

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



Seventy-seventh meeting of the Standing Committee
Geneva (Switzerland), 6–10 November 2023

Compliance

Compliance matters

Totoabas (*Totoaba macdonaldi*)

REPORT PRESENTED BY MEXICO AS
CHAIRMAN OF THE TRILATERAL CONTACT GROUP
ON LAW ENFORCEMENT TO COMBAT THE ILLEGAL TRADE OF TOTOABA

1. This document has been submitted by Mexico.*

This report was made available to the Standing Committee on the basis of advancements in compliance with Decision 19.74, approved at the 19th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), held in the city of Panama, Panama, from November 14 to November 25, 2022, which stipulates the following:

To: China, United States of America and Mexico.

China, Mexico and the United States of America are requested to jointly submit, through the Chair of the Trilateral Contact Group on Law Enforcement, a report to the 77th meeting of the Standing Committee on the operationalization of the aforementioned group and the activities carried out according with its terms of reference, as well as the results obtained.

1. Background

In Ensenada, Baja California, from August 23 to August 25, 2017, a Trilateral Meeting chaired by Mexico was held between China, the United States of America and Mexico on the fight against the illicit trafficking of totoaba fishes (*Totoaba macdonaldi*).

The previous in response to Decisions 17,145 to 17,151 adopted at the 17th Meeting of the CITES, held in Johannesburg, South Africa, from September 24 to October 5, 2016.

One of the agreements of the China-United States of America-Mexico Trilateral Meeting on combating totoaba fish illicit trafficking was to “create a Trilateral Law Enforcement Contact Group to Combat Totoaba Trafficking in order to strengthen cooperation and coordination of investigations based on future mandates to be developed”.

Mexico prepared a first draft for the “Trilateral Contact Group on Law Enforcement to Combat Illegal Trade of Totoaba terms of reference” (ToR), which was submitted to the consideration of the People's Republic of China and the United States of America in December 2020.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

2. Advancements

After a series of diplomatic negotiations, the countries' proposals were addressed. Subsequently, and in order to accelerate the negotiations, in June 2023 the People's Republic of China proposed to the United States of America and Mexico the creation of official delegations designated by each country in order to negotiate and draft the ToRs; finally, delegations were established in July 2023.

At the same time, the Permanent Mission of Mexico in Geneva, Switzerland, held meetings with the Permanent Missions of the United States of America and the People's Republic of China on July 19 and 20, 2023. Both meetings had the objective of advancing and adopting the ToRs document; in addition, they were attended by the Head of CITES Enforcement Unit, Mr. Ben Janse van Rensburg.

In the previous meetings, CITES officer helped to highlight the importance of finalizing the ToRs and included within its goals mobilizing authorities from across the criminal justice system, including those experienced in investigating illicit financial flows, in order to effectively address those involved in the organized crime of totoaba trafficking; furthermore, they offered draft proposals which were written remotely by the three countries.

On August 31, 2023, after some negotiations between the People's Republic of China and the United States of America, Mexico applauded the recent progress towards finalizing the ToRs and accepted the bilateral proposal to occupy the Chair of the Trilateral Contact Group for the first period after the TCG is established.

The People's Republic of China, the United States of America and Mexico will continue to work to adjust the ToRs and will later agree on the first session of the Trilateral Contact Group.

If the aforementioned happens before the 77th Meeting of the Standing Committee, the CITES Secretariat will be duly informed and, if necessary, an oral update will be delivered during the Committee meeting.

We are deeply thankful with the CITES authorities and the Permanent Missions to the CITES Secretariat both for the contributions and their support during the trilateral negotiations.