

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Nineteenth meeting of the Conference of the Parties  
Panama City (Panama), 14 – 25 November 2022

**Committee II**

Totoaba (*Totoaba macdonaldi*)

U.S. PROPOSED EDITS TO COP19 DOC 29.2.1 REGARDING REVISION OF DECISIONS 18.292 TO 18.295

*This document has been submitted by the United States of America in relation to agenda item Doc. 29.2.1 (Totoaba (*Totoaba macdonaldi*): Report of the Secretariat), to share with the Parties our suggested edits related to Annex 2: Revised and New Draft Decisions on Totoaba (*Totoaba macdonaldi*) Proposed for Adoption at CoP19. This document reflects discussions between the United States of America and Mexico on this agenda item.*

**Proposed Changes to Decision 18.292 Proposed by the Secretariat**

1. Mexico requests that original paragraph f) of Decision 18.292 – proposed for deletion by the Secretariat in CoP19 Doc. 29.2.1 – be retained. This paragraph is copied and pasted below and would now be paragraph d) of Decision 18.292 (proposed new text is shown below in **blue font**; changes in **blue font** reflect proposed revisions by Mexico that the United States of America accepts).

— f) **d) 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.**

**Proposed Changes to Decision 18.293 Proposed by the Secretariat**

2. In paragraphs a) of Decision 18.293 (Rev. CoP19), our proposed text edits would clarify and strengthen the Secretariat's suggested edits (proposed new text is shown below in **red font**; the Secretariat's proposed text for insertion is underlined and proposed text for deletion is in ~~strikeout~~).
  - a) take immediate ~~and effective~~ actions ~~by 1 November 2019~~ to further strengthen measures to effectively prevent fishers ~~from~~ using gillnets ~~from entering in~~ the vaquita refuge ~~and vessels from entering the 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, **ensuring surveillance on a full-time basis**, 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:
3. In Decision 18.293 paragraph b) i), our proposed text edits urge Mexican authorities with legal powers of seizure and arrest to work with the Navy to effectively prevent fishers and vessels from fishing with prohibited gear in vaquita habitat. We propose inserting the following text from the original decision with a few minor edits (proposed new text is shown below in **red font**; the Secretariat's proposed text for insertion is underlined and proposed text for deletion is in ~~strikeout~~):
  - i) **deploying the appropriate authorities with legal powers of seizure and arrest, together with the Navy, to effectively prevent fishers and vessels from fishing with prohibited gear in the Vaquita Refuge and from entering the Zero Tolerance Area and ~~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 an end to the activities of fishers that operate illegally;~~

4. In Decision 18.293 paragraph f), our proposed text edits are to request that Mexico report to the Secretariat on the implementation of Decision 18.293 in a timely manner to ensure sufficient time for the Secretariat to convey this information with any recommendations (proposed new text is shown below in **red font** and **blue font**; changes in **blue font** reflect proposed revisions by Mexico that the United States of America accepts; the Secretariat's proposed text for insertion is underlined and proposed text for deletion is in strikeout).
  - f) submit a comprehensive report on the implementation of Decision 18.293 (Rev. CoP19), paragraphs a) to d) above, as well as ~~the information required in Decision 18.292 (Rev. CoP19), paragraph a),~~ to the Secretariat **in a timely manner (at least 60 days in advance of the 77th Standing Committee meeting)** in time for it to convey this to the Standing Committee at its ~~77th~~<sup>3rd</sup> meeting, together with any recommendations it may have.

#### **Proposed Changes to Decision 18.294 Proposed by the Secretariat**

5. In Decision 18.294 paragraph c), our proposed text changes are to ensure the Standing Committee has an opportunity to review and provide input on the revised Terms of Reference for the study on vaquita and totoaba (proposed new text is shown below in **red font** and **blue font**; changes in **blue font** reflect proposed revisions by Mexico that the United States of America accepts; the Secretariat's proposed text for insertion is underlined and proposed text for deletion is in strikeout).
  - c) **as a matter of urgency,** revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), in consultation with the Standing Committee, through the Chair, 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 commence undertake the study within the first quarter of 2023, subject to the availability of external resources and in consultation with organizations with relevant expertise
6. In Decision 18.294 paragraph d), our proposed text changes are to require the Secretariat to report to SC77 regarding information received on Decisions 18.292-18.293 and the study in a timely manner (proposed new text is shown below in **red font**; the Secretariat's proposed text for insertion is underlined and proposed text for deletion is in strikeout).
  - 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, **in a timely manner (at least 45 days in advance of the 77th Standing Committee meeting)** to the Standing Committee at its ~~77th~~<sup>3rd</sup> meeting together with any recommendations it may have.

#### **Proposed Changes to New Decision 19.DD Proposed by the Secretariat**

7. In regards to proposed new Decision 19.DD, we propose a new paragraph for draft decision 19.DD is to encourage all Parties to work to stop the supply of and demand for illegally sourced totoaba specimens (proposed new text is shown below in **red font** with proposed text for deletion in red strikeout).

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) ~~and;~~
- c) support efforts to eliminate supply of and demand for illegally sourced specimens of totoaba to address and prevent their illegal trade.

8. Mexico has requested the addition of a new draft Decision 19.EE that is directed to transit and destination countries (proposed new text is shown below in blue font; changes in blue font reflect proposed revisions by Mexico that the United States of America accepts).

**Directed to transit and destination countries**

19.EE Transit and destination countries are encouraged to report on implementation of Decision 18.292 and 19.DD to the 77th meeting of the Standing Committee.