

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



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3-8 February 2025

Compliance

Compliance matters

Totoabas (*Totoaba macdonaldi*)

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 18.292 (Rev. CoP19) to 18.295 (Rev. CoP19) and 19.74 to 19.76 on *Totoabas* (*Totoaba macdonaldi*), as presented in Annex 1 to the present document.
3. In addition, at its 77th meeting (SC77; Geneva, November 2023), the Standing Committee agreed several recommendations on *Totoabas* (*Totoaba macdonaldi*) as outlined in summary record SC77 SR ([agenda item 33.13](#)). For ease of reference, these recommendations are presented in Annex 2 to the present document.
4. The Secretariat reports in the present document on the implementation of the Decisions and recommendations mentioned in paragraphs 2 and 3 above and proposes recommendations for consideration by the Committee. The Secretariat also proposes new draft decisions for consideration by the Committee and submission to the Conference of the Parties (see Annex 3 to the present document).

Missions to China, Mexico and the United States of America

SC77 recommendations f), g) and k) and Decision 18.292 (Rev. CoP19), paragraphs a) to c)

5. In recommendation f), the Standing Committee requested China and the United States of America to invite the Secretariat for a technical mission to have a better understanding of the measures and activities implemented by these Parties in accordance with Decision 18.292 (Rev. CoP19). In recommendation g), the Standing Committee invited the Secretariat to undertake a third technical mission to Mexico to review and monitor Mexico's implementation of its compliance action plan on totoaba and to assess the situation on the ground.
6. At SC77, the Committee noted a request from Mexico that the Secretariat undertake its mission to Mexico after its missions to China and the United States of America. Due to various circumstances and logistical arrangements, this was not possible. Upon receipt of a formal invitation from these Parties, the missions to Mexico and the United States of America were conducted back-to-back, from 11 to 15 March 2024 and from 18 to 22 March 2024, respectively. The mission to China was conducted from 3 to 7 June 2024. All three missions were conducted by senior CITES Secretariat staff, which included the CITES Secretary-General.
7. Detailed reports of these missions and recommendations on further steps to be taken by each of the Parties concerned are presented in the Annexes to the present document in the chronological order of the missions conducted: Mexico (Annex 4), United States of America (Annex 5) and China (Annex 6). The Secretariat shared its findings and recommendations with the Parties concerned following the missions.

Trilateral Enforcement Contact Group (TECG)

SC77 recommendations h) and i), Decisions 19.74 and 18.294 (Rev. CoP19), paragraph b)

8. During the missions described in paragraphs 5 to 7 of the present document, the Secretariat was informed that the TECG between China, Mexico and the United States of America was established after agreeing on the terms of reference, and that the group was operational. The first TECG meeting was held online on 7 March 2024, where the three Parties agreed to create a smaller subgroup consisting of enforcement authorities only to share enforcement information and undertake related activities. During the missions, representatives from all three Parties expressed optimism that the establishment and operationalization of the TECG would substantially contribute to and support the required engagement and sharing of information between them.
9. At SC77, the Committee requested the Secretariat to work with INTERPOL and the United Nations Office on Drugs and Crime (UNODC), subject to the availability of funds and resources, to convene Wildlife Inter Regional Enforcement (WIRE) and Regional Investigative and Analytical Case (RIACM) meetings on totoaba. In November 2024, UNODC, in collaboration with the Secretariat and INTERPOL, convened a TECG subgroup on enforcement closed meeting in the margins of the 8th WIRE meeting held in Cape Town, South Africa. This provided an opportunity for TECG enforcement representatives from the three Parties to meet in person for the first time, discuss key matters and agree follow-up activities and joint actions. At the time of writing, INTERPOL is planning to convene a follow-up RIACM meeting during the first half of 2025. The Secretariat notes that the WIRE and RIACM meetings are arranged in a manner that ensures they complement and support the work of the TECG subgroup on enforcement, and do not distract from this or result in duplication of efforts. The work of the TECG, the outcomes of the WIRE and the future activities foreseen are elaborated in detail in document 33.12.2 on *Report of the Trilateral Enforcement Contact Group*.
10. The Secretariat welcomes the progress made in establishing and operationalizing the TECG, in particular the subgroup on enforcement. The subgroup could significantly improve information and intelligence exchange between the three Parties, as well as facilitate joint action and activities to respond to and address totoaba specimen trafficking. It is still too soon to determine the impact that will be achieved through the work of the TECG, but indications are positive.

Study on vaquita and totoaba

SC77 recommendation j), Decisions 18.292 (Rev. CoP19), paragraph d) and 18.294 (Rev. CoP19), paragraph c)

11. The study on vaquita (*Phocoena sinus*) and totoaba (*Totoaba macdonaldi*) undertaken in accordance with Decision 18.294 (Rev. CoP19), paragraph c) and with funding provided by Switzerland has been completed. It is available in Annex 7 to the present document, in English only. The Secretariat appreciates the financial support provided by Switzerland that enabled the Secretariat to undertake the study.
12. The study elaborates on matters related to vaquita and totoaba, and includes sections on:
 - the current status of vaquita and totoaba;
 - a comprehensive and integrative diagnosis of illegal and legal trade in totoaba specimens;
 - an overview and analysis of supply and demand for illegally sourced totoaba specimens;
 - an assessment of ongoing activities and potential synergies in the context of cooperation;
 - a discussion on progress, challenges and opportunities; and
 - conclusions and key considerations.
13. Due to the comprehensive nature of the study, all the aspects cannot be summarized in the present document. The Secretariat highlights some key aspects in paragraphs 14 to 17 below.
14. From 2013 to 2020, approximately 6,500 totoaba swim bladders were seized, primarily by authorities in China [including Hong Kong Special Administrative Region (SAR) of China], Mexico and the United States of America. The vaquita currently has a very restricted distribution in the Upper Gulf of California (UGC) and the distribution decreased from over 10,000 km² (currently zoned as a gillnet ban area) to approximately 1,800 km² (the Vaquita Refuge Area), and at present primarily in and around the Vaquita Zero-Tolerance

Area (Zo) (approximately 225 km²). Acoustic monitoring results show that vaquita suffered the sharpest decline (98.6%) from 2011 to 2018, although, according to visual counts in 2019, 2021, 2023 and 2024, the population appears to have stabilized at an estimated minimum of approximately 10 individuals, with continued evidence of reproduction. It is noted that the installation of concrete blocks at the Zo, as anticipated by target 2.5 in Mexico's compliance action plan, combined with improved enforcement, has sharply reduced incursions at the Zo by gillnetting fishers, although illegal gillnet fishing continues in the Vaquita Refuge Area (VRA) and larger gillnet ban area.

15. The study highlights a lack of data regarding the status of the totoaba population, noting that multiple scientific sources consulted for the study casted doubt about the population decline. It states that the genetic diversity of the wild totoaba population is among the highest reported for the Sciaenid group, has remained relatively constant throughout the last decade and that the totoaba population therefore reflects demographic stability without signs of overexploitation.
16. The study emphasizes that high prices associated with totoaba swim bladders have attracted the involvement of transnational organized crime groups, presenting an ongoing challenge. It highlights the complexity of the situation, which combines conservation, socioeconomic and illegal trade challenges, posing a challenge for Mexico. The study also emphasizes the importance of transitioning to alternative fishing gear that does not threaten the vaquita and support of fishing communities for this transition is required. In addition, it underscored the importance of international collaboration and strengthened cooperation across the illegal trade chain, from source, to transit, and destination countries.
17. The study also addresses matters such as:
 - the potential positive and negative impacts of legal trade in totoaba specimens on illegal trade and the conservation of vaquita and totoaba;
 - captive-breeding of totoaba and the potential impact of legal international trade in totoaba specimens on other species;
 - implementation of targeted marketing campaigns and certification programmes for legal fishing activities to cultivate demand for responsibly sourced seafood products;
 - “the Agreement”¹ regulating fishing activities that has not been fully enforced and modifications to “the Agreement” that could make enforcement more feasible; and
 - the need for further acoustic monitoring and visual surveys of vaquita.

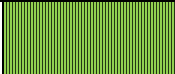
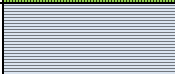

Implementation of Mexico's compliance action plan on totoaba

SC77 recommendations b) to e), Decisions 18.292 (Rev. CoP19), paragraphs a) to c) and 18.293 (Rev. CoP19)

18. At SC77, the Committee welcomed the rapid progress made by Mexico with the implementation of its compliance action plan and requested the Party to take into consideration the Secretariat's observations in Annex 5 to document SC77 Doc. 33.13.2 and to prepare a report on progress with its implementation for the present meeting. In addition, the Committee requested the Secretariat to continue monitoring Mexico's implementation of the compliance action plan and to make the report submitted by Mexico for the present meeting available to the Committee together with any recommendations the Secretariat may have. The Committee agreed to review Mexico's progress at the present meeting and to consider if any further compliance actions or measures are needed.
19. The Secretariat received Mexico's report within the timeframe set in the recommendation. Mexico informed the Secretariat that the report contained enforcement-related information that are restricted and should not be made public. Mexico subsequently submitted a public version of the report to the Secretariat (see Annex 8 to the present document).

¹ “The Agreement” refers to the domestic regulatory measure entitled [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.](#)

20. The Secretariat assessed progress made by Mexico with the implementation of its compliance action plan in Annex 9 to the present document and provided detailed observations and conclusions. The Secretariat takes this opportunity to thank Mexico for the clear and comprehensive reporting provided.
21. The Secretariat uses colour coding and shading in Annex 9 to reflect the achievement status of the targets and associated milestones in Mexico's compliance action plan as assessed by the Secretariat. Those targets with associated milestones which the Secretariat considers have been achieved are coded in green (vertical lines), those not yet achieved but where activities have progressed are coded in light blue (horizontal lines), and those for which activities have not yet progressed to achieve them are coded in light orange (diagonal lines):

Targets with associated milestones that have been achieved.	
Targets with associated milestones not yet achieved but where activities have progressed.	
Targets with associated milestones for which activities have not yet progressed to achieve them.	

22. In document SC77 Doc. 33.13.2, the Secretariat reported that 53 milestones in the compliance action plan had been achieved; 27 milestones had been well progressed but not yet completed; and 21 milestones had not yet been implemented or their implementation dates were in the future. The Secretariat noted that several of the activities that had been achieved in accordance with the milestones in the compliance action plan were regularly occurring activities and therefore encouraged Mexico to continue providing information on these activities at future meetings.
23. In reviewing the report from Mexico for the present meeting, the Secretariat concludes that 81 milestones in the compliance action plan have now been achieved; 15 milestones have not yet been achieved but activities have progressed; and for 5 milestones activities have not yet progressed to achieve them.
24. The Secretariat confirms that Mexico provided information on regularly occurring activities in its report to the present meeting and that further activities were conducted as required. The Secretariat reiterates that it is essential for these activities to continue to ensure results and lasting impact.
25. Mexico highlights that its newly elected Government remains committed to the implementation of the compliance action plan, noting that continuity regarding implementation has been ensured as the compliance action plan constitutes one of the most effective mechanisms developed for addressing totoaba poaching and trafficking, and protecting the vaquita. As part of ongoing work, results achieved are being reviewed by Mexico for each line of action in the compliance action plan to ensure that, where needed, measures and activities are strengthened to fully achieve all objectives. This review also includes an analysis of "the Agreement" with the aim of amending it as needed to ensure that it becomes increasingly functional and effective.
26. The Secretariat notes that amending "the Agreement" is one of the matters identified during its mission to Mexico (see Annex 4). As highlighted in Annex 9 under milestone two of target 1.2 in the compliance action plan, various concerns and challenges were raised during the Secretariat's mission regarding the implementation of some aspects of "the Agreement" in its current form. These go beyond the matter of amending "the Agreement" to update it regarding authorized departure and landing sites as anticipated by this milestone. The Secretariat notes that unless the different aspects of concern are addressed, including consultations with stakeholders to ensure inclusivity and buy-in, and more suitable alternatives implemented, it is likely that full implementation of "the Agreement" will not be achieved. The Secretariat therefore concludes that that milestone two of target 1.2 will only be fully achieved once "the Agreement" has been amended as appropriate and the amended Agreement is being implemented. Further, it is essential that all officials deployed in the UGC are fully trained regarding any amended version of "the Agreement" in accordance with milestone four of target 2.11. It is also essential that the protocols developed in accordance with milestone one of target 2.10 be adapted as needed, to ensure full implementation of all aspects in any new or revised "the Agreement".
27. The Secretariat recalls that keeping the Zo and the VRA fisher and gillnet free are the most urgent tasks the Conference of the Parties directed to Mexico in Decision 18.293 (Rev. CoP19), considering the direct threat posed to the vaquita by illegal fishing in these areas. It is therefore encouraging to note the reduction in fishers and vessels detected in the Zo and the VRA as reported under targets 2.2 and 2.3 in the compliance

action plan. The Secretariat also welcomes the results achieved through the placement of concrete blocks, as reported under target 2.5. The Secretariat further notes that progress towards achievement of milestone 3 of target 2.6 and milestone 3 of target 2.9 is highly relevant and important. For the first time since implementation of the compliance action plan started, information suggests that stricter action is being taken regarding irregularities detected in and around the Zo and VRA. The Secretariat considers this a crucial step towards addressing activities related to illegal fishing and keeping the Zo and VRA fisher and gillnet free. Available information indicates that the measures and activities deployed by Mexico continues to deliver positive results. The Party is encouraged to build upon this positive progress, noting that reporting in accordance with targets 2.5 and 2.8 shows that gillnets continue to be found in the Zo and VRA. Despite notable progress, irregularities continue and persistence in efforts are needed to ensure that the Zo and the VRA are kept fisher and gillnet free.

28. 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, as strengthened measures deployed at the Zo and VRA displaced illegal fishing activities elsewhere. There is a continued need for 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, and to address this through intelligence-driven enforcement operations.
29. As noted under target 3.7 in the compliance action plan, there is still room for improvement regarding intelligence gathering on organized crime syndicates operating within Mexico and addressing their activities. The Secretariat encourages Mexico to fully achieve target 3.7 as a matter of priority. In this regard, the Secretariat notes Mexico's ongoing legislative reforms to expand the powers of SEMAR. Should these legislative reforms be implemented, SEMAR officers will be able to conduct extraordinary inspections based on intelligence gathered through surveillance activities. Based on SEMAR's briefing on its surveillance work, the Secretariat concluded that these legislative reforms would greatly contribute to addressing the activities of those involved in illegal fishing and totoaba trafficking. The legislative reform process was expected to be completed by September 2024. If not completed yet, the Secretariat strongly encourages Mexico to pursue these legislative reforms as a matter of necessity and priority. Mexico might wish to provide an oral update on this matter.
30. The Secretariat welcomes progress made regarding the "Smaller Vessel Localization System" (AIS system), as reported under target 2.12 in the compliance action plan. The AIS system will enable better targeting of vessels engaged in unauthorized activities. The Secretariat encourages Mexico to fully achieve target 2.12 as soon as possible. The technical systems put in place by Mexico are increasingly sophisticated and it is likely that these systems will improve and further strengthen effectiveness of the activities undertaken by authorities in Mexico to prevent and detect illegal fishing and trafficking of totoaba. The Secretariat also welcomes reporting provided under milestone 1 of target 4.4, showing that progress is being made regarding putting in place a Special Marking and Fishing Equipment Programme for smaller vessels. Mexico is urged to prioritize achievement of M1 of target 4.4 to ensure that it is fully achieved in the near future.
31. According to Mexico's report, between April 2023 to September 2024, CONAPESCA received 233 fishing permit applications and issued 121 permits, all for the exclusive use of alternative fishing systems and gear. During the Secretariat's mission, civil society organization representatives stated that CONAPESCA may issue permits for the use of alternative gear, but that many fishers are of the view that the alternative gear is ineffective and may be unlikely to use it. Representatives from the fishing community strongly expressed their concerns, especially highlighting that they were not consulted in the design of the current alternative gear being promoted. They are of the view that without effective support and viable alternative gears that support their livelihoods, they have no option but to continue using gillnets. This is one of the matters addressed in the recommendations from the mission on further steps to be taken by Mexico. It is essential that Mexican authorities closely scrutinize and maintain strict control over the activities of vessels granted fishing permits for alternative gear to ensure that only the alternative gear is used as authorized, and that strict action is taken when any irregularities are detected. In addition, it is essential that Mexico continues to deliver activities through the awareness and sensitization programmes for the fishing sector to promote behaviour change and deter illegal activities in accordance with its compliance action plan. This could be done as part of its implementation of activities to achieve strategic lines of action 4 and 6. Mexico is also encouraged to closely analyse quarterly reports prepared under milestone three of target 1.4 to monitor impacts of programme implementation and determine if any adjustments need to be made.
32. Line of action 4 in the compliance action plan includes various targets and milestones related to the implementation of a programme for alternative fishing gear that does not pose a threat for the vaquita. Room for improvement exists regarding the achievement of several of the targets and milestones there. For example, Target 4.1 concerns establishing a programme for registration and licensing of active fishers in the

UGC. Mexico shows that some progress has been made to achieve milestone one of target 4.1, but this progress seems limited considering that the deadline passed more than a year ago. Similarly, progress related to the achievements of milestones one and two of target 4.3, which concerns training to fishers on the use of alternative fishing gear, seems limited. The same applies to milestones one and two in target 4.5 concerning implementation of a continuous improvement programme for the development of alternative fishing systems to catch gulf corvina. The Secretariat considers the lack of dedicated work to support the development and use of alternative fishing gear as one of the most important factors undermining the otherwise good progress made with the other lines of action in the compliance action plan. Mexico is urged to prioritize the targets and milestones under line of action 4 to ensure timely achievement.

Final remarks

33. At SC77, the Committee noted the responses to Notification to the Parties No. 2023/069 and associated information provided in document SC77 Doc. 33.13.2. The Secretariat notes that these responses addressed the implementation of Decision 18.292 (Rev. CoP19), 19.75 and 19.76. Mexico's reports to both SC77 and the present meeting also included updates relevant to the implementation of Decision 18.292 (Rev. CoP19), whilst the Secretariat's missions to China and the United States of America were also related to the implementation of Decision 18.292 (Rev. CoP19) and had relevance to Decisions 19.75 and 19.76.
34. Should the Committee agree to the draft decisions proposed in Annex 3, Decisions 18.292 (Rev. CoP19) to 18.295 (Rev. CoP19) and 19.74 to 19.76 on Totoabas (*Totoaba macdonaldi*) can be proposed for deletion, as they have been implemented or are replaced by the draft decisions proposed.

Recommendations

35. The Standing Committee is invited to:
 - a) note the information provided in document SC78 Doc. 33.12.1, the reports of the Secretariat on its missions to China, Mexico and the United States of America, the study on totoaba and vaquita, as well as the report from Mexico on progress with implementation of its compliance action plan on totoaba and the Secretariat's assessment of progress with compliance action plan implementation available in Annexes 4 to 9 to the document;
 - b) request China, Mexico and the United States of America to take into consideration the recommendations resulting from the Secretariat's missions on totoaba as outlined in Annexes 4, 5 and 6 to document SC78 Doc. 33.12.1;
 - c) welcome the continued progress made by Mexico with implementation of its compliance action plan and request Mexico to:
 - i) take into consideration the observations of the Secretariat as presented in Annex 9 to document SC78 Doc. 33.12.1;
 - ii) submit a report to SC79, focusing exclusively on progress with achievement of the milestones of targets in the compliance action plan for which the Secretariat concluded that they have either been progressed but not yet achieved or that activities have not yet progressed to achieve them, in Annex 9 to document SC78 Doc. 33.12.1;
 - iii) continue to implement activities regarding all milestones of targets in the compliance action plan for which the Secretariat concluded that they are of an ongoing nature or should regularly occur and therefore must continue in Annex 9 to document SC78 Doc. 33.12.1; and
 - iv) submit its report to the Secretariat 90 days in advance of SC79, for it to be made available to the Committee for consideration;
 - d) request the Secretariat to continue monitoring Mexico's implementation of its compliance action plan and share the report to SC79 submitted by Mexico with the Committee together with any recommendations the Secretariat may have;
 - e) agree to review Mexico's progress with the implementation of its compliance action plan at SC79 and consider if any further compliance actions or measures are needed;

- f) consider and agree draft decisions 20.AA to 20.HH presented in Annex 3 to the present document, for onward submission to CoP20; and
- g) recommend to CoP20 that Decisions 18.292 (Rev. CoP19) to 18.295 (Rev. CoP19) and 19.74 to 19.76 on Totoabas (*Totoaba macdonaldi*) be deleted, as they have been implemented or are replaced by the draft decisions proposed in Annex 3 to the present document.

DECISIONS ON TOTOABAS (*TOTOABA MACDONALDI*)

Directed to Parties in collaboration with relevant stakeholders

18.292 (Rev. CoP19) Parties affected by illegal fishing and trafficking of totoabas, 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;
- c) engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquitas (*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*; and
- d) 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 77th meeting of the Standing Committee.

Directed to Mexico

18.293 (Rev. CoP19) Mexico is urged to:

- a) take immediate actions to further strengthen measures to effectively prevent fishers from using gillnets in the vaquita refuge and vessels from entering the zero-tolerance area 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;
- 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 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 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 totoabas and vaquitas 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 a timely manner (at least 60 days in advance of the 77th meeting of the Standing Committee) 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 (ICWC) 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) 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 the study within the first quarter of 2023, 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, in a timely manner (at least 45 days in advance of the 77th meeting of the Standing Committee) 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 19.74; 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 19.74, 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. CoP19) on *CITES compliance procedures*.

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

19.74 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

19.75 Parties are encouraged to:

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

Directed to transit and destination countries

19.76 Transit and destination countries are encouraged to report on implementation of Decision 18.292 (Rev. CoP19) and 19.75 to the 77th meeting of the Standing Committee.

RECOMMENDATIONS ON TOTOABAS (*TOTOABA MACDONALDI*) AGREED BY THE STANDING
COMMITTEE AT ITS 77TH MEETING (SC77, GENEVA, 2023)

The Committee:

- a) noted the responses to Notification to the Parties No. 2023/069 and the associated information provided in document SC77 Doc. 33.13.2;
- b) welcomed the rapid progress made by Mexico with implementation of its compliance action plan;
- c) requested Mexico to:
 - i) take into consideration the observations of the Secretariat as presented in Annex 5 to document SC77 Doc. 33.13.2;
 - ii) prepare a report for the 78th meeting of the Standing Committee (SC78) on progress with the implementation of targets and associated milestones in its compliance action; and
 - iii) submit the report to the Secretariat 90 days in advance of SC78, for it to be made available to the Committee for consideration;
- d) requested the Secretariat to continue to monitor Mexico's implementation of its compliance action plan and make the report submitted by Mexico to SC78 in accordance with recommendation c) available to the Committee together with any recommendations the Secretariat may have;
- e) agreed to review Mexico's progress with the implementation of its compliance action plan at SC78 and consider if any further compliance actions or measures are needed;
- f) requested China and the United States of America to invite the Secretariat for a technical mission to have a better understanding of the measures and activities being implemented by these Parties in accordance with the provisions of paragraphs a) to c) of Decision 18.292 (Rev. CoP19);
- g) invited the Secretariat to undertake a third technical mission to Mexico to review and monitor the implementation of the compliance action plan and to assess the situation on the ground;
- h) requested China, Mexico and the United States of America to report to SC78 in accordance with Decision 19.74, and to decide at SC78 if sufficient progress has been made or if further measures are needed regarding any of these three Parties;
- i) subject to the availability of funds and resources, requested the Secretariat to work with INTERPOL and 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 outcome document](#) of the online *Meeting of Range, Transit and Consumer States of Totoaba*; and
- j) noted the progress regarding the study on vaquita and totoaba; and
- k) noted the comments made on the floor, including the request by Mexico for the Secretariat to undertake its mission to Mexico after its missions to China and the United States of America.

DRAFT DECISIONS ON *TOTOABAS* (*TOTOABA MACDONALDI*)

Directed to Parties and relevant stakeholders

20.AA In their implementation of measures and activities to conserve and protect totoaba and vaquita and address poaching and illegal trade affecting these species, Parties and relevant stakeholders are encouraged to:

- a) take into consideration the information contained in the study on totoaba and vaquita available in Annex 7 to document SC78 Doc. 33.12.1;
- b) support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita;
- c) support efforts to eliminate supply of and demand for illegally sourced specimens of totoaba; and
- d) make every effort to support Mexico in the implementation of Decision 20.DD.

Directed to Parties affected by illegal fishing and trafficking of totoabas

20.BB Parties affected by illegal fishing and trafficking of totoabas 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, applying strict enforcement measures to prevent and combat this illegal trade and prosecute the criminals involved;
- 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 vaquitas (*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 China

20.CC China is encouraged to:

- a) strengthen information and intelligence gathering regarding individuals within the country managing and organizing illegal trade involving totoaba specimens, analyze data gathered to map out their criminal networks, and target their activities through intelligence-driven investigations and operations to facilitate their arrest and prosecution; and
- b) report to the 81st meeting of the Standing Committee on activities conducted and any associated results achieved.

Directed to Mexico

20.DD Mexico is requested to:

- a) 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”), or any new or revised version of “the Agreement”;

- b) continue implementation of measures to effectively prevent fishers from using gillnets in the Vaquita Refuge Area (VRA) and vessels from entering the Vaquita Zero-Tolerance Area (Zo) and to maintain these areas completely gillnet-free, including by:
 - i) ensuring surveillance on a full-time basis drawing upon all systems at its disposal;
 - ii) 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;
 - iii) deploying authorities with legal powers of seizure and arrest, together with the Navy, to effectively prevent, disrupt and put an end to the illegal fishing activities;
 - iv) maintaining resources to ensure uninterrupted gillnet removal and to take all necessary measures to destroy confiscated nets;
- c) scale up activities in support of selective fishing gear development and use, including by implementing dedicated programmes in this regard, in consultation with stakeholders to ensure inclusivity and acceptance;
- d) maintain strict control over the activities of vessels to which fishing permits with alternative gear were granted to ensure that only the alternative gear is used as authorized by the permits and that strict action is taken when any irregularities are detected;
- e) continue delivering activities through awareness and sensitization programmes in pursuit of behaviour change regarding the use of alternative fishing gear that does not pose a threat to the vaquita and to deter illegal activities;
- f) take measures to address illegal totoaba fishing displaced elsewhere due to strengthened measures deployed at the Zo and VRA;
- g) further strengthen intelligence gathering and analyses of information and data to map out the criminal groups in Mexico involved in illegal fishing and totoaba specimen trafficking, and to address them through intelligence-driven enforcement operations; and
- h) submit a report on the implementation of Decision 20.DD to the Secretariat 90 days in advance of the 81st meeting of the Standing Committee, for it to be made available to the Committee for consideration.

Directed to the United States of America

20.EE The United States of America is encouraged to:

- a) strengthen information and intelligence gathering regarding individuals within its territory facilitating the transit of illegal totoaba specimen consignments through its territory, their *modus operandi* to receive, store and export such illegal consignments, and to target their activities through intelligence-driven investigations and operations, including by sharing information with authorities in Mexico and China, as appropriate, in support of follow up investigations across the illegal trade chain;
- b) in its implementation of measures and activities to address totoaba specimen trafficking, consider the risk of commercial seafood shipments transiting its territory being used to conceal and smuggle illegal totoaba swim bladder consignments and to apply strict inspection measures to such shipments originating from and destined to Parties known to be affected by totoaba specimen trafficking, as well as review related national practices to ensure that the measures in place are effective and adapted as may be needed to respond to any newly identified trends; and

- c) report to the 81st meeting of the Standing Committee on the activities conducted and any associated results achieved.

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

20.FF 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 81st meeting of the Standing Committee on the activities conducted in accordance with the TECG terms of reference, as well as associated results achieved, as appropriate.

Directed to the Secretariat

20.GG The Secretariat shall:

- a) seek information from Parties on their implementation of Decisions 20.AA and 20.BB;
- b) report to the 81st meeting of the Standing Committee on its implementation of Decision 20.GG together with any recommendations it may have.

Directed to the Standing Committee

20.HH The Standing Committee shall review the reporting submitted by Parties and the Secretariat in accordance with Decisions 20. CC to 20.GG and make recommendations as appropriate.