

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



Intersessional work of the Standing Committee  
2020-2021

TOTOABA (*TOTOABA MACDONALDI*):  
UPDATE ON PROGRESS TO THE STANDING COMMITTEE

1. This document has been prepared by the Secretariat.
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions [18.292 to 18.295](#) on *Totoaba* (*Totoaba macdonaldi*).

Implementation of Decision 18.292

3. The Secretariat issued Notification to the Parties [No. 2019/061](#) of 1 November 2019, inviting Parties and relevant stakeholders to provide information to the Secretariat on their implementation of Decision 18.292. Replies were received from China and the United States of America, and from four non-governmental organizations in a joint submission. As directed in Decision 18.294, paragraph d), the Secretariat will report on the information communicated at a future meeting of the Standing Committee.
4. Regarding the implementation of Decision 18.292, paragraph a), and subsequent to the responses to the Notification, the Hong Kong Special Administrative Region (SAR) of China advised the Secretariat in June 2020 of arrests and a [seizure of totoaba swim bladders](#). Open source information consulted early November 2020 also suggested that authorities in Hong Kong SAR made a [further seizure of more than 100 kilograms of totoaba swim bladders](#) and an arrest on 27 October 2020. The Secretariat also learnt through open source information about [Operation Apex](#), during which totoaba swim bladders were seized in the United States of America.

Implementation of Decision 18.293

5. Decision 18.293, subparagraph a) i), invited the Secretariat to assess the effectiveness and impact of the measures and activities implemented by Mexico before the end of 2019. On 29 November 2019, Mexico submitted a report to the Secretariat providing detailed information on its implementation of Decision 18.293, paragraph a).
6. The first six-monthly report from Mexico was submitted to the Secretariat on 28 April 2020, as required by Decision 18.293, subparagraph a) iii).
7. The Secretariat assessed the above-mentioned reports; provided detailed feedback to Mexico on its findings and proposed additional measures and activities as appropriate, in support of progressing the implementation of the requirements in Decision 18.293.
8. The comprehensive report of Mexico to the Standing Committee, submitted in accordance with Decision 18.293, paragraph d), was received by the Secretariat on 7 July 2020.
9. Mexico's second regular six-monthly report to the Secretariat in accordance with the provisions of Decision 18.293, subparagraph a) iii), was received on 30 October 2020.

10. From the reporting provided by Mexico, it is evident that, from 1 September 2019 to date, surveillance activities and inspections with a particular focus on the vaquita (*Phocoena sinus*) refuge area have significantly increased compared to the period January-August 2019. However, from the information provided by Mexico in its November 2019 and April 2020 reports, the Secretariat concluded that the actions of the authorities were lenient and non-deterrent, and that activities of illegal fishers seemed to continue with impunity. The Secretariat communicated this to Mexico, encouraging the Party to review and strengthen its responses to the illegal fishery activities.
11. In its comprehensive report to the Standing Committee and its second regular six-monthly report to the Secretariat, Mexico provided information on the [Agreement regulating gear, systems, methods, techniques and schedules for carrying out fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establish landing sites as well as monitoring systems for such vessels](#) that was published in the Government Gazette of Mexico on 24 September 2020.
12. Amongst other actions, this Agreement:
  - a) establishes strict measures regarding the vaquita refuge area;
  - b) determines the Gillnet Exclusion Zone in which the use and transport of gillnets are forbidden;
  - c) establishes that night fishing is forbidden during specified times;
  - d) prohibits the manufacturing, selling and possession of gillnets in the protection area established by the Agreement and in its neighbouring towns;
  - e) requires boats to be equipped with real time tracking devices to enable monitoring fishing activities; and
  - f) establishes a system for the monitoring of smaller and larger vessels, including inspections of smaller vessels upon departure and arrival.

The Agreement also strengthens the authority of the agencies concerned enabling them to take strict measures against violations of the prohibitions established in the Agreement. The Agreement responds well to the matters raised by the Secretariat in its feedback to Mexico, and if strictly implemented will represent an important step in reinforcing Mexico's response to illegal totoaba fishing and the associated trafficking.

13. Mexico reported that a *Comprehensive Plan for the Application of the Law in the Zero Tolerance Zone and the Vaquita Refuge area* is under development to implement the Agreement. This plan will be jointly implemented by Secretary of the Navy (SEMAR), the National Commission of Aquaculture and Fisheries (CONAPESCA), the Federal Attorney for Environmental Protection (PROFEPA) and the National Commission for Protected Natural Areas (CONANP).
14. The comprehensive report from Mexico incorporates additional information relevant to different aspects of Decision 18.292.

#### Implementation of Decision 18.294

15. In November 2019, the CITES Secretary-General wrote to China, Mexico and the United States of America, as the three Parties most affected by illegal trade in totoaba specimens, either as source, transit or destination countries, stressing the importance of actively pursuing the implementation of the Decisions on totoaba adopted at CoP18, and the need for strengthened collaboration in addressing this illegal trade. Further, during a mission to China in November 2019, the Secretary-General met with high-level officials of the Ministry of Foreign Affairs, the Customs General Administration, the National Forestry and Grassland Administration and the Fishery Department of the Ministry of Agriculture, conveying the concerns about illegal totoaba swim bladder trafficking and the threat it poses to the vaquita.
16. Regarding the meeting of range, transit and consumer States of totoaba and selected organizations and stakeholders, anticipated by Decision 18.294, paragraph a), the Secretariat had hoped to organize this meeting in the first half of 2020. These plans had to be postponed due to travel restrictions resulting from the outbreak of the COVID-19 pandemic. The Secretariat still aims to convene this meeting as soon as possible and will also explore options to convene a virtual meeting, should prospects for in-person meetings remain unlikely in the foreseeable future.

17. In the context of Decision 18.294, paragraph b), the Secretariat is collaborating closely with INTERPOL. This collaboration that included engagement between INTERPOL and Mexico is ongoing.
18. Thanks to generous funding received from Switzerland, the Secretariat will soon be able to start work on the study on vaquita and totoaba called for in Decision 18.294, paragraph c).

#### Registration of operations that breed Appendix-I animal species in captivity for commercial purposes

19. At its 71st meeting (SC71, Geneva, August 2019), the Standing Committee considered document [SC71 Doc.17](#) on Mexico's application for the registration of the operation "Earth Ocean Farms. S. de R.L. de C.V.", breeding *Totoaba macdonaldi*, in the *CITES Register of operations that breed Appendix-I animal species for commercial purposes*.
20. The Standing Committee noted the information provided by Mexico and the objections by Israel and the United States of America and agreed to defer its decision on the registration of the operation "Earth Ocean Farms. S. de R.L. de C.V." breeding *Totoaba macdonaldi*, to its 73rd meeting (see [SC71 SR](#)).
21. In its comprehensive report of July 2020 in accordance with Decision 18.293, paragraph d), Mexico raises this matter and states that it has registered eight Wildlife Conservation Management Units that breed totoaba in captivity. Mexico notes that large numbers of the offspring produced by these units have been released into the wild to repopulate the natural distribution area. Mexico further states that the captive breeding units established are of great importance for the recovery of wild populations of totoaba, and that captive breeding provides a solution for tangible *Totoaba macdonaldi* conservation efforts.
22. Mexico concludes in its report that captive breeding of *Totoaba macdonaldi* should not be considered as an activity to solve the illegal trafficking of the species, but as part of a comprehensive strategy to identify development alternatives for the communities in the area. It considers captive breeding as a method to rebuild social fabric, noting that it could provide a source of work for the inhabitants of the area and support the sustainable development of the community. It also notes that this initiative has the highest operating standards and does not seek to trade the totoaba's swim bladder, but rather to sell the meat of this fish.

#### Conclusions

23. The Secretariat notes that some progress has been made by Mexico, and welcomes that, from 1 September 2019 to date, surveillance activities and inspections with a particular focus on the vaquita refuge area have significantly increased compared to the period January-August 2019. However, the reporting provided shows that the actions of the authorities were mostly lenient and non-deterrent, and that activities of illegal fishers seemed to continue with impunity. In this regard, the *Agreement regulating gear, systems, methods, techniques and schedules for carrying out fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establish landing sites as well as monitoring systems for such vessels*, is welcomed. It is too early to assess the level of implementation of the Agreement and the effects and impacts of its implementation. However, rapidly progressing its implementation seems essential, in particular by applying a zero-tolerance policy for fishers and vessels entering the vaquita refuge area, monitoring fishing vessels and the gear they employ and by taking strict action against any unauthorized and illegal activities to send a clear and deterrent message that such conduct will not be tolerated.