

REPORT OF THE SECRETARIAT ON THE MISSION CONCERNING TOTOABA (*TOTOABA MACDONALDI*) TO MEXICO

1. The Standing Committee at its 77th meeting (SC77, Geneva, November 2023), agreed Recommendation g) on Totoabas (*Totoaba macdonaldi*), inviting the Secretariat to undertake a third technical mission to Mexico, to review and monitor Mexico's implementation of its compliance action plan on totoaba (CAP) and to assess the situation on the ground. Following an invitation received, the mission to Mexico was conducted from 11 to 15 March 2024.
2. The mission was planned and undertaken to ensure that it coincides with the season when most illegal fishing of totoabas is known to occur. The Secretariat was afforded the opportunity to meet and have detailed discussions with operational and high-level representatives from all relevant national authorities with a role in implementing Mexico's CAP. It also held meetings with representatives from fisher cooperatives, community members involved in social projects in the Upper Gulf of California (UGC) and civil society organizations working on scientific, social, economic and enforcement related matters relevant to the illegal fishing and trafficking of totoaba and protection of the vaquita (*Phocoena sinus*). During the mission three days were spent in San Felipe, Baja California, making various field visits, including to the vaquita refuge and zero-tolerance areas, to observe the ongoing placement of concrete blocks at the zero-tolerance area to keep it net free, to navy facilities to witness the destruction of seized nets, and to the Malecon and Fondeport authorized departure and landing sites in San Felipe. Further, the Secretariat was invited to visit the non-governmental organization Sea Shepherd's vessel "Seahorse" to observe their activities in support of the Mexican government actions to conserve the vaquita and combat the trafficking of totoaba swim bladders.
3. A field visit was also conducted to the border post in Mexicali to engage with representatives from the Mexico's National Customs Agency (ANAM), to learn more about their work to detect and address totoaba trafficking. The mission concluded with meetings in Mexico City on 15 March 2024, including a high-level meeting in which the Secretary and Under-Secretary of the Ministry of the Environment and Natural Resources (SEMARNAT) and the heads of the partner agencies of the Intragovernmental Group on Sustainability in the Upper Gulf of California (GIS)¹ participated.
4. The Secretariat thanks the Government of Mexico, and in particular SEMARNAT and the Secretariat of the Navy (SEMAR), for the generous technical and logistical support provided in planning, coordinating and implementing the mission programme, as well as all other authorities for the hospitality and availability offered to the Secretariat during its mission. The Secretariat also thanks representatives of the fisheries cooperatives and the local communities, civil society and others met during the mission for their frank and open way of providing relevant information.
5. Mexico's CAP comprises seven strategic lines of action to be implemented. These are:
 - i) Monitoring effective compliance with regard to authorized departure and landing sites, in accordance with [the regulatory agreement](#).²
 - ii) Preventing the entry of vessels to the Zero Tolerance Area (Zo) and keeping it free of gillnets together with the Vaquita Protection Refuge Area (VRA).
 - iii) Strengthening intelligence actions to combat transnational organized crime involved in illegal trade of totoaba.

¹ 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.

² 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 ("The Agreement"), published in September 2020

- iv) Implementing a programme for alternative fishing gear and the marking and fishing equipment programme for minor vessels.
 - v) Monitoring the vaquita population.
 - vi) Raising awareness of illegal trade in totoaba and its consequences for conservation.
 - vii) Operationalizing the Trilateral Enforcement Contact Group.
6. The Standing Committee in the Recommendations on Totoabas (*Totoaba macdonaldi*) it agreed at SC77, *inter alia* welcomed the rapid progress made by Mexico with the implementation of its CAP. The Committee also requested Mexico to take into consideration the observations made by the Secretariat in the continued implementation of its CAP, as presented in [Annex 5](#) to document SC77 Doc. 33.13.2. These observations concerned:
- That room for improvement continued to exist regarding applying a zero-tolerance policy and appropriate penalties for unauthorized activities in the Zo and the VRA.
 - The observations of the Secretariat at Target 2.6, milestone 3, Target 2.9, milestones 1 and 3, Target 2.10, milestone 3, and Target 2.11, milestones 2 and 5, as presented in Annex 5 to document SC77 Doc. 33.13.2.
 - The importance that Mexico regularly assess the effectiveness of, and the impact achieved through implementation of the newly established "Protocols of Action in the Upper Gulf of California to Combat the Illegal Fishing of Totoaba and thereby Conserve the Vaquita Marina Population (*Phocoena sinus*)".
 - That Mexico swiftly progress training to build capacity amongst officials operating in the UGC on implementation of the protocol and assessing training to identify any aspects that can be improved.
 - That Mexico faithfully implements the provisions of Target 4.2 in the CAP and maintain strict control over vessels to which permits for fishing with alternative gear were granted to ensure that only the alternative gear as authorized by the permits are used during fishing activities.
7. The Secretariat, in the following paragraphs, using as baseline its observations and conclusions in Annex 5 to document SC77 Doc. 33.13.2 regarding Mexico's implementation of the CAP, addresses the mission findings and the matters outlined above against the seven strategic lines of action in Mexico's CAP.

Line of action 1: Monitoring effective compliance with regard to authorized departure and landing sites, in accordance with the regulatory agreement

8. As reported in Annex 5 to document SC77 Doc. 33.13.2, Mexico, in accordance with Target 1.2 in its CAP, conducted a functionality analysis regarding authorized departure and landing sites. This functionality analysis provided important insights regarding the most active sites to be maintained and those that were not viable. In the light of the functionality analysis findings, a new authorized site was established at the San Felipe Boardwalk, which Mexico reported significantly contributes to checking vessels departing and arriving. Civil society organizations (CSOs), during a meeting held with them in San Felipe on 11 March 2024, also noted that establishing the San Felipe Boardwalk site was a positive development and that verification of vessels departing and arriving as anticipated by Target 1.1 in the CAP improved. CSO representatives, however, also indicated that some fishers expressed the need for more authorized launching sites and noted that some vessels continue to be launched at unauthorized sites.
9. During the mission the Secretariat conducted field visits to the Boardwalk (Malecon) and Pier (Fondeport) authorized departure and landing sites in San Felipe. The Secretariat was unable to fully observe the work of inspectors and the level of activities at the authorized sites first-hand as no fishers entered the water on the days the Secretariat was programmed to visit the sites. It appears fishers either got word about the mission from authorities and were reluctant to fish during the mission period because of fear of increased scrutiny, or they might have been discouraged from fishing during the mission period by representatives from the fisher community. Officers on duty at the departure and landing sites indicated that usually approximately 25 vessels daily enter the sea and return through the Boardwalk site. At the Pier site officials indicated that approximately 20 to 30 vessels daily entered and landed at this site during the previous week. It was also indicated that on days when the weather and the tide is good, up to 100 vessels per day

are sometimes inspected at this site. It was evident that the situation observed at the authorized sites during the mission was not representative of the normal situation.

10. From the few fishers that the Secretariat witnessed exiting the water in the early evening, it was clear that the fishing hours as set out in Article 4 of the *2020 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*, (“the Agreement”) are not being followed. For the Secretariat it is understandable why the authorities in some cases do not apply this provision of “the Agreement” to the letter as it does not seem practical to implement given the distances fishers need to travel at sea to get to suitable authorized fishing areas and the time this takes. Article 4 of “the Agreement” determines that it is prohibited to carry out any fishing activity between 16:00 and 05:00. However, the sun had not yet set when fishers arrived early evening (for example the one fisher arrived at 19:00 and the sun had not yet set). Expecting fishers to cut the day short and to return to shore at 16:00 does not seem reasonable.
11. Field visits to the authorized departure and landing sites confirmed that multi-agency teams continue to police these sites and work at them on a daily basis to ensure that vessels are inspected as required by “the Agreement” and in accordance with the CAP. Officials on duty informed the mission team that multi-agency teams comprised of officials from all relevant authorities work at the authorized sites from 5 am to 10:30 pm daily, whilst officers from the National Commission of Aquaculture and Fisheries (CONAPESCA) have a 24 hour presence and can call out representatives from the other authorities for support if needed. A welcome development observed, was that all fisher vessels must now, apart from their registration number, also display a hologram with a QR code which is affixed to the vessel itself. This facilitates identification of the vessel and verification of information related to the vessel including information about the permits held, which can be remotely checked against a database by officials using a mobile phone application.
12. Officials indicated that administrative action is taken against fishers if their permits are found not to be in order during inspections. If any restricted species, for example totoaba, is detected on a landing vessel, a case will be opened for further investigation. The mission team asked officials what the procedures were when a vessel with gillnets is detected and was informed that in such cases the vessel is not allowed to enter the sea, the nets are seized and an administrative procedure is initiated. It was also indicated that a system is in place to identify repeat offenders, so that appropriate action can be taken.
13. When asked about vessels that may enter the sea at unauthorized sites, officials explained the difficulties in policing the entire area because of its size and noted that it is not possible to always have a full-time presence everywhere. SEMAR also noted that the San Felipe area represents approximately 8% of the whole territory to be covered and, with approximately 100 kilometres of coastline, it is very difficult to cover the entire area. Given this reality, the Secretariat believes that the other tools deployed by Mexico to prevent and address illegal fishing as elaborated upon elsewhere in this report will have to play an increasingly important role in detecting and addressing such activities. Information gathered during the mission suggested that vessels continue to enter and exit the sea at unauthorized sites north of San Felipe. When asked about this, authorities seemed to be aware and mentioned three specific places which are targeted by them during terrestrial patrols. It was also noted by officials that fishers sometimes report unauthorized activity to them, which the authorities concerned then follow up on.
14. During the high-level meeting held in Mexico City on 15 March 2024, Mexico reported that in the period from April 2023 to February 2024 a total of 3551 vessels were inspected at the authorized sites. The Secretariat welcomes the continued work being done to maintain multi-agency teams and daily activities at the authorized sites. It was also observed by the team that good coordination and collaboration exist among officials from the different agencies.
15. The Secretariat notes the need to address the poor identification of authorized sites with no visible signs showing that it is an authorized departure and landing site. Mexico was encouraged to put up signs at all authorized departure and landing sites to clearly show them as such, and to also make available information on the signs about what is and what is not allowed. Further, Mexico may wish to also put up such signs in areas known to be used to launch vessels through unauthorized sites, clearly indicating that it is unauthorized and including the penalties that will be imposed on fishers using such sites when random checks are carried out as set out in the CAP.
16. The 2020 Regulatory Agreement provides the primary regulatory framework for Mexican authorities working in the UGC to combat illegal fishing and the associated totoaba specimen trafficking. As outlined in Annex 5 to document SC77 Doc. 33.13.2, Mexico reported that its goal is to modify “the Agreement” to

establish the authorized departure and landing sites in accordance with the functionality analysis outcomes. Given that a new site has now been established at the San Felipe Boardwalk, and that some sites established by “the Agreement” have been found to be redundant, amending “the Agreement” must be pursued as a priority to ensure clarity for fishers.

17. It is important to note that various concerns and challenges regarding the implementation of some aspects of “the Agreement” in its current form were raised during the mission. These go beyond the matter of amending “the Agreement” to update it regarding authorized departure and landing sites as described in paragraph 16 above. From the information provided it seems that some of the provisions in the current agreement are not practical or are impossible to enforce, for example the provisions applicable to fishing practices in some areas that pose no danger to the vaquita, e.g. clam diving, or the hours during which fishing is authorized as elaborated upon in paragraph 10. In addition, SEMAR noted the need to better clarify exactly which infractions are punishable under criminal law and which ones constitute an administrative offence, among other concerns. Considering that “the Agreement” is the primary instrument used to regulate the activities of fishers in the UGC and determine the roles and mandates of authorities in charge of combating illegal fishing and totoaba trafficking, it is essential that the aspects identified as impractical and unenforceable be addressed as a matter of priority. The Secretariat notes that unless these aspects are addressed and more suitable alternatives implemented, it is likely that full implementation of “the Agreement” will never be achieved.
18. During a meeting with high level representatives from the GIS in Mexico City on 15 March 2024, the Secretariat noted the challenges regarding implementation of certain aspects of the 2020 Agreement as highlighted by various authorities and others during the mission. The Secretariat stressed that any future revised and updated agreement should be well consulted, including considering as appropriate the views and inputs of communities it will affect. The importance that the agreement must be fully enforceable to the letter of the word was also reiterated and it was noted that the importance of this could not be overstated. Provisions that could not be practically implemented should be removed and replaced with realistic and enforceable measures that will allow the achievement of the objectives of “the Agreement”. The adoption of realistic and enforceable measures against illegal fishing and trafficking of totoaba, that will enable at the same time the safeguarding of the Zo and VRA, are necessary to ensure that these areas remain gillnet free and free of any unauthorized fisher activities. Mexico in this meeting acknowledged the importance of community involvement in such processes and noted that modification of the 2020 Agreement is ongoing in consultation with the community. Mexico further noted that fishers expressed the view that they were not consulted in the past and stated that there is now a realization of the importance of considering the views and inputs of fishers. Mexico further stated that any new agreement will align with the CAP.
19. CSO representatives highlighted the importance that fishers be closely engaged in any activities conducted to renegotiate the 2020 Agreement. It was further emphasized by CSO representatives that following the upcoming election of a new government in Mexico, governmental support for the implementation of any renegotiated agreement will be essential.
20. Target 1.3 in Mexico’s CAP concerns the installation of a long-range video surveillance system to monitor strategic sites. In Annex 5 to document SC77 Doc. 33.13.2 it was noted Mexico reported that it was agreed to establish a Long-Range Video Surveillance System (SIVILA), and that three strategic points for surveillance were identified. Mexico reported that, to implement the SIVILA project, 29 million Mexican Pesos (approximately USD 1,5 million) have been requested from the Ministry of Finance and Public Credit. The Secretariat was pleased to observe during the mission that significant progress has been made in this regard and that the milestones set by Mexico in its CAP were achieved prior to the deadlines set. SEMAR reported that it used its own resources to acquire the SIVILA system and it is now in place and operational. A live demonstration of the system was provided to the Secretariat mission team, and SEMAR also indicated that the system will soon be further upgraded through the installation of cameras that were already acquired and with an even further reach than the ones used at the time of the mission.
21. It should also be noted that the SIVILA system is not used in isolation but is complemented by several other systems that were demonstrated to the mission team. These include a surface radar developed by SEMAR known as radar RINUS, and a separate system that collates information from all other systems (SICCAM). The mission team was informed that it is also envisaged that other technologies will be deployed in the near future. These include a system to locate smaller boats (AIS) and the National Commission of Aquaculture and Fisheries (CONAPESCA) vessel registration system (SISLEM) which will allow data to be uploaded directly to the SEMAR system through satellite.
22. During the demonstrations provided to the Secretariat detailed information about the systems mentioned and equipment used was shared. This information is however confidential and sensitive and to protect the

integrity of Mexico's enforcement measures, cannot be made public. The Secretariat notes, however, that the systems put in place by Mexico are increasingly sophisticated and it is highly likely that these systems will improve and further strengthen the effectiveness of the activities undertaken by relevant authorities to prevent and detect illegal fishing and trafficking of totoaba.

23. Target 1.4 in Mexico's CAP concerns the implementation of an awareness raising programme for the fishing sector to change its behaviour and deter illegal fishing, use of illegal nets and their manufacture, trade and transport; and change negative perceptions of the vaquita. As outlined in Annex 5 to document SC77 Doc. 33.13.2, CONAPESCA, the National Institute of Fisheries and Aquaculture (INAPESCA)³, SEMAR, and the Federal Attorney for Environmental Protection (PROFEPA) developed a comprehensive awareness and sensitization programme for the fishing sector, and workshops on this took place in July 2023. The Secretariat noted in its assessment prepared for SC77 that awareness-raising activities for the fishing sector should occur on a regular basis. From information gathered during the mission, discussed in more detail under Lines of action 4 and 6 below, it is evident that more targeted strategies are needed to achieve the objective of changing the behaviour of the fishing sector.
24. Target 1.5 in Mexico's CAP concerns undertaking increased terrestrial inspection and surveillance activities. In Annex 5 to document SC77 Doc. 33.13.2 it was reported that from 18 April to 31 July 2023, authorities carried out 47 extraordinary inspections. During the high-level meeting held in Mexico City on 15 March 2024, Mexico reported that 134 extraordinary inspections were carried out by authorities up to that date.
25. Whilst some places outlined in the CAP, such as facilities and establishments dealing with fisheries products and their derivatives, can be subjected to regular inspections due to the nature of their activities, it was not clear how authorities deal with places not subject to regular inspections. The Secretariat during the mission asked authorities to clarify this. Two scenarios were presented, and authorities clarified that if, for example, an illegal gillnet is found in a public place such as on a boat at a fuel station or in possession of someone in the street, authorities can act, seize the net and initiate the administrative process as needed. However, if for example authorities receive information about an illegal gillnet at a private property such as someone's private residence, action cannot be taken. In these cases, a prosecutor from the office of the Attorney General (FGR) must intervene and issue a search warrant before action can be taken and the property searched. This is in line with practice followed in most countries. Mexico is encouraged to continue terrestrial inspection activities, also acting in accordance with legislative provisions when illegal or suspected illegal activities occurring at places not subject to regular inspections comes to their attention.
26. SEMAR informed the mission team that apart from activities at sea, it is also increasingly gathering intelligence by tracking the terrestrial activities of potential offenders involved in illegal fishing. It was noted by SEMAR that with the Zo now predominantly cleared from fishers and nets (further reported upon under Line of action 2), more efforts could be deployed on the identification of criminal activities beyond the sea. However, SEMAR noted that its legal mandate restricts how far it could go with surveillance, and as a result, the intelligence gathered must at some point be communicated to other relevant authorities for further investigation and follow up. SEMAR further noted that legislative reforms were being pursued with the aim of expanding the powers of SEMAR. Should these legislative reforms materialize, SEMAR officers will be able to act and conduct extraordinary inspections based on intelligence gathered through its surveillance activities. It was noted that the legislative reform process was expected to be completed by September 2024. SEMAR briefed the Secretariat on the surveillance work it had undertaken and based on what was presented the Secretariat concluded that this work is exemplary and that the legislative reforms envisaged to expand the legal authority of SEMAR would greatly contribute to addressing the activities of those involved in illegal fishing and totoaba trafficking. The Secretariat therefore strongly encourages Mexico to pursue these legislative reforms as a matter of necessity and priority.

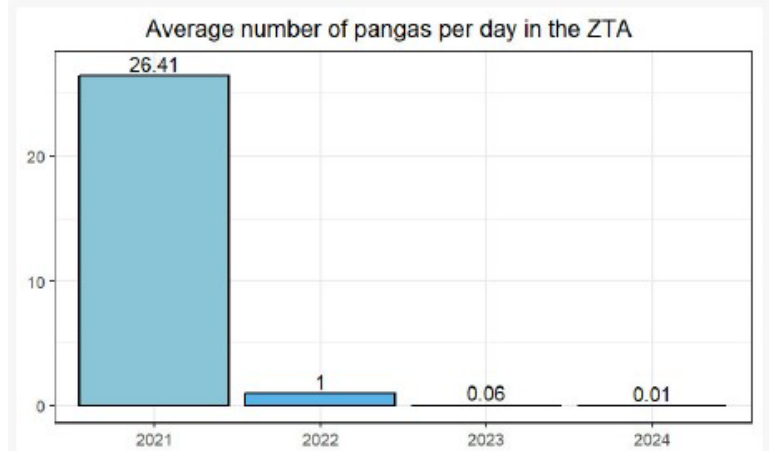
Line of action 2: Preventing the entry of vessels to the Zero Tolerance Area (Zo) and keeping it free of gillnets together with the Vaquita Protection Refuge Area (VRA)

27. Target 2.1 in Mexico's CAP concerns keeping the boundaries of the Zo clearly indicated and to inform the maritime and fishing community about them. In Annex 5 to document SC77 Doc. 33.13.2 it is reported that the Zo is delimited by 12 buoys that are monitored monthly by SEMAR according to the established Maritime Patrol Program. It was further reported that that by July 2023 only seven buoys were operational: the four main buoys located at the vertices of the Zo and three auxiliary buoys.

³ In December 2023, the name of INAPESCA was modified by the Mexican Institute for Research in Sustainable Fisheries and Aquaculture (IMIPAS).

28. During the mission PROFEPA reported that all 12 buoys were in place, but that three of these were temporary auxiliary buoys. PROFEPA noted that there is room for improvement, especially in the context of the response time of the insurance company dealing with buoy replacement, which is often slow and can take from 6 to 12 months. The Secretariat notes that the buoys in place at the time of the mission represented an improvement from what was reported to SC77, with all buoys in place and operational, although three are temporary auxiliary buoys. On 13 March 2024 the mission team visited the Zo both by sea and by air, and first hand observed the buoys which were in good condition and clearly visible. Mexico is encouraged to continue its efforts to ensure that the three temporary auxiliary buoys are also replaced by permanent buoys as soon as possible, and to continue to work with the insurance company concerned to explore ways in speeding up buoy replacement response time.
29. Targets 2.2, 2.3 and 2.4 in Mexico's CAP concerns monitoring the Zo and the VRA, Target 2.5 concerns keeping the Zo free of all types of nets and of the presence of vessels through the deployment of concrete blocks and Target 2.8 concerns keeping the VRA free of ghost nets. Keeping the Zo and the VRA fisher and gillnet free are also the most urgent tasks the Conference of the Parties directed to Mexico in Decision 18.293 (Rev. CoP19) on Totoabas (*Totoaba macdonaldi*), considering the direct threat posed to the vaquita by illegal fishing in these areas.
30. During the mission SEMAR reiterated that it continues to maintain a permanent presence of an oceanic patrol vessel, which carries out various functions, including 24/7 monitoring of the Zo with its surface radar. Upon detecting any suspected unauthorized activity, the information is relayed to the Naval Sector of San Felipe, and they then deploy an inspection and verification team to investigate and take action as needed. In addition, SEMAR in coordination with the Sea Shepherd Conservation Society (SSCS), maintains constant monitoring of the VRA using surface radars of the SEMAR vessel and the SSCS vessel "Seahorse". Further, the SIVILA and other systems mentioned in paragraphs 20 to 22 above contribute to monitoring and surveillance work, as well as the unmanned aerial vehicle and drones used by SEMAR. SEMAR also noted that a new interceptor boat has been deployed in San Felipe.
31. At the high-level meeting held in Mexico City on 15 March 2024, Mexico reported a 95% decrease in boats detected in the Zo and VRA. The Secretariat mission team on 13 March 2024 conducted field visits to both the Zo and VRA. These visits were undertaken both by sea and air, using a vessel and helicopter provided by the navy. In addition, field visits were conducted to the oceanic patrol vessel of the navy, to the SSCS vessel "Seahorse", and to observe the placement of concrete blocks in accordance with Target 2.5 of the CAP. The Secretariat during its visit to the Zo and VRA did not observe any vessels or abandoned nets. This was the same as observed during the previous mission of the Secretariat in 2022. After its 2022 mission the Secretariat concluded that a conclusive opinion could not be formed regarding the presence of fishers and vessels in the Zo and VRA, based on a single one-day visit. However, the Secretariat considers that during the present mission there was enough circumstantial evidence and information from different sources, including from SSCS (see paragraph 32) to conclude that indeed there has been a significant decrease of fisher boats and nets in the Zo and VRA. Information from various sources confirmed that SEMAR significantly scaled up its activities and that responses are swift when fishers are in or close to the Zo and VRA. During a meeting with representatives from CSOs working on totoaba and vaquita related matters in Mexico, held in San Felipe on 11 March 2023, they also confirmed that in recent times a significant reduction of fisher vessels and gillnets have been observed in the Zo and VRA. CSO's further noted that there has been a positive change in actions taken by SEMAR and that fishers are more willing to comply because of fear that their nets and equipment will be seized, especially around the Zo. Further, it was confirmed by Mexican authorities and various other sources that the concrete blocks placed are delivering good results and is an effective deterrent for illegal fishing. The Zo has also been expanded by the Mexican authorities and additional blocks have been placed outside the original Zo boundaries in areas where vaquitas were observed.
32. A presentation on operation Milagro was provided during the Secretariat's field visit to the SSCS vessel "Seahorse". This operation, which was introduced in 2015, represents a nine-year partnership between SEMAR and SSCS in collaboration with others, to protect the vaquita. The "Seahorse" vessel has a daily presence around the Zo and VRA and it was noted that in the period 2023 to 2024 only eight ghost nets with a length of 1,743m were retrieved in collaboration with Mexican authorities. SSCS staff stated that the situation regarding illegal fishing in the Zo and VRA significantly improved, that an excellent collaboration with SEMAR exists, that SEMAR response times are swift, and that action is taken when needed. "Seahorse" staff also noted the positive signs they are observing, stating that in recent times more animal and bird life is being observed and that even species not seen for a long time are increasingly being seen. Data compiled by SSCS "Seahorse" staff from their daily operations was shared with the Secretariat and it confirms the significant decrease in fisher boats being detected in the restricted areas, as shown by the table below:

SMALL BOAT ACTIVITY



33. Target 2.6 in the CAP concerns systematically applying procedures and penalties against fishers entering the Zo for any unauthorized activity, whilst Target 2.9 concerns applying procedures and penalties against fishers entering the VRA for any unauthorized activity.
34. In Recommendation c) on Totoabas (*Totoaba macdonaldi*) agreed at SC77, the Standing Committee requested Mexico to take into consideration the observations of the Secretariat as presented in Annex 5 to document SC77 Doc. 33.13.2. These observations *inter alia* concerned Target 2.6 milestone 3, on imposing administrative penalties on all fishers detected operating illegally in the Zo, and Target 2.9, milestones 1 and 3, on imposing administrative penalties on all fishers detected operating unauthorized in the VRA, as well as compiling a quarterly report on activities undertaken in this regard. It was further noted in the SC77 document that there was still room for improvement regarding applying a zero-tolerance policy and appropriate penalties for unauthorized activities in the Zo and the VRA.
35. From the findings made during the mission it was evident that Mexican authorities undertake enforcement in a measured manner and that some exceptions seem to be allowed to avoid community resistance, confrontation and social unrest. There may be logic and merit in this approach, considering the positive progress made as outlined in paragraphs 31 and 32. However, the provisions of Articles 132 to 148 of the general law of sustainable fishing and aquaculture (Ley general de pesca y acuicultura sustentables) do not appear to be applied in a rigorous and consistent manner by the competent authorities. Any revised version of the 2020 Agreement should take the this into consideration and include strong measures to ensure that a strict zero-tolerance policy and appropriate penalties can always be applied when circumstances require.
36. In this connection, annex 5 to document SC77 Doc. 33.13.2 noted that CONAPESCA reported that from April to July 2023 no infringement procedures related to fishing and aquaculture were processed against any individual entering the Zo and VRA. However, against Target 2.2 of the CAP, it was reported to SC77 that a total of 86 vessels were detected in the Zo during the period from 15 April to 15 July 2023. The Secretariat highlighted that although implementation of sanctions might not have been warranted in some of these cases, it is unlikely that this would have been the case for all 86 of them. The Secretariat further highlighted that reporting to SC77 against milestone 2 of Target 2.8 showed that preliminary data up to 15 July 2023 indicated that a total of 28 gillnets were recovered in the VRA and concluded that this shows that unauthorized activities in the VRA continue, although at lower levels than observed in previous years.
37. The Secretariat during its mission requested information from CONAPESCA representatives on infringement procedures instituted against those who entered the Zo and VRA for unauthorized activity. The Secretariat was told that this information was not readily available. Although CONAPESCA representatives undertook to follow up on this and provide the information during the mission, no information was received. In a meeting with GIS representatives on the last day of the mission, the Secretariat again raised this matter and CONAPESCA committed to ensure to include data on these activities in future reports to the Secretariat.

38. The Secretariat notes that it remains of concern that a lack of action on the side of CONAPESCA is apparent, since neither established procedures were mobilized or appropriate penalties pursued against a single fisher found with prohibited nets, or for placing them in the Zo or VRA. The Secretariat reiterates that if a strict zero tolerance policy is not applied against unauthorized activities when circumstances require, it could significantly undermine and even undo the progress made. The Secretariat highlighted that it will closely scrutinize this matter in the implementation of Recommendation d) on Totoabas (*Totoaba macdonaldi*) agreed at SC77, which request the Secretariat to continue monitoring Mexico's implementation of its CAP and to make the report submitted by Mexico to the 78th meeting of the Standing Committee available to the Committee together with any recommendations the Secretariat may have.
39. Target 2.7 in Mexico's CAP concerns destroying all confiscated nets. On 13 March 2024 at the SEMAR base in San Felipe, the Secretariat mission team witnessed the procedure of destroying confiscated nets. It was observed that good record is kept of seized and confiscated nets. These are kept at secure SEMAR facilities and, once the relevant administrative process is duly finalized, they are thoroughly destroyed under appropriate supervision by placing them through an industrial size shredder.
40. Target 2.10 in Mexico's CAP concerns establishing protocols for consistent interpretation and implementation of "the Agreement". Target 2.11 in Mexico's CAP concerns capacity building on the protocols for staff from the different authorities working in the UGC to implement "the Agreement", and the monitoring of activities to ensure effective implementation of the protocols.
41. In Annex 5 to document SC77 Doc. 33.13.2 it is reported that "Protocols of Action in the Upper Gulf of California to Combat the Illegal Fishing of Totoaba and thereby Conserve the Vaquita Marina Population (*Phocoena sinus*)" were developed, approved and adopted.
42. From information gathered during the mission, it was clear that training on the protocols took place and that the different authorities are familiar with it. Feedback on the protocols was also positive, with authorities confirming that there is now a consistent understanding amongst them regarding activities to be conducted; it also was noted that the protocols assisted to improve coordination amongst them. During the meeting with CSO representatives on 11 March 2024, they also affirmed that the protocols facilitated improved coordination among the different authorities and more consistent implementation of "the Agreement".
43. The Secretariat, based on information gathered during the mission, recognizes that the protocols made an important contribution to a more effective and consistent implementation of the "Agreement". However, challenges regarding implementation of "the Agreement" as outlined in paragraphs 17 and 18 go beyond what can be addressed through the protocols and must be addressed through separate processes as a matter of priority. The Secretariat reiterates the importance of Mexico regularly assessing the effectiveness of the protocols and the impact achieved through their implementation, to ensure that they remain fit for purpose and continue to inform the actions and decision-making of operational personnel.
44. Target 2.12 in Mexico's CAP concerns putting in place a system to locate minor vessels. In Annex 5 to document SC77 Doc. 33.13.2 it is reported that SEMAR developed a technical proposal for the "Smaller Vessel Localization System" and that the cost to implement this system is estimated at 149 million Mexican Pesos (approximately nine million USD). During the mission the Secretariat was informed that the required funding was secured. SEMAR stated that this AIS system, also referred to in paragraph 21, will enable identifying the geographical positions of smaller vessels and assist with better targeting of vessels engaged in unauthorized activities. It was noted that installing the required devices in every boat will be a significant task involving hundreds of boats. It was further stated that if fishers refuse installation, CONAPESCA can refuse to issue permits to them. The deadline set in the CAP for achievement of Target 2.12 is 30 May 2024, but SEMAR noted that the company making the devices could only produce part of the large number of requested devices and needs more time to manufacture additional devices. The magnitude of this undertaking was evident from information provided during the mission. The Secretariat encourages Mexico to follow up on this important target by working with the manufacturer to step up the availability of the devices and to fully implement Target 2.12 as soon as possible.

Line of action 3: Strengthening intelligence actions to combat transnational organized crime involved in illegal trade of totoaba

45. Target 3.1 in Mexico's CAP concerns submitting cases to prosecutors from the office of the FGR, in accordance with legal formalities and in a timely manner; Target 3.3 concerns strengthening collaboration with INTERPOL regarding information on totoaba-related crimes; Target 3.4 concerns obtaining information about suspicious transactions related to trafficking of totoaba specimens; Target 3.5 concerns

ensuring that criminal proceedings are conducted in an appropriate manner and that sentences for compensation of damages to the environment are imposed where possible; and Target 3.7 concerns improving exchange of information regarding organized crime groups involved in the trafficking of totoaba specimens.

46. As reported in Annex 5 to document SC77 Doc. 33.13.2, the report from Mexico to SC77 and its Annexes included information about cases submitted to the FGR and the criminal proceedings conducted. It also showed that sentences for compensation of damages to the environment were imposed in some of these cases. During a meeting with PROFEPA, the FGR and other relevant authorities in Mexico City on 15 March 2024, an oral update on complaints registered, cases submitted, criminal proceedings conducted and the status or outcomes of cases were provided to the Secretariat. The information provided included information on cases already reported upon by Mexico in its reports to the Standing Committee, as well as some additional information. The FGR reported that 89 cases were investigated in the period 2018 to 2024, of which 31 have been adjudicated. Four resulted in convictions with prison sentences imposed on 16 offenders. Mexico is encouraged to provide further updated information on this in its future reporting to demonstrate appropriate judicial follow-up, as information received by the Secretariat shows there is much room for improvement in this area of compliance and that the judiciary could be more engaged in matters related to totoaba.
47. While recognizing the improvements observed at the Zo and VRA, information gathered during the mission suggest that organized crime groups continue to drive illegal totoaba fishing. Due to the strengthened measures deployed at the Zo and VRA, the illegal fishing has been displaced elsewhere. There is a continued need for persistent and dedicated work to conduct analyses and map out the criminal groups involved in totoaba specimen trafficking and to address them through intelligence driven enforcement operations. This was also evident from a presentation delivered to the Secretariat by Mexican authorities, which confirmed that organized crime syndicates target the UGC area not only in the context of totoaba, but also for drug trafficking, human trafficking and other crimes, due to its proximity to the border with the United States of America. The Secretariat received information on at least three organized crime groups that are known to be active and engaged in illegal activities in the UGC, including totoaba specimen trafficking. In Annex 5 to document SC77 Doc. 33.13.2 it is reported that to enhance information exchange regarding organized crime groups involved in the trafficking of totoaba specimens, a working group comprising relevant national agencies was established. SEMAR leads the inter-institutional work of this group through the Naval Intelligence Unit. It was reported that through this interagency group, efforts will be coordinated with the aim of identifying primary or high-value targets and secondary objectives; analyses will be conducted to facilitate mapping out different links related to the trafficking of totoaba; exchange of information will be undertaken, and recommendations will be provided to relevant Mexican authorities regarding extraordinary inspections to be undertaken. From the presentation provided by SEMAR during the mission, it was evident that work in this regard is ongoing. In addition, the representative from Mexico's Financial Intelligence Unit highlighted that in the context of suspicious transactions and money laundering, at least nine investigations were ongoing at the time of the mission. Various authorities however emphasized that investigations of this nature, targeting those managing and organizing the illegal activities, cannot be rushed and are often long term. This is understandable and usually the case for investigations of this nature. The ongoing activities are welcome, and Mexico is encouraged to report on cases as they are concluded, indicating where prosecutions involved high profile offenders in the illegal totoaba trade chain and the penalties imposed on them.
48. The need for continued vigilance and intelligence gathering was also evident from information provided during the mission suggesting that organized crime groups are diversifying their activities and increasingly encroaching on fishing of other species, including those that can be legally fished. Mexican authorities are encouraged to closely scrutinize these developments, to ensure that legal fishing and trade are not negatively affected by further limiting opportunities for legal fishers, used to conceal illegal specimens or to launder illegal gains.
49. Regarding collaboration with INTERPOL, it was noted that no INTERPOL Notices or echo messages were published in 2024. Mexico is encouraged to persist in its engagement at international level through its INTERPOL National Central Bureau, and to draw upon the support and tools available through INTERPOL when circumstances require.
50. Target 3.2 in Mexico's CAP concerns training on totoaba specimen identification for authorities involved in regulating cross-border movements. Detailed information on this training is outlined in Annex 5 to document SC77 Doc. 33.13.2. PROFEPA during the mission also elaborated on the training it provided to customs and other relevant authorities such as police (300 members), as well as to all PROFEPA inspectors working at borders. During the meeting held with GIS representatives on 13 March 2024,

representatives from customs confirmed that this training was provided to customs officers working at both airports and land ports. On 14 March 2024 the Secretariat conducted a field visit to the Mexicali border post between Mexico and the United States of America. The visit hosted by Mexico's National Customs Agency (ANAM), provided an opportunity for the mission team to gather firsthand information on the resources deployed and activities conducted at the Mexican side of the border, and to learn more about the engagement between ANAM and their counterparts in the United States. During this visit it was also confirmed that training on identification of totoaba specimens was received but noted that no seizures of such specimens have been made by ANAM officers in Mexicali to date. It was noted that ANAM officers have access to a customs unit that can undertake forensic analysis and that the University of Baja California in Ensenada has a large sample reference database to assist with forensic identification if needed. Information on the scanning equipment deployed was shared and it was also noted that analysts feed the customs system regarding specific risk indicators. It did not seem, however, that any specific work in this regard has been done regarding totoaba specimen trafficking. The Secretariat therefore encourages Mexico to develop risk indicators and profiles on totoaba for those ports or routes known to be used for totoaba specimen trafficking. The Secretariat also recalls that paragraph 1.8 of the agreed online [Meeting of Range, Transit and Consumer States of Totoaba](#) outcome document invites Parties affected by totoaba trafficking to reach out to the World Customs Organization (WCO) to request support in conducting risk assessments to develop totoaba specific risk profiles. Mexico is encouraged to reach out to the WCO for support as appropriate.

51. Information provided by ANAM indicated that cooperation with their United States counterparts at the Mexicali border post is fairly new, but that a good relationship exists and that some joint operations have been done, although not in the context of totoaba. From the information shared it was evident however that the dynamics are different in different areas and at different border points and that the level of cooperation and engagement between Mexican and United States authorities vary from port to port for various reasons.
52. Target 3.6 in Mexico's CAP concerns monitoring compliance with the outcomes reached during the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, in particular engagement between different Parties affected by totoaba trafficking. The Secretariat notes that the Standing Committee at SC77 in this context also agreed Recommendation i) on Totoabas (*Totoaba macdonaldi*), requesting the Secretariat to subject to the availability of funds and resources, work with INTERPOL and the United Nations Office on Drugs and Crime (UNODC) to convene a Wildlife Inter Regional Enforcement (WIRE) meeting and a Regional Investigative and Analytical Case Meeting (RIACM) on totoaba, as anticipated in the agreed online meeting outcome document. The Secretariat was pleased to communicate to Mexico during the mission that funding to convene both the WIRE and the RIACM meetings were secured under the International Consortium on Combatting Wildlife Crime (ICWC) Vision 2030 Strategic Action Plan for 2023-2026, and that arrangements to convene these meetings are in progress.

Line of action 4: Implementing a programme for alternative fishing gear and the marking and fishing equipment programme for minor vessels

53. Target 4.1 in Mexico's CAP concerns establishing a programme for registration and licensing of active fishers in the UGC. As outlined in Annex 5 to document SC77 Doc. 33.13.2, Mexico reported to SC77 that the development of the programme was in progress and that it involves a combination of fieldwork and deskwork. It was further reported that achieving Target 4.1 is subject to the allocation and approval of financial resources and that approximately 12 million Mexican Pesos (approximately USD 700 000) has been estimated to be required. During the mission SEMAR highlighted the importance of determining the exact number of fisher boats operating in the UGC and noted that it conducted a census of all boats, including those not used for fishing. The deadline set in the CAP for achievement of Target 4.1 was 31 October 2023. From information provided during the mission it seemed that work on the implementation of activities to fully achieve Target 4.1 is not yet completed. As noted in paragraph 21, it is envisaged that the CONAPESCA vessel registration system (SISLEM) will allow data to be uploaded directly to the SEMAR system through satellite. Given the importance of this work and that the deadline for achievement of Target 4.1 passed several months ago, the Secretariat notes that Mexico should prioritize this matter and take urgent steps to ensure the activities outlined in the CAP are fully achieved. The Secretariat indicated to Mexico that it will also closely monitor this activity in its implementation of Recommendation d) on Totoabas (*Totoaba macdonaldi*) agreed at SC77.
54. Target 4.2 in Mexico's CAP concerns the issuance of permits for fishing with alternative fishing gear. The Standing Committee at SC77 agreed Recommendation c) i) on Totoabas (*Totoaba macdonaldi*), requesting Mexico to take into consideration the observations made by the Secretariat as presented in

Annex 5 to document SC77 Doc. 33.13.2. These observations include that Mexico faithfully implement the provisions of Target 4.2 and maintain strict control over vessels to which permits for fishing with alternative gear were granted to ensure that only the alternative gear as authorized by the permits are used during fishing activities. CSO representatives during the meeting with them on 11 March 2024, stated that CONAPESCA may issue permits for the use of alternative gear, but that many fishers are of the view that the alternative gear does not work and in many cases likely not used. The Secretariat notes that representatives from the fisher community as described in paragraph 56 below, strongly expressed their negative perceptions regarding alternative fishing gear, especially complaining that they are not consulted in the design of the alternatives. It seems that fishers are of the view that in the absence of effective support and alternative gear, they have no option but to continue using gillnets. In this regard, the Secretariat recalls that 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”, and that Article 3 of “the Agreement” prescribes permit revocation for those determined to be in non-compliance with Article 2. The Secretariat therefore reiterates the importance that fisheries authorities of Mexico maintain strict control over vessels to which permits for fishing with alternative gear were granted to ensure that only the alternative gear as authorized by the permits are used and that strict action is taken when any irregularities are detected.

55. Target 4.3 in Mexico’s CAP concerns providing training to 100% of organizations with alternative fishing systems authorized in the permits issued by CONAPESCA and Target 4.5 concerns implementing a continuous improvement programme for the development of alternative fishing systems. The Secretariat notes that the deadline set in the CAP for achievement of Target 4.3 was 1 November 2023, whilst the deadline set in the CAP for achievement of Target 4.5 was 29 February 2024.
56. During a meeting with representatives from the fisher community held in San Felipe on 11 March 2024, fishers expressed significant dissatisfaction and frustration noting a lack of support from the Mexican Institute for Research in Sustainable Fisheries and Aquaculture [IMIPAS (formerly known as INAPESCA)] and CONAPESCA regarding the development and use of alternative fishing gear. Fishers held that current alternative fishing gear is not effective with significantly lower catches than those achieved using gillnets, such as the gillnets used for shrimp fishing (with smaller mesh than totoaba gillnets and that according to the fishers pose a very small risk for the vaquita). They also stated that divers and clam fishing pose no threat to the vaquita, yet it is not allowed in the VRA and Zo in accordance with “the Agreement”. The representatives of the main fishers’ cooperatives wanted further research regarding which fishing activities really pose a threat to the vaquita to ensure a good choice of safe fishing gear and that activities which can be conducted without posing a threat to the vaquita are not banned. The fishers indicated that they made specific proposals to the relevant authorities regarding alternative fishing gear, but they believe that their inputs are not valued or considered. The fishers stated that in the absence of viable alternative fishing gear, they will continue to use the traditional gear. CSO representatives during the meeting with them, expressed the view that allowing any kind of fishing in the Zo and VRA could pose a risk, considering that such activities could easily be exploited to fish using unauthorized gear. CSO representatives also held the view that many fishers continue to see the vaquita in a negative light and as a threat to their livelihoods, noting that the cost of conservation falls on them and the benefits are for an international community that does not understand the needs of the local communities. Further community engagement, incentives and education is needed to change the perspectives of fishers.
57. During a meeting with authorities, the Secretariat conveyed the fishers’ concerns about the effectiveness of alternative gear to CONAPESCA representatives. However, it was informed that this is the responsibility of IMIPAS. The mission team was informed that a budget of 8 million Mexican Pesos (approximately 480 000 USD) has been set aside to fund a pilot project to investigate the effectiveness of alternative gear and develop new alternative gear. It was further noted that a sustainable fishing certificate is also being considered for trade with the United States. CSO representatives suggested innovative mechanisms, such as new markets for products obtained from the use of alternative gear and the consideration of providing incentives to fishers to use such gear.
58. The Secretariat also highlighted during its meeting with GIS representatives on 13 March 2024 that information provided by fishers during the mission indicates that only a small percentage of fishers accepted alternative gear. From the information gathered during the mission it seems that very little is being done to support transition to alternative fishing gear. It also appears that the work done on alternative fishing gear in the past has been done without consultation with fishers. As mentioned above, they believe this gear does not meet their needs and is not viable to use. It is evident that fishers should be better engaged in the development of alternative fishing gear, to ensure a sense of ownership and establish trust in the alternative gear to be used. This should then be complemented by dedicated initiatives to support transition to alternative fishing gear.

59. CSO representatives estimated that at the time of the mission approximately 320 fishers have been trained in the use of alternative fishing gear. CONAPESCA informed the mission team that it expects to train 100% of fishers in the use of alternative fishing gear and that it will work with other relevant authorities to achieve this. Progress made to date, however, has fallen short of what was expected in terms of implementation of the relevant targets and milestones in the CAP and more needs to be done to support and encourage alternative fishing gear use.
60. A chain is only as strong as its weakest link, and based on findings made during the mission the Secretariat considers that at present the lack of dedicated efforts to support the development and use of alternative gear is the single most important aspect that undermines the good work being done in accordance with the other lines of action in the CAP. The Secretariat urged Mexico to take urgent steps to address this through the funding they had secured.
61. Target 4.4 in Mexico's CAP concerns implementing a Special Marking and Fishing Equipment Programme for minor vessels, in accordance with "the Agreement". During a meeting with authorities the mission team was informed activities to be conducted in accordance with Target 4.4 entails the installation of a chip in fishing gear, that will facilitate identification of fishing gear in relation to its owner. It was noted that the budget approval process had been delayed for this activity, but that the funding required had been secured. The Secretariat noted that the deadline set in the CAP for achievement of Target 4.4 is 30 September 2024, and authorities said it was expected that the programme would be in place within a period of three months from the time of the mission. The Secretariat welcomed that funding to implement the activities envisaged by Target 4.4 had been secured and concluded that at the time of the mission progress remained on track regarding implementation of this Target.

Line of action 5: Monitoring the vaquita population

62. Targets 5.1 and 5.2 in Mexico's CAP concerns undertaking a vaquita survey. It was reported in Annex 5 to document SC77 Doc. 33.13.2 that the survey was conducted from 10 to 26 May 2023 and the results showed that the minimum number of the vaquita population at the time was between 10 and 13 individuals, including 1 to 2 calves. During the high-level meeting held in Mexico City on 15 March 2024 Mexico again highlighted that communities were engaged in the 2023 survey activities and that work in accordance with line of action 5 of the CAP has been completed. The Secretariat again congratulates Mexico with achieving all Targets set under line of action 5 within the timeframes set in the CAP.
63. During its field visit to the SSCS vessel "Seahorse", the Secretariat mission team was informed that another vaquita survey was at the time planned to be conducted from 4 to 26 May 2024.

Line of action 6: Raising awareness of illegal trade in totoaba and its consequences for conservation

64. Targets 6.1 and 6.2 in Mexico's CAP concerns the implementation of a Strategy for the Promotion of a Culture of Peace and Social Fabric Reconstruction and a comprehensive awareness raising campaign. As outlined in Annex 5 to document SC77 Doc. 33.13.2, the strategy is framed within three components: Restoration and appropriation of public spaces; community dialogues; and promotion of life skills and protective factors in schools. It was further reported that a Community Participation Committee was formed in April 2023, to oversee actions and ensure the allocation of responsibilities as needed. Regarding the comprehensive awareness raising campaign, it was reported that a media strategy was being mobilized for local communities regarding the illegal trade in totoaba and its serious consequences for the conservation of the vaquita.
65. On 11 March 2024, in San Felipe, the mission team had a meeting with community members and authorities involved in the implementation of these activities. Presentations delivered by community members and authorities highlighted the various community projects being implemented to sensitize and educate local communities on important matters. During the high-level meeting held in Mexico City on 15 March 2024, Mexico again emphasized the community projects being implemented, and noted that as a next step the actions implemented will be evaluated as anticipated by Targets 6.1 and 6.2 in the CAP, to further inform and develop future activities.
66. As noted in document CoP19 Doc. 29.2.1, the situation in the UGC is complex and multifactorial. Mexico therefore does not only work in accordance with "the Agreement". There are many non-environmental aspects being taken into consideration, which includes social aspects affecting local communities.

67. The Secretariat notes that the deadline set in the CAP for achievement of Target 6.1 was 30 August 2023, and for Target 6.2 it was 20 October 2023. Based on the information provided during the mission, the Secretariat concluded that although these deadlines were not met, significant work has been done and progress made. Mexico was encouraged to actively pursue full implementation of these aspects in the CAP.

Line of action 7: Operationalizing the Trilateral Enforcement Contact Group (TECG)

68. Target 7.1 in Mexico's CAP concerns establishing and operationalizing the TECG between China, Mexico and the United States.
69. During the mission Mexico noted that the terms of reference for the TECG were agreed and that the group is now established and operational. It was reported that the first TECG meeting was held online on 7 March 2024 and assisted to establish a baseline for activities to be conducted. Mexico further reported that it was agreed to create a smaller subgroup consisting of enforcement authorities only to share enforcement information and undertake related activities. It was reported that a deadline of 45 days from the time of the March 2024 meeting was set for this group to be formed.
70. Mexican authorities again reiterated during the mission that collaboration between Mexico, China and the United States is essential to address the criminal networks involved in totoaba specimen trafficking. Authorities also expressed the view that the establishment and operationalization of the TECG would greatly contribute to and support the required engagement and sharing of information. Mexico lastly noted that with the TECG now established and operational, Target 7.1 in its CAP has been achieved.
71. The Secretariat commended Mexico for the leading role it has taken in progressing discussions to facilitate establishing and operationalizing the TECG. It is believed that reporting to SC78 in accordance with SC77 Recommendation h) on Totoabas (*Totoaba macdonaldi*) will provide insights regarding the work and activities conducted and progress made through TECG engagement.

Final remarks and conclusions

72. The Secretariat recognizes the important progress made by Mexico since the adoption of the CAP. Findings made during the mission confirmed that progress continues to be made and that the CAP gives structure to the work and activities of Mexican authorities. It also contributes to effectively respond to illegal fishing and totoaba specimen trafficking. Resources also continue to be deployed by Mexico to progress CAP implementation.
73. The "Protocols of Action in the Upper Gulf of California to Combat the Illegal Fishing of Totoaba and thereby Conserve the Vaquita Marina Population (*Phocoena sinus*)" developed in accordance with the CAP to inform the actions and decision-making of operational personnel seem to be making an important contribution to a more effective and consistent implementation of "the Agreement". In this regard the Secretariat reiterates the importance for Mexico to regularly assess the effectiveness and the impact achieved by the protocols, to ensure that they remain fit for purpose and are revised and updated if needed.
74. It is important to note that there are several positive developments that should be acknowledged. These include the significant decrease of illegal fishers and vessels in the Zo and VRA, with much less activity being observed compared to previous years and less illegal ghost nets being observed and found. It is evident that SEMAR significantly scaled up its responses taking swift action regarding any unauthorized or potential unauthorized fishing activities detected in or around the Zo and VRA. Legal fishers also seem to be increasingly willing to comply. Further, feedback regarding the deterrent nature of the concrete blocks is positive. An expansion of the Zo has been carried out by SEMAR and additional blocks were placed in areas where vaquitas were observed. In addition, the technical systems put in place by Mexico are increasingly sophisticated and it is likely that these systems will improve and further strengthen the effectiveness of the activities undertaken by authorities in Mexico to prevent and detect illegal fishing and trafficking of totoaba. The overall impression of the Secretariat concerning progress in implementation of the CAP from the observations derived from the mission is on the positive side.
75. Whilst recognizing the positive progress made by Mexico with implementation of its CAP and the positive developments outlined above, it is evident that the need for persistent and strong action remains. As outlined in the present document, the Secretariat during the mission identified several outstanding matters in the CAP that require priority attention before the next meeting of the Standing

Committee. These were communicated to Mexican authorities during the high-level meeting in Mexico City on 15 March 2024. The Secretariat followed up on 8 May 2024 with a formal letter to the Secretary of SEMARNAT highlighting these matters and encouraging the Government of Mexico to undertake steps to address them. Among the matters that require further consideration and priority attention as outlined throughout the present document, the Secretariat considers the following as particularly important:

- a) *The 2020 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* (“the Agreement”) provides the primary regulatory framework for Mexican authorities working in the UGC. Various concerns and challenges regarding implementation and enforcement of some aspects of “the Agreement” in its current form were raised and these needs to be addressed by amending “the Agreement”. This should be done in a manner that would strengthen “the Agreement”, ensuring its provisions are realistic, clear and practical and that all provisions can be fully implemented and enforced without exception, to safeguard the Zero Tolerance Area (Zo) and Vaquita Protection Refuge Area (VRA) ensuring that they remain free of any unauthorized fisher activities and gillnets, and that strict action can be taken against any activities associated with illegal fishing and trafficking of totoaba;
- b) Information gathered during the mission indicates that organized crime groups continue to drive illegal totoaba fishing and might be expanding their control to legal fisheries activities in Mexico. Strengthened measures deployed at the Zo and VRA displaced illegal fishing activities to elsewhere. There is a continued need for dedicated work to gather intelligence, conduct analyses of information and data, and map out the criminal groups in Mexico involved in illegal fishing and totoaba specimen trafficking. These criminal activities should be addressed through intelligence driven enforcement operations;
- c) SEMAR has a leading role in the fight against illegal fishing and totoaba trafficking. The legislative reforms currently under consideration to expand the mandate and powers of SEMAR are therefore essential and should be pursued as matter of priority;
- d) The lack of dedicated work to support the development and use of alternative fishing gear is the single most important aspect that undermines the good work being done in accordance with the other lines of action in the CAP. Mexico informed the Secretariat that funds would be made available for these activities after the Secretariat’s mission and is urged to take urgent steps to address this gap, including consultations with the fishers on alternative fishing gear;
- e) Evidence of action by CONAPESCA is lacking and remains of concern. During its mission the Secretariat requested information from CONAPESCA on infringement procedures instituted against fishers found with or placing prohibited nets in the Zo or VRA, but was told that this information was not readily available. Although CONAPESCA representatives undertook to follow up on this and provide the information during the mission, no information was received. During the mission it appeared that such activities by CONAPESCA have been absent and that measures are needed to rectify the matter and ensure appropriate action, including reporting on activities conducted in this regard in future reporting;
- f) It is essential that authorities closely scrutinize and maintain strict control over the activities of vessels to which permits for fishing with alternative gear were granted to ensure that only the alternative gear as authorized by the permits are used and that strict action is taken when any irregularities are detected; and
- g) Target 4.1 in Mexico’s CAP concerns establishing a programme for registration and licensing of active fishers in the UGC. Given the importance of this work Mexico should prioritize this matter and take urgent steps to ensure the activities for this Target as outlined in the CAP are fully achieved.