Commission for the Knowledge and Use of Biodiversity (CONABIO), the National Commission for Protected Natural Areas (CONANP), the National Commission for Aquaculture and Fisheries (CONAPESCA), the Attorney General’s Office (FGR), the office of the Federal Attorney for Environmental Protection (PROFEPA), the Secretariat of the Navy (SEMAR), and the Ministry of the Environment and Natural Resources (SEMARNAT), for the generous technical and logistical support provided in planning and coordinating the mission programme, as well as the hospitality offered to the Secretariat during its mission. The Secretariat also thanks representatives of the fisheries cooperatives, civil society, private sector, and others met during the mission for their frank and open way of providing relevant information. The Secretariat further thanks the Hong Kong Special Administrative Region (SAR) of China for its funding support to the enforcement related work of the Secretariat, which enabled the Secretariat to undertake the mission.

Assessment of progress with the implementation of Decision 18.293

36. During its mission, the Secretariat evaluated progress with the implementation of Decision 18.293 with a particular focus on the areas of concern identified in document SC74 Doc. 28.5, as requested by the
Standing Committee. To do so, the Secretariat took into account the situation in the Upper Gulf of California and assessed the strengths and gaps where improvement is needed.

37. It is important to note from the outset that the situation in the Upper Gulf of California is complex and multifactorial. The response of the Government of Mexico to deal with the multiple facets of the issue involves different aspects, such as support for community well-being and development, addressing substance abuse, promoting sustainable and responsible fishing, exploring development alternatives, improving governance and security, and others. In the light of this multifactorial response, the situation in which enforcement activities directed at preventing and detecting illegal fishing and trade of totoaba are occurring is also complex. The fact that organized crime groups are deeply embedded in the region and have a strong presence further exacerbates the situation. These organized crime groups conduct their illegal activities through well-developed networks that facilitate an array of illegal activities, including drug trafficking, human trafficking and trafficking in wildlife specimens, disregarding the dignity and the rights of people and communities, the authority of officials, and the damage caused by their acts to livelihoods, conservation and nature. The activities of criminal groups such as the “Cartel del Mar”, reported upon in document SC74 Doc. 28.5, involved in the poaching of totoaba for its swim bladder as well as illegal drug trafficking, and those of the “Los Chapitos” cartel, provide good examples. These cartels deploy all possible means to achieve their goals, targeting fishers and their families through the use of intimidation, threats, extortion and violence. Information provided during interviews with fishers also suggest that, in some cases, corruption facilitates the activities of organized crime groups.

38. The significance of organized crime group involvement and the need for responses that will be sufficiently deterrent to address this cannot be overemphasized. Strong and consistent strict action against any unauthorized or illegal conduct to ensure that responses are commensurate to the threat is essential.

39. The Secretariat was able to confirm during the technical mission the substantial resources deployed by Mexico to address illegal fishing and trade of totoaba, and the associated threats it poses to the vaquita. This includes large numbers of human resources from different authorities, vessels for patrols at sea and air support from the navy, vehicles for land patrols, the deployment of specialized equipment, and others. Whilst the daily deployment of these substantial resources is commendable and good progress is being made in some areas, still several matters of concern were identified during the mission.

Strength’s assessment – areas of good progress

Enforcement activities to address organized crime groups involved in totoaba trafficking

40. One of the main strengths identified is associated with the efforts deployed within Mexico to investigate the criminal activity, including that of the organized crime groups involved. This includes intelligence gathering and investigative work that provided important insights and information about the structure and modus operandi of criminal organizations operating within Mexico and involved in totoaba fishing and swim bladder trafficking. This work amongst others resulted in the arrest of key members of the Cartel del Mar in November 2020, as well as several other arrests and seizures since then. PROFEPA and the FGR had a leading role in this work.

41. The FGR confirmed that its specialized unit dealing with crimes against the environment and the office of the specialized prosecutor for environmental crimes is fully engaged in the investigation of illegal trade in totoaba specimens. The FGR also explained that investigation methods have been adapted to facilitate better prepared cases for prosecution. The FGR expressed its firm commitment to continue and expand its work to respond to and address the organized crime groups involved in illegal fishing and illegal trade in totoaba. Similarly, information provided by the Financial Intelligence Unit (FIU) of Mexico confirmed that the FIU is actively attending to illegal trade in totoaba related matters as part of its work, and that engagement between the FGR and the FIU occurs. The national customs agency of Mexico (ANAM) confirmed its engagement in combating this illegal trade, highlighting that surveillance and control to facilitate international trade and detect and prevent illegal trade is a daily task of the agency. The ANAM representative informed the mission team that in collaboration with PROFEPA, 209 of its officers received training on totoaba specimen identification in December 2021. It was further noted that similar training for additional officers will continue to be undertaken in future. The representative from ANAM also indicated that the agency is in contact with its counterparts in mainland China and Hong Kong SAR of China to exchange information related to illegal trade in totoaba. Further, it was indicated that risk management practices specific to illegal trade in totoaba are in place, and that amongst others, the establishment of a K9 unit is also foreseen.

42. Another strength identified is the work undertaken by Mexico in collaboration with the INTERPOL General Secretariat and through INTERPOL channels. The FGR highlighted that this included publishing several
The information gathered reaffirmed the numerous daily activities undertaken both on land and at sea, which include establishing and maintaining inspection and verification posts, undertaking land, sea and air patrols, conducting observation duties, and others. A new radar system, that was developed in Mexico and is operational since May 2022, was also demonstrated to the mission team. This radar system enables SEMAR to continuously monitor large numbers of vessels, as well as the full-time monitoring of the vaquita refuge and zero-tolerance areas. SEMAR emphasized that, together with the other authorities concerned, they place priority on taking swift action against any fishing vessel entering the vaquita refuge zero-tolerance area to ensure that this area remains free of any unauthorized activity. The mission team was briefed on a project that is currently under consideration to further strengthen retrieval of abandoned nets. This project would entail strategically placing almost 200 large blocks each with a hook attached to it in key areas, to intercept abandoned nets driven to the zero-tolerance area by winds and sea streams. It was emphasized however that further research and an environmental impact study still needs to be completed before a final decision on the feasibility of this project can be made.

The Secretariat mission team visited the vaquita refuge and zero tolerance areas on 31 May 2022. This visit was undertaken both by sea and air, using a vessel and helicopter provided by the navy. A welcome development is the new permanent buoys that were placed in March 2022 to clearly demarcate the zero-tolerance area. Authorities reported that fishers often used the excuse that they did not know they were in the zero-tolerance area but with the buoys now in place this excuse is no longer valid. SEMAR reported that positive results are already being observed and the presence of vessels in the zero-tolerance area notably decreased. The Secretariat during its visit to the vaquita refuge and zero tolerance areas did not observe any vessels or abandoned nets. This was very welcome to observe, but it must also be noted that a conclusive opinion cannot be formed based on a single one-day visit. Data provided by SEMAR, and data provided by Mexico in its report, shows that the presence of vessels in these areas continues to occur, especially during the height of the fishing season. Although the situation seems to be improving, continued vigilance and sustained efforts are needed. This is demonstrated by the reported 446 vessels carrying out

43. Based on information gathered during the mission, the Secretariat concludes that encouraging progress has been made in the context of Decision 18.293, paragraph a) ii), regarding the collection and analyses of information, undertaking intelligence-driven operations and investigations, and convening multi-disciplinary investigative teams to address organized crime groups involved in totoaba trafficking within Mexico. However, more needs to be done and continued vigilance in this regard is needed, and Mexico is therefore encouraged to build upon the progress made to date to further expand and progress this work. The Secretariat proposes that Decision 18.293, paragraph a) ii) be revised as proposed in draft decision 18.293 (Rev. CoP19) paragraph c), in Annex 2 to the present document.

**Gap assessment – areas for improvement**

**Preventing fishers and vessels from entering the vaquita refuge area and maintaining it as a net-free zone**

44. As outlined in paragraphs 29 and 30 above, the key concern noted by the Standing Committee at SC74 relates to the implementation of Decision 18.293, paragraphs a) i) and b), which anticipate that Mexico effectively prevent fishers and vessels from entering the vaquita refuge area and maintain it as a net-free zone. The Committee noted ongoing concerns about fishers illegally operating in the vaquita refuge and zero-tolerance area and highlighted the urgency of addressing this.

45. A substantial part of the mission was spent in San Felipe, where the naval base closest to the vaquita refuge and zero-tolerance areas is situated. During this time, several site visits as outlined in paragraph 34 were conducted, and further detailed briefings were provided to the mission team about daily work undertaken by the different authorities to prevent and address illegal fishing, totoaba specimen trafficking, as well as to secure the vaquita refuge. Authorities placed emphasis on the work of the Intergovernmental Group on Sustainability in the Upper Gulf of California (GIS), as described in paragraphs 7 and 8 of Annex 6 to the present document, reiterating that the main functions of the GIS are to coordinate permanently the work of the different authorities, support synergies, and create mechanisms for dialogue with civil society and local communities. Mexican authorities noted that activities undertaken through the GIS are delivering results, and asserted that the presence of fishers, vessels and illegal nets in the vaquita refuge and zero tolerance areas are decreasing over time.

46. The information gathered reaffirmed the numerous daily activities undertaken both on land and at sea, which include establishing and maintaining inspection and verification posts, undertaking land, sea and air patrols, conducting observation duties, and others. A new radar system, that was developed in Mexico and is operational since May 2022, was also demonstrated to the mission team. This radar system enables SEMAR to continuously monitor large numbers of vessels, as well as the full-time monitoring of the vaquita refuge and zero-tolerance areas. SEMAR emphasized that, together with the other authorities concerned, they place priority on taking swift action against any fishing vessel entering the vaquita refuge zero-tolerance area to ensure that this area remains free of any unauthorized activity. The mission team was briefed on a project that is currently under consideration to further strengthen retrieval of abandoned nets. This project would entail strategically placing almost 200 large blocks each with a hook attached to it in key areas, to intercept abandoned nets driven to the zero-tolerance area by winds and sea streams. It was emphasized however that further research and an environmental impact study still needs to be completed before a final decision on the feasibility of this project can be made.

47. The Secretariat mission team visited the vaquita refuge and zero tolerance areas on 31 May 2022. This visit was undertaken both by sea and air, using a vessel and helicopter provided by the navy. A welcome development is the new permanent buoys that were placed in March 2022 to clearly demarcate the zero-tolerance area. Authorities reported that fishers often used the excuse that they did not know they were in the zero-tolerance area but with the buoys now in place this excuse is no longer valid. SEMAR reported that positive results are already being observed and the presence of vessels in the zero-tolerance area notably decreased. The Secretariat during its visit to the vaquita refuge and zero tolerance areas did not observe any vessels or abandoned nets. This was very welcome to observe, but it must also be noted that a conclusive opinion cannot be formed based on a single one-day visit. Data provided by SEMAR, and data provided by Mexico in its report, shows that the presence of vessels in these areas continues to occur, especially during the height of the fishing season. Although the situation seems to be improving, continued vigilance and sustained efforts are needed. This is demonstrated by the reported 446 vessels carrying out
commercial fishing activities and 53 nets with a total length of 14,603 meters recovered at sea in the period 1 November 2021 to 15 April 2022, as described in Mexico’s fifth six monthly report.

48. The Secretariat also visited the inspection and verification post at the authorized site for departure and arrival of vessels located at the naval base in San Felipe, where activities undertaken by authorities were observed first-hand. The activities undertaken were thorough and included physical inspection of all documentation and the fishing vessel. Vessels that did not comply with all requirements, for example if their registration numbers were not clearly visible or their paperwork not in order, were turned away and not allowed to launch. Awareness raising work is also conducted as a standard practice, informing fishers of areas where fishing is prohibited. No vessels with unauthorized fishing gear were observed during the Secretariat’s presence at the inspection point. The Secretariat notes that on both 1 and 2 June 2022, when this inspection point was visited, the activity was limited. Very few fishers passed through the point, and authorities on duty said that on average during this time of the year, the number of fishing vessels that daily pass through the point was between five to ten.

49. On 1 June a change to the mission programme was requested by the Secretariat, which was kindly agreed by the authorities. An unplanned visit was conducted to the boardwalk in San Felipe, also referred to as the Malecon. The Malecon is identified on social media as a place where fishers launch their vessels without inspection and authorization. The Secretariat found that in a period of just more than one hour spent at the Malecon, at least 15 vessels were launching unauthorized and without inspection. The Secretariat was not satisfied with the authorities’ explanation that they were not headed to the Zero Tolerance Area. Informal interviews with some of the fishers at the Malecon confirmed that this is a daily occurrence. Some of them also presented their fishing permits stating that they do not see the point of using the authorized launching sites. They stated that this is because those operating illegally are doing it in plain sight without any consequence. The fishers seemed frustrated because they believe they are operating legally and they question why they must comply with the multiple measures imposed. These fishers also held the view that the number of illegal fishers is increasing year after year, noting the lack of enforcement action as the reason for this.

50. During an official meeting with representatives from the fishing community, they expressed similar frustrations to those expressed by fishers informally interviewed at the Malecon. The fisher representatives said that fishing permits do not have value, since anyone who wants to engage in fishing can do so, with or without a permit. They noted that the legal fishermen need to comply with all the rules imposed, whilst those who operate illegally do what they want in plain sight without any consequence. The same views were held by members of civil society met during the mission, who unanimously held the view that a culture of legality must be established, and that the current lack of action from authorities against illegal fishers is detrimental to those in the fishing community operating legally.

51. This, and other findings made during the mission, as elaborated upon in the paragraphs below, raises concerns about the effectiveness of implementation of the Agreement regulating gears, systems, methods, techniques and schedules for the performance of fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establishing landing sites, as well as the use of monitoring systems for such vessels, or “the Agreement”, by authorities in Mexico. The Secretariat notes that Mexico in its reporting to date presented “the Agreement” as one of the key instruments guiding activities in the Upper Gulf of California. The Secretariat further notes the Recommendation agreed by the Standing Committee at SC74 encouraging Mexico to actively pursue the urgent implementation of all aspects of “the Agreement”.

**Authorized sites for departure and arrival of vessels**

52. “The Agreement” in Article 9 clearly defines the authorized sites for departure and arrival of vessels that must be used. Fishers presently seem to circumvent these sites at will, with few vessels entering the sea through them. This means that most vessels entering the sea do so without being inspected as required by Article 8 of “the Agreement”. This creates a favourable environment for fishers that operate illegally. At the same time, the lack of action against illegal fishers frustrates and demotivates the fishers who claim they are operating legally and are expected to comply with the rules established in accordance with “the Agreement”. This situation calls into question the significant investment made by Mexico to deploy authorities daily to perform duties at the authorized sites, seemingly with little effect and while unauthorized activities occur unhindered elsewhere at significant scale. The Malecon in San Felipe provides a good example. With information available on social media, it is general knowledge that the Malecon is being used daily by fishers as an unauthorized launching site. Although it is understandable that, as explained by authorities, it is not possible to check all possible launching sites continuously due to the vastness of the area, focussing on key places often used by fishers should be possible. Addressing unauthorized activities occurring at such places and
taking strict action against fishers operating illegally must be pursued by the GIS as a matter of priority. Considering how impact and effectiveness of work can be improved is essential.

Prohibition of gillnets in the area established by “the Agreement”

53. Article 2 of “the Agreement” determines that all gillnets, including those actively or passively operated for fishing activities, are permanently prohibited in the marine area established by “the Agreement”. This area is demarcated in the image below by the points marked A to E. From interaction with Mexican authorities, it became evident that this provision of “the Agreement” is not being implemented faithfully. SEMAR confirmed that all gillnets are prohibited in the zero-tolerance area, an area of approximately 20 x 22km within the vaquita refuge area, as shown in the image below. SEMAR, however, insisted that only totoaba gillnets are completely prohibited in the marine area established by “the Agreement”. SEMAR held that the use of other gillnets, such as those used for shrimp fishing, is allowed throughout the marine area established by “the Agreement”, except for the zero-tolerance area. SEMAR stated that this is because the mesh of the shrimp gillnets is smaller than that of the totoaba gillnets and therefore pose no danger to the vaquita. This was supported by representatives from the SEMARNAT International Affairs Coordination Unit and the Secretary of the GIS, who were present and accompanied the mission team. They noted that Mexico does not only work in accordance with “the Agreement”, and that there is a broad spectrum of matters, other than environmental aspects that need to be taken into consideration, which includes social aspects affecting local communities.

54. During a meeting with representatives from CONAPESCA, it was confirmed that no permits have been issued in recent years for the use of any type of gillnets in the marine area established by “the Agreement”. They made it clear that no gillnet fishing is allowed, and that the only fishing gear allowed are trawling nets, suripera nets, lines with hooks, longlines, traps and others as outlined in “the Agreement”.

55. The view held amongst some authorities that certain types of gillnets are allowed in the marine area established by “the Agreement”, stands in direct contradiction of the provisions of “the Agreement”. It also seems contradictory to information provided by Mexico in its report to the Secretariat, as outlined in paragraph 17 of Annex 6 to the present document. This inconsistency between the provisions of “the Agreement” and its application in practice not only undermines the effectiveness of activities aimed at
addressing illegal fishing, but likely also cause confusion within the fisher community regarding what is allowed. It could potentially also undermine efforts aimed at supporting the transition to alternative vaquita friendly fishing gear.

56. It does not seem that the provisions of “the Agreement” imposing a complete ban of all gillnets across the marine area established by “the Agreement”, aligns well with the broader Government policy on promoting sustainable fisheries, community engagement and working with local fishers. Mexico is therefore urged to maintain, as a minimum, both the vaquita refuge area as well as the zero-tolerance area completely gillnet free, whilst urgently clarifying how this provision should be implemented by authorities to ensure consistency between the implementation of activities and the provisions of “the Agreement”.

### Manufacturing, possession, selling and transporting of gillnets

57. Article 2 of “the Agreement” also determines that no gillnets may be manufactured, possessed, sold, or transported in the marine area established by “the Agreement”, nor transported by any means within a perimeter of 10 kilometres around the marine area established by “the Agreement”, or between any city, town, community, or fishing camp.

58. From information gathered during the mission, it seems that much more could be done to ensure compliance with these provisions of “the Agreement”. Authorities indicated that contravention of the above would constitute an administrative offence. The Secretariat requested information on activities undertaken in this regard, for example to inspect possible places where manufacturing, possession or selling may occur, but none could be provided. The Secretariat also requested to be provided with records of administrative penalties imposed for any contraventions detected regarding the manufacturing, possession, selling or transport of nets in contravention of “the Agreement”, but none were provided.

59. These provisions of “the Agreement”, if strictly implemented, could have a significant impact on the activities of illegal fishers, restricting their movements and activities, facilitating the seizure of their boats and prohibited nets, and discouraging practices of an illegal nature. In the absence of implementation, illegal fishers will likely continue their illegal activities. The Secretariat notes that data provided by SEMAR confirmed that the circulation of totoaba gillnets in the marine area established by “the Agreement” continues, as the majority of nets found and seized at sea by authorities (as described in Mexico’s fifth six-monthly report) are totoaba gill nets.

### Measures taken against fishers found operating in the restricted areas

60. Discussions with authorities during the mission, confirmed that where irregularities are detected in the vaquita refuge and zero tolerance areas, the measures taken by authorities are not sufficiently harsh to deter illegal fishers and the activities of the criminals that recruit these fishers. These measures entail inviting vessels to immediately cease their activities, to lift their fishing gear and to withdraw from the restricted area. If they comply, there is no consequence. When instructions to leave the area are refused, the most severe consequence is that authorities seize the fishing gear used.

61. Authorities during the mission expressed that Mexico relies on a system of cooperation rather than sanction. SEMAR stated that this approach is delivering results and held the view that this is because nets are expensive to replace if seized and new nets take time to make. SEMAR noted that fishers now rather comply and avoid the restricted areas.

62. The Secretariat in document SC74 Doc. 28.5, concluded that the number of fishing vessels entering and operating unauthorized in the zero-tolerance area has improved compared to previous years. The Secretariat also noted ongoing concern about vessels that continue to operate in the zero-tolerance area. The practice of asking them to leave and letting them go when they comply continues to be exploited by organized crime groups and the fishers they recruit. This seems evident during the height of the fishing season, when large numbers of illegal fishers are often found in these areas, as seen in social media and reported to the Secretariat. The Secretariat therefore continues to conclude that the actions of authorities are too lenient to have any permanent deterrent effect. Unless this practice is phased out and replaced with measures of a more deterrent nature, the activities of illegal fishers will likely continue in the vaquita refuge and zero tolerance area. The lenient approach provides an incentive for organized crime groups to continue their activities, and rather than serving as a measure to prevent and put an end to illegal activity, it creates a situation of impunity.
Combining punitive approaches with alternative solutions: Transition to vaquita friendly fishing gear

63. The Secretariat notes that one of the agreed outcomes of the October 2021 online Meeting of Range, Transit and Consumer States of Totoaba, is for Mexico to consider including matters related to totoaba and vaquita, including selective fishing gear development and fishery management in the Upper Gulf of California, in its national Global Environment Facility (GEF) environmental strategies and objectives for the eighth replenishment (GEF8) or other suitable funding opportunities, and also to explore other potential funding partners.

64. The Secretariat met with relevant government representatives to discuss opportunities to include these matters in GEF 8. Mexican authorities were receptive to this suggestion and noted that GEF 8 priorities will be defined through consultancies that were expected to commence in June 2022. It was further noted that Mexico is considering integrated projects as part of its strategic planning to maximize the effective mobilization of resources available. Mexico is encouraged to continue its work to define GEF 8 priorities, actively considering opportunities to include matters related to totoaba and vaquita, including selective fishing gear development.

Conclusion

65. The importance that Mexico attach to the work of the GIS is evident, and the Secretariat welcomes the integrated approach promoted by the GIS to facilitate cooperation, monitor the actions carried out by authorities in the Upper Gulf of California, support synergies, and establish mechanisms for dialogue between different stakeholders. While some strengths and great potential have been identified during the mission of the Secretariat, important areas for improvement as outlined in the present document have also been identified. Mexico is therefore encouraged to consider how the work of the GIS could be further streamlined and strengthened to take into consideration and address these areas for improvement.

66. As noted in the present document, the Secretariat undertook revisions to Decisions 18.292 to 18.295 in consultation with the Chair of the Standing Committee, the results of which are presented in Annex 2 to the present document for consideration by the Conference of the Parties.

67. Whilst the decisions agreed at CoP19 will set the roadmap for Mexico and other Parties to follow during the next intersessional period, the Secretariat notes that the Standing Committee requested the Secretariat to continue to monitor Mexico’s implementation of Decision 18.293, and to bring any matters of concern that may arise to the attention of the Committee. Whilst acknowledging the work done by Mexico, the complex nature of the situation in Mexico, the significant resources deployed, as well as the good progress that has been made by Mexico on some fronts, the Secretariat is also conscious of the urgent need for action portrayed by Decision 18.293. Matters pointed out as being of concern in documents SC2020 Inf. 14 and SC74 Doc. 28.5, based on the findings of the mission and elaborated upon in the present document remain of concern. The Secretariat therefore intends to bring the matters of concern identified during the mission to the attention of the Committee at its 75th meeting (SC75, Panama City, 13 November 2022), for the Committee to consider if any further measures might also be needed.

68. The Secretariat will in its report to SC75 also elaborate on other matters addressed during the mission, such as alternative solutions and the importance Mexico attaches to aquaculture as a tool to support and strengthen local population involvement as well as conservation. The Secretariat will also in this report provide an update to the Committee on its visit to Earth Ocean Farms and in particular on information provided by Mexico regarding progress made and activities undertaken concerning the destruction of totoaba swim bladders from this facility, as agreed to at SC74.

Recommendations:

69. The Conference of the Parties is invited to:

a) adopt Decisions 18.292 (Rev. CoP19) to 18.295 (Rev. CoP19), and draft decisions 19.CC and 19.DD, as presented in Annex 2 to the present document. A clean version of these decisions is included in Annex 3 to the present document for ease of reference.
DECISIONS ON TOTOABA (TOTOABA MACDONALDI) ADOPTED AT CoP18

At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.292 to 18.295 on Totoaba (Totoaba macdonaldi), as follows:

Directed to Parties

18.292 Parties, in collaboration with relevant stakeholders, are encouraged to:

a) communicate to the Secretariat and the CITES Authorities of relevant Parties information on seizures of specimens of totoaba, arrests of those engaged in illegal take and trade, results of any prosecutions, and actions taken to implement this Decision;

b) engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquita (Phocoena sinus), including demand reduction campaigns;

c) eliminate supply and demand for illegally sourced specimens of totoaba, and strengthen national policies and law enforcement measures to prevent and address their illegal trade;

d) support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita;

e) support Mexico in the implementation of Decision 18.293, including support for gillnet retrieval programmes; and

f) provide financial and in-kind support for the implementation of the study called for in Decision 18.294, paragraph c) to be presented before the 73rd meeting of the Standing Committee.

Directed to Mexico

18.293 Mexico is urged to:

a) take immediate and effective actions by 1 November 2019 in response to the threats to totoaba and vaquita posed by illegal trade by:

i) deploying governmental authorities with legal powers of seizure and arrest, together with the Navy, to effectively prevent fishers and vessels from entering the Vaquita Refuge area, and invite the Secretariat to assess the effectiveness and impact of these measures before the end of 2019;

ii) collecting and analysing information on organized crime groups involved in the illegal trade in totoaba, convening multi-disciplinary investigative teams to work in close collaboration with local authorities in key areas of concern, and undertaking intelligence-driven operations and investigations for addressing illegal trade in totoaba;

iii) providing regular (every six months) updates on these actions and their results to the Secretariat; and

iv) establishing and operationalizing, together with relevant Parties, the trilateral enforcement contact group called for in the outcomes of the 2017 “Trilateral Meeting China/United States/Mexico On The Combat Against Illegal Traffic Of Totoaba Fish (Totoaba macdonaldi) August 23-25, Ensenada, Mexico”;

CoP19 Doc. 29.2.1 – p. 12
b) intensify efforts and to secure resources to expand gillnet removal efforts to maintain the Vaquita Refuge area as a net-free zone, and take all necessary measures to protect net removal teams and destroy confiscated nets;

c) adhere to the implementation of Decision 43 COM 7B.26, adopted at the 43rd session of the World Heritage Committee (Baku, 2019); and

d) submit a comprehensive report on the implementation of Decision 18.293, paragraphs a) to d) above, as well as the information required in Decision 18.292, paragraph a), to the Secretariat in time for it to convey this to the Standing Committee at its 73rd meeting, together with any recommendations it may have.

Directed to the Secretariat

18.294 The Secretariat shall:

a) subject to external resources and measurable progress made in implementing actions identified in Decisions 18.292 and 18.293, consider convening before the end of 2019 a meeting of range, transit and consumer States of totoaba, and selected organizations and stakeholders, to evaluate progress made in combating illegal fishing of totoaba, eliminating supply and demand for illegally-sourced specimens of totoaba, and strengthening law enforcement measures to prevent and address their illegal trade;

b) engage with partner agencies of the International Consortium on Combating Wildlife Crime (ICCWC) in support of activities that could facilitate the initiation of targeted joint investigations and enforcement action from source to destination across the entire illegal trade chain;

c) subject to the availability of external resources and in consultation with organizations with relevant expertise, undertake the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1); and

d) report the information communicated by Parties and Mexico in accordance with Decisions 18.292 and 18.293, as well as the outcomes of the meeting convened in accordance with paragraph a) above, to the Standing Committee at its 73rd meeting together with any recommendations it may have.

Directed to the Standing Committee

18.295 The Standing Committee shall:

a) review and assess any information and recommendations submitted by the Secretariat in accordance with Decision 18.294; and

b) based on its assessment, and if not satisfied with timely progress in the implementation of Decisions 18.292 and 18.293, make any appropriate recommendations within the mandate of the Standing Committee in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures.
Directed to Parties

18.292 (Rev. CoP19) Parties affected by illegal fishing and trafficking of totoaba, in collaboration with relevant stakeholders, are encouraged to:

a) fully implement the measures and activities outlined in the online Meeting of Range, Transit and Consumer States of Totoaba agreed outcomes document, as relevant to them, to prevent and combat this illegal trade;

ab) draw upon the secure law enforcement communication channels and tools provided by INTERPOL and the World Customs Organization to share information on seizures and of specimens of totoaba, arrests associated with totoaba specimen trafficking of those engaged in illegal take and trade, results of any prosecutions, and actions taken to implement this Decision; and

bc) engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquita (Phocoena sinus), including demand reduction campaigns, as well as activities to eliminate supply and demand for illegally sourced specimens of totoaba, taking into consideration the measures and activities outlined in the Meeting of Range Transit and Consumer States of Totoaba agreed outcomes document under the heading Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba;

c) eliminate supply and demand for illegally sourced specimens of totoaba, and strengthen national policies and law enforcement measures to prevent and address their illegal trade;

d) support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita;

e) support Mexico in the implementation of Decision 18.293, including support for gillnet retrieval programmes; and

f) provide financial and in-kind support for the implementation of the study called for in Decision 18.294 (Rev. CoP19), paragraph c) to be presented before the 73rd meeting of the Standing Committee.

Directed to Mexico

18.293 (Rev. CoP19) Mexico is urged to:

a) take immediate and effective actions by 1 November 2019 to further strengthen measures to effectively prevent fishers using gillnets from entering the vaquita refuge and zero-tolerance areas and to maintain these areas completely gillnet-free, by implementing a strict zero-tolerance policy concerning unauthorized fishing and fishing gear in these areas, and imposing strict penalties where irregularities are detected, including the seizure of both vessels and unauthorized fishing gear combined with administrative or criminal penalties as applicable, in response to the threats to totoaba and vaquita posed by illegal trade by:
b) pursue the urgent implementation of all aspects of the Agreement regulating gears, systems, methods, techniques and schedules for the performance of fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establishing landing sites, as well as the use of monitoring systems for such vessels ("the Agreement"), giving priority attention to:

i) deploying governmental authorities with legal powers of seizure and arrest, together with the Navy, to effectively prevent fishers and vessels from entering the Vaquita Refuge area, and invite the Secretariat to assess the effectiveness and impact of these measures before the end of 2019 taking strict action against fishers that use any sites other than the authorized sites for departure and arrival of vessels established by Article 9 of "the Agreement", to effectively prevent, disrupt and put an end to the activities of fishers that operate illegally;

ii) collecting and analysing information on organized crime groups involved in the illegal trade in totoaba, convening multi-disciplinary investigative teams to work in close collaboration with local authorities in key areas of concern, and undertaking intelligence-driven operations and investigations for addressing illegal trade in totoaba effectively implementing the gillnet ban as anticipated by Article 2 of "the Agreement"; and

iii) stepping up efforts to mobilize activities aimed at preventing, detecting and penalizing any manufacturing, possession, selling and transportation of gillnets in the marine area and surrounding areas as determined by "the Agreement", to ensure the disruption and neutralization of any illegal activities providing regular (every six months) updates on these actions and their results to the Secretariat; and

iv) establishing and operationalizing, together with relevant Parties, the trilateral enforcement contact group called for in the outcomes of the 2017 "Trilateral Meeting China/United States/Mexico On The Combat Against Illegal Traffic Of Totoaba Fish (Totoaba macdonaldi) August 23-25, Ensenada, Mexico";

c) build upon the progress made in collecting and analysing information on organized crime groups operating within Mexico involved in illegal fishing and trafficking of totoaba, and the insights and information gained from such work about the structure and modus operandi of these groups, to further expand intelligence-driven operations and investigations to address and neutralize them;

bd) intensify efforts and to secure maintain resources to ensure uninterrupted expand—gillnet removal efforts to maintain the Vaquita Refuge and zero tolerance areas as a net-free zone, and take all necessary measures to protect net removal teams and destroy confiscated nets;

cd) scale up activities in support of selective fishing gear development and use, and to consider including such matters related to totoaba and vaquita in its GEF 8 or other suitable funding sources as adhere to the implementation of Decision 43.COM.7B.26, adopted at the 43rd session of the World Heritage Committee (Baku, 2019); and

def) submit a comprehensive report on the implementation of Decision 18.293 (Rev. CoP19), paragraphs a) to de) above, as well as the information required in Decision 18.292 (Rev. CoP19), paragraph a), to the Secretariat in time for it to convey this to the Standing Committee at its 77th3rd meeting, together with any recommendations it may have.
Directed to the Secretariat

18.294 (Rev. CoP19) The Secretariat shall:

a) seek information from Parties on their implementation of Decision 18.292 (Rev. CoP19) subject to external resources and measurable progress made in implementing actions identified in Decisions 18.292 and 18.293, consider convening before the end of 2019 a meeting of range, transit and consumer States of totoaba, and selected organizations and stakeholders, to evaluate progress made in combating illegal fishing of totoaba, eliminating supply and demand for illegally-sourced specimens of totoaba, and strengthening law enforcement measures to prevent and address their illegal trade;

b) engage with partner agencies of the International Consortium on Combating Wildlife Crime (ICCWC) in support of activities relevant to ICCWC partners, as outlined in the online Meeting of Range, Transit and Consumer States of Totoaba agreed outcomes document that could facilitate the initiation of targeted joint investigations and enforcement action from source to destination across the entire illegal trade chain;

c) revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online Meeting of Range, Transit and Consumer States of Totoaba held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise, undertake the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1); and

d) report the information communicated by Parties and Mexico in accordance with Decisions 18.292 (Rev. CoP19) and 18.293 (Rev. CoP19), as well as the study undertaken outcomes of the meeting convened in accordance with paragraph ca) above, to the Standing Committee at its 77th 3rd meeting together with any recommendations it may have.

Directed to the Standing Committee

18.295 (Rev. CoP19) The Standing Committee shall:

a) review and assess the study undertaken in accordance with Decision 18.294 (Rev. CoP19), paragraph c) and any information and recommendations submitted by the Secretariat in accordance with Decision 18.294 (Rev. CoP19), as well as the report to be submitted in accordance with Decision 19.CC; and

b) based on its assessment of the study undertaken in accordance with Decision 18.294 (Rev. CoP19), paragraph c), and if not satisfied with timely progress in the implementation of Decisions 18.292 (Rev. CoP19) and 18.293 (Rev. CoP19) and 19.CC, make recommendations as appropriate, which may where relevant include any appropriate recommendations within the mandate of the Standing Committee in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures.

Directed to China, Mexico, and the United States of America

19.CC China, Mexico, and the United States of America are requested to jointly submit, through the Chair of the Trilateral Enforcement Contact Group (TECG), a report to the 77th meeting of the Standing Committee on the operationalization of the TECG and the activities conducted in accordance with the TECG terms of reference, as well as associated results achieved.
**Directed to Parties**

19.DD Parties are encouraged to:

a) support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita; and

b) make every effort to support Mexico in the implementation of Decision 18.293 (Rev. CoP19).
The present Annex contains a clean version of the revised and new draft decisions presented in Annex 2 to document CoP19 Doc. 29.2.1. This clean version is provided for ease of reference.

**Directed to Parties**

18.292 (Rev. CoP19) Parties affected by illegal fishing and trafficking of totoaba, in collaboration with relevant stakeholders, are encouraged to:

a) fully implement the measures and activities outlined in the online *Meeting of Range, Transit and Consumer States of Totoaba agreed outcomes document*, as relevant to them, to prevent and combat this illegal trade;

b) draw upon the secure law enforcement communication channels and tools provided by INTERPOL and the World Customs Organization to share information on seizures and arrests associated with totoaba specimen trafficking; and

c) engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquita (*Phocoena sinus*), including demand reduction campaigns, as well as activities to eliminate supply and demand for illegally sourced specimens of totoaba, taking into consideration the measures and activities outlined in the *Meeting of Range Transit and Consumer States of Totoaba agreed outcomes document* under the heading *Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba*.

**Directed to Mexico**

18.293 (Rev. CoP19) Mexico is urged to:

a) take immediate actions to further strengthen measures to effectively prevent fishers using gillnets from entering the vaquita refuge and zero-tolerance areas and to maintain these areas completely gillnet-free, by implementing a strict zero-tolerance policy concerning unauthorized fishing and fishing gear in these areas, and imposing strict penalties where irregularities are detected, including the seizure of both vessels and unauthorized fishing gear combined with administrative or criminal penalties as applicable;

b) pursue the urgent implementation of all aspects of the *Agreement regulating gears, systems, methods, techniques and schedules for the performance of fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establishing landing sites, as well as the use of monitoring systems for such vessels* (*the Agreement*), giving priority attention to:

i) taking strict action against fishers that use any sites other than the authorized sites for departure and arrival of vessels established by Article 9 of “the Agreement”, to effectively prevent, disrupt and put an end to the activities of fishers that operate illegally;

ii) effectively implementing the gillnet ban as anticipated by Article 2 of “the Agreement”; and
iii) stepping up efforts to mobilize activities aimed at preventing, detecting and penalizing any manufacturing, possession, selling and transportation of gillnets in the marine area and surrounding areas as determined by “the Agreement”, to ensure the disruption and neutralization of any illegal activities.

c) build upon the progress made in collecting and analysing information on organized crime groups operating within Mexico involved in illegal fishing and trafficking of totoaba, and the insights and information gained from such work about the structure and *modus operandi* of these groups, to further expand intelligence-driven operations and investigations to address and neutralize them;

d) maintain resources to ensure uninterrupted gillnet removal to maintain the Vaquita Refuge and zero tolerance areas net-free, and take all necessary measures to protect net removal teams and destroy confiscated nets;

e) scale up activities in support of selective fishing gear development and use, and to consider including such matters related to totoaba and vaquita in its GEF 8 or other suitable funding sources; and

f) submit a comprehensive report on the implementation of Decision 18.293 (Rev. CoP19), paragraphs a) to e) above, as well as Decision 18.292 (Rev. CoP19), to the Secretariat in time for it to convey this to the Standing Committee at its 77th meeting, together with any recommendations it may have.

**Directed to the Secretariat**

18.294 (Rev. CoP19) The Secretariat shall:

a) seek information from Parties on their implementation of Decision 18.292 (Rev. CoP19);

b) engage with partner agencies of the International Consortium on Combating Wildlife Crime (ICCWC) in support of activities relevant to ICCWC partners, as outlined in the online *Meeting of Range, Transit and Consumer States of Totoaba* agreed outcomes document;

c) revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise; and

d) report the information communicated by Parties and Mexico in accordance with Decisions 18.292 (Rev. CoP19) and 18.293 (Rev. CoP19), as well as the study undertaken in accordance with paragraph c) above, to the Standing Committee at its 77th meeting together with any recommendations it may have.

**Directed to the Standing Committee**

18.295 (Rev. CoP19) The Standing Committee shall:

a) review and assess the study undertaken in accordance with Decision 18.294 (Rev. CoP19), paragraph c) and any information and recommendations submitted by the Secretariat in accordance with Decision 18.294 (Rev. CoP19), as well as the report to be submitted in accordance with Decision 19.CC; and
b) based on its assessment of the study undertaken in accordance with Decision 18.294 (Rev. CoP19), paragraph c), and if not satisfied with timely progress in the implementation of Decisions 18.292 (Rev. CoP19), 18.293 (Rev. CoP19) and 19.CC, make recommendations as appropriate, which may where relevant include recommendations within the mandate of the Standing Committee in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures.

Directed to China, Mexico, and the United States of America

19.CC China, Mexico, and the United States of America are requested to jointly submit, through the Chair of the Trilateral Enforcement Contact Group (TECG), a report to the 77th meeting of the Standing Committee on the operationalization of the TECG and the activities conducted in accordance with the TECG terms of reference, as well as associated results achieved.

Directed to Parties

19.DD Parties are encouraged to:

a) support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita; and

b) make every effort to support Mexico in the implementation of Decision 18.293 (Rev. CoP19).
TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.


Decisions 18.292 (Rev. CoP19), 18.293 (Rev. CoP19), 19.CC and 19.DD does not have any budgetary and workload implications for the Secretariat or permanent committees.

Decision 18.294 (Rev. CoP19)

Work to be undertaken by the Secretariat in accordance with Decision 18.294 (Rev. CoP19), paragraphs a) and d), would require some time from the Secretariat but should be a core part of the Secretariat’s work and accommodated within its regular work programme.

Engagement with ICCWC partner agencies as anticipated by Decision 18.294 (Rev. CoP19), paragraph b), would require some time from the Secretariat. Part of this work can be accommodated within the Secretariat’s regular work programme, whilst part of it would be supported by the CITES Secretariat externally funded ICCWC support staff. This work can be accommodated by the ICCWC support staff with a small contribution towards their staff time. An estimated budget of USD 10,000 would be required to accommodate tasks delivered by ICCWC support staff (approximately 5% of staff-time). The delivery of some activities relevant to ICCWC, as outlined in the online Meeting of Range, Transit and Consumer States of Totoaba agreed outcomes document, would be subject to the provision of external funds. These include activities 1.1, 2.1.4 and 2.4.2.

Implementation of Decision 18.294 (Rev. CoP19), paragraph c), is subject to the provision of external funds. Implementation of the decision would require some time from the Secretariat but should be a core part of the Secretariat’s work and accommodated within its regular work programme.

Decision 18.295 (Rev. CoP19)

Implementation of Decision 18.295 (Rev. CoP19) would require some time from the Standing Committee but can be accommodated within its regular work programme.

<table>
<thead>
<tr>
<th>Decision</th>
<th>Activity</th>
<th>Indicative costs (USD)</th>
<th>Source of funding</th>
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<td>Decision 18.294 (Rev. CoP19), paragraph b)</td>
<td>Convening a Regional Investigative and Analytical Case Meeting (RIACM) on totoaba (Activity 1.1 in the totoaba meeting outcome document).</td>
<td>USD 40 000</td>
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<td>Convening a Wildlife Inter Regional Enforcement (WIRE) meeting on totoaba (Activity 2.1.4 in the totoaba meeting outcome document).</td>
<td>USD 60 000</td>
<td>Extrabudgetary</td>
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<tr>
<td></td>
<td>Support for twinning programmes or study visits to address totoaba specimen trafficking.</td>
<td>USD 30 000</td>
<td>Extrabudgetary</td>
</tr>
<tr>
<td>Activity 2.4.2 in the totoaba meeting outcome document.</td>
<td>Contribution towards externally funded CITES Secretariat ICCWC support staff time</td>
<td>USD 10,000</td>
<td>Extrabudgetary</td>
</tr>
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</tr>
<tr>
<td>Decision 18.294 (Rev. CoP19), paragraph c</td>
<td>Study on vaquita and totoaba</td>
<td>USD 60,000</td>
<td>Extrabudgetary (Funding already secured through a contribution from Switzerland)</td>
</tr>
</tbody>
</table>