

TOTOABA (TOTOABA MACDONALDI)**Summary and assessment of Mexico's reporting**

**Comprehensive reports of Mexico to the Standing Committee in accordance with Decision 18.293, paragraph d), and regular six-monthly reports from Mexico to the Secretariat (28 April 2020, 30 October 2020, 30 April 2021, and 1 November 2021) in accordance with Decision 18.293, subparagraph a) iii)**

The below represents a summary prepared by the Secretariat on some of the key aspects addressed in all of Mexico's reports. It is however beyond the scope of this document to capture all aspects contained in the elaborate reporting provided by Mexico. The full reports and the Secretariat's detailed assessments are available as Annexes 2 and 3 to document SC74 Doc. 28.5 on Totoaba (*Totoaba macdonaldi*).

The observations of the Secretariat and its assessments of the information reported by Mexico are also provided in the present document.

**1. Activities conducted in accordance with Decision 18.293, subparagraph a) i) to iv)**

**1.1. Decision 18.293, subparagraph a) i)** urge Mexico to - *Take immediate and effective actions in response to the threats to totoaba and vaquita posed by illegal trade by:*

**1.1.1. Deploying governmental authorities with legal powers of seizure and arrest, together with the Navy, to effectively prevent fishers and vessels from entering the Vaquita Refuge area.**

**Summary of reporting**

Since February 2020, by direction of the President of Mexico, the Secretary of the Navy (SEMAR) is in charge of coordinating inter-institutional efforts, including aerial, maritime and land surveillance to address illegal fishing and totoaba swim bladder trafficking. An inter-institutional group has been established to monitor the implementation of actions taken by the federal government to respond to matters affecting the Upper Gulf of California.

Surveillance activities in the vaquita refuge area and other activities have been carried out daily since 1 September 2019. These surveillance activities were conducted by authorities including SEMAR, the Ministry of National Defense (SEDENA), the Federal Attorney for Environmental Protection (PROFEPA), the national guard, the National Commission for Protected Natural Areas (CONANP), the National Commission of Aquaculture and Fisheries (CONAPESCA) and others, supported by the Museum of Whale and Marine Sciences and the Sea Shepherd Conservation Society on some patrols. These actions were carried out in accordance with decisions made within the Inter-institutional Operations Center (IOC), which met monthly to plan and establish strategies for the implementation of actions. Not only traditional resources were used, such as ground, air, and surface units, but also advanced technology such as satellite monitoring and unmanned aerial vehicles.

The report provides an overview of the national legal system of Mexico as it relates to arrest, seizure and confiscation. The federal public security forces deployed together with the authorities in charge of monitoring the vaquita refuge area have the capacity to seize and arrest and thus have the mandate as required by Decision 18.293, subparagraph a) i) (deploying governmental authorities with legal powers of seizure and arrest, together with the Navy).

PROFEPA has two operating bases in the Upper Gulf of California, one in San Felipe, Baja California, and the other in Puerto Peñasco, Sonora. Within the framework of the strategies and activities proposed by the IOC, a large number of officers from different authorities have been deployed in the Upper Gulf of California in the period 1 September 2019 to 15 June 2020, to address illegal fishing and trafficking of totoaba. These included:

National Agency		Number of officers
SEMAR	Distributed between the two operating bases in San Felipe and Puerto Peñasco	325
The National Guard	In Santa Clara and San Felipe	100
CONAPESCA		30
PROFEPA		20
CONANP		5

Within the framework of the permanent Inspection and Surveillance Program in the Upper Gulf of California, to the extent that the health-related challenges posed by the COVID-19 pandemic permitted, the different authorities continued to carry out activities at sea, on land and by air, patrolling key areas, establishing checkpoints, inspecting boarding and landing sites, and other activities, without disruption. Despite the COVID-19 situation, PROFEPA continued to maintain eight inspectors and a program coordinator at its two operating bases.

Deployments were strengthened with additional resources during primarily three periods when there are increased fishing activities, namely the Curvina Golfina fishing season (February to April), the start of the shrimp fishing season (September-October) and the totoaba migration period (November-December).

From 1 September 2019 to 15 June 2020, a total of 569 patrols were conducted, which included 382 maritime patrols, 183 land surveillance patrols and four aerial surveillance patrols.

Maritime patrols were done on a daily basis by SEMAR vessels, totaling 275 patrols in the period 1 September 2019 to 15 June 2020 (95% of the days in this period), with the exception of those days when such patrols were due to bad weather conditions not possible. During these patrols, authorities recovered 72 abandoned or illegal nets, representing approximately 17,469 meters of net. Compared with the frequency of maritime patrols conducted between January to August 2019 (an average of 9.37 patrols per month), maritime patrols in the period 1 September 2019 to 15 June 2020 were significantly scaled up and increased with more than 300% (an average of 29 patrols per month).

In the period 1 September 2019 to 15 June 2020, 432 inspections were carried out at embarkation and disembarkation sites, during which 3,509 vessels were checked. The inspection of vessels were carried out randomly to verify that they have the correct fishing permits, do not carry prohibited fishing gear and do not have in their possession or transport protected marine species. Previously, inspections were only carried out occasionally. However, during the reporting period, they were conducted daily as part of strengthening activities in the areas of San Felipe, Baja California and Puerto Peñasco, Sonora. The highest number of inspections were done in November 2019 (93 inspections involving 649 vessels) at the start of the totoaba migration period.

Vehicle inspection points were in the past only occasionally established. As part of the strengthening of activities in the areas of San Felipe, Baja California and Puerto Peñasco, Sonora, regular inspection and observation points were established in the period 1 September 2019 to 15 June 2020 (242 in total), at which officers from SEDENA checked 310 vehicles to ensure that illegal specimens are not being transported.

Illegal activities are not only carried out in the Upper Gulf, and Mexico recognizes the importance of customs offices being aware of and checking for illegal totoaba swim bladders exports. On 24 January 2020, a training workshop was held for 30 national guard officers who carry out preventive and surveillance actions at the Tijuana International Airport, Baja California. The training focused on strategic actions to prevent and address illegal trafficking in wildlife, specifically the totoaba. On 21 February 2020, PROFEPA trained six officers from the General Administration of Customs, including the Tax Administration Service (SAT) at the General Abelardo L. Rodríguez International Airport in Tijuana. The members of this authority carry out air cargo inspections at the international airport in Tijuana. Training will continue for National Guard officers assigned to the main airports with international flights.

In 2019 a total of 17 protected species identification courses were held for SEDENA, SEMAR and National Guard personnel, in which 479 officials participated. Almost half of these courses (eight) were held between September and December 2019, involving 192 participants.

Recreational boats from San Diego, United States, as well as those of Canadian origin, that enter the waters of Mexico for sport fishing, are supervised.

In its comprehensive report of 7 July 2020, Mexico elaborated in detail regarding work underway to finalize an "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". Mexico is developing:

- A proposal on amendments regarding the Regulatory Agreement concerning the use of gillnets in the Upper Gulf of California;
- Guidelines concerning the structure and functions of the Intergovernmental Group on Sustainability in the Upper Gulf of California (GIS); and
- A "Comprehensive Plan for the Application of the Law in the Zero Tolerance Zone and the Vaquita Refuge Area", to strengthen inspection and surveillance to address illegal fishing and trafficking in totoaba.

The guidelines on the structure and functions of the GIS contribute to the implementation of the Agreement and the establishment of a group of officials to monitor the actions carried out by authorities. To strengthen governance, the group would also include civil society, local governments and international observers. The main objective of the "Comprehensive Plan" is to prevent and penalize activities related to the illegal fishing and trafficking of totoaba.

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 " was finalized and published in the Government Gazette of Mexico on 24 September 2020.

The Agreement establishes zero tolerance zones, which includes the vaquita refuge area for which both fishing and transiting is prohibited. It determines the Gillnet Exclusion Zone in which the use and transport of gillnets are forbidden and establishes that night fishing is forbidden during specified times. It also prohibits the manufacturing, selling and possession of gillnets in the protection area established by the Agreement and in its neighboring towns. The Agreement further requires that boats must be equipped with real time tracking devices to enable monitoring of fishing activities. It establishes a system for the monitoring of smaller and larger vessels, including inspections of smaller vessels upon departure and arrival, to be carried out by personnel of SEMAR, the National Guard, CONAPESCA and PROFEPA, or any other authorized entity.

The Agreement also establishes the inspection and surveillance authority and functions of CONAPESCA, PROFEPA and SEMAR. SEMARNAT, SADER and SEMAR may stop all fishing activities, as well as arrest offenders and bring them before court, in the case of unauthorized activities within the prohibited zone.

The "Comprehensive Plan for the Application of the Law in the Zero Tolerance Zone and the Vaquita Refuge area" will be jointly implemented by CONANP, CONAPESCA, PROFEPA and SEMAR.

Guidelines for the operationalization and functioning of the GIS, consisting of SEMAR, SEMARNAT and SADER, were published in the Government Gazette on 15 January 2021. The first ordinary meeting of the GIS was held on 26 February 2021, with the participation of different stakeholders from the fishing sector, academia, civil society organizations, legislators, and federal, state, and municipal authorities. At this meeting, three working groups were established under three different themes in the Upper Gulf of California to comprehensively address the problems experienced in the region and promote its sustainable development. SEMAR would chair the enforcement working group; SEMARNAT the environment working group; and SADER the productivity (fishing) working group. Quarterly meetings of the GIS are intended to identify and recommend additional actions to strengthen law enforcement and the deterrence of illegal activities.

To facilitate the exchange of law enforcement information, the Regulatory Agreement establishes a Collaboration Group on Enforcement (GCAL), and guidelines for the operationalizing and functioning of the GCAL were published in the Government Gazette on 18 January 2021. The aim of the GCAL is to share

information on all actions taken in response to violations of the laws enforced in implementing the Agreement, as well as information on actions taken to address the trafficking of totoaba swim bladders, including patrolling, inspections, seizures and prosecution, administrative or criminal actions and the imposition of sanctions or fines. The GCAL includes representatives from the GIS and will coordinate its activities with the GIS. Other federal agencies, members of the fishing sector and relevant entities from civil society, both national and international, will be able to participate in GCAL meetings as guests.

The “Comprehensive Plan for the Application of the Law in the Zero Tolerance Zone and the Vaquita Refuge area” was published in its Government Gazette on 20 January 2021. Inspection and verification posts for fishing vessels were established in the four authorized sites for the departure and arrival of vessels in San Felipe and the three authorized sites in the Gulf of Santa Clara. These activities were further complemented by coastal and highway observation activities by authorities.

CONAPESCA, PROFEPA and SEMAR, within the scope of their respective mandates, have adapted their operational activities by increasing the permanent presence of human and material resources for daily patrols by SEMAR in which PROFEPA participated as the authority responsible for enforcing the law. The permanent resources that were deployed daily since September 2020 were highlighted in the report as follows:

Location	Human Resources		Material Resources		
	SEMAR	PROFEPA		SEMAR	PROFEPA
San Felipe, B.C	321 officers	13 inspectors	Land units	13	2
			Surface units and vessels	11	2
			Air units	1	
			Unmanned aerial vehicles	1	
Puerto Peñasco, Sonora	378 officers	12 inspectors	Land units	3	2
			Surface units and vessels	4	2
			Air units	1	

To improve efficiency, joint inspection and verification groups have been established in which CONAPESCA, PROFEPA and SEMAR officials and inspectors participate. The activities conducted by the authorities included: maritime patrols, removal of ghost nets, land patrols, random air patrols, the establishment of inspection and verification posts for fishing vessels at the authorized sites in San Felipe and the Gulf of Santa Clara, and the establishment of observation posts in the Gulf of Santa Clara, through the deployment of personnel from the Puerto Peñasco Naval Sector. In total, 4,341 officials and inspectors were deployed over the period November 2020 to April 2021, to support these activities as follows:

Activity	Number
Maritime patrols	194 (30 were done in collaboration with non-governmental organizations (NGOs))
Inspection of ships	247
Inspection of small boats	1 267
Inspection of fishing vessels at authorized departure and arrival sites	142 inspections involving 1 557 boats
Ghost nets removed	106 nets with a total length of 18 008 meters
Land patrols	110
Roadblocks	103 at which 200 vehicles were checked
Individual people checked at observation points	3 311

According to Mexico, the permanent presence of authorities in the Upper Gulf of California discouraged the entry of fishermen into the zero-tolerance zone and vaquita refuge area. Three courses were given to 85 members of SEMAR and SEDENA on the identification of environmental crimes, marine species at risk and prohibited fishing gear.

Following a [statement](#) published on the CITES Secretariat website, Mexico sent a Diplomatic Note and [the Annex to it](#) about an Agreement that was published in the Government Gazette of Mexico on 9 July 2021 to establish indicators, triggers and predetermined actions to address illegal activities within the framework of 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”.

- The agreement contemplates new measures of continuous surveillance to facilitate sustainable and orderly fishing and strengthened measures concerning application of the law, as well as mechanisms of transparency and social participation, to reinforce the regulatory framework against illegal and unregulated fishing.
- The agreement does not replace or eliminate the total and permanent ban on fishing in the “zero tolerance” zone in the Upper Gulf of California. On the contrary, it reinforces the inspection and surveillance actions by the authorities.
- In this way, the gradual increase of personnel and equipment for monitoring, continuous surveillance and deterrence is foreseen, which goes from 60% if the presence of 20 vessels is detected in the Vaquita Refuge Area, until the closure of areas for 30 days, as well as the prohibition of any type of fishing in a perimeter of three nautical miles around the Vaquita Refuge Area, if more than 65 vessels per day is detected in the area.
- The indicator based on ghost nets recovered in the zero-tolerance zone per day establishes actions that go from the participation of 60% of personnel and equipment if up to 100 meters of nets are detected, to the most severe action of closure of areas and prohibition of any type of fishing if more than 500 meters of nets are recovered.

On 29 September 2021, a workshop was held to address concerns raised regarding the Agreement to establish indicators, triggers and predetermined actions. PROFEPA, CONAPESCA and SEMAR participated in the workshop to address the concerns raised and clarify the application of the Agreement, by sharing information on how the Agreement will be implemented and the triggering factors applied.

In its 4th regular six-monthly report, Mexico noted that SEMAR, the National Guard, SEDENA, PROFEPA and CONAPESCA continue to daily implement surveillance and other activities to address illegal activities related to totoaba and to protect the vaquita. From May to October 2021, three permanent inspectors were assigned to San Felipe, Baja California, supported by ten inspectors from the central offices. In Puerto Peñasco, Sonora, three permanent inspectors were assigned from May to October 2021, supported by four inspectors from the Sonora area.

From May to October 2021, more than seven thousand officials participated in the activities conducted, as follows:

<b>May to October 2021</b>	
<b>Institution</b>	<b>Number of officials</b>
SEMAR	4,069
CONAPESCA	880
PROFEPA	1,785
GUARDIA NACIONAL	985
SEDENA	78
<b>TOTAL</b>	<b>7,797</b>

Activities conducted by these officers in the period May to October 2021, are outlined in the report as follows:

<b>Activity</b>	<b>Number</b>
Maritime patrols	161
Land patrols	126
Vehicle inspection points	88
Activities at vessel departure and arrival sites to raise awareness	297
Inspection of fishing vessels at authorized departure and arrival sites	2,305

According to Mexico, the permanent inspection and surveillance activities carried out during the reporting period up to 1 November 2021 have succeeded in substantially preventing illegal fishing activities in the Upper Gulf of California, including in the zero-tolerance zone. Illegal activities detected regarding the presence of

vessels represented occasional and isolated incidents. Constant and repeated illegal presence of vessels have been halted, demonstrating the effectiveness of the measures implemented.

During the period 1 July 2020 to 31 October 2021, the daily activity reports confirmed that activities were delivered by the various authorities concerned throughout the period mentioned (with the exception of a short period from 4 to 8 June 2021), to address illegal fishing and trafficking. Daily activities primarily focused on visits to different docks and landing sites to raise awareness amongst fishers about areas where fishing is prohibited, and to control documents and vessels and check fishing gear. Activities further included conducting patrols at sea and removing ghost nets, as well as land patrols in key areas to address any illegal activities detected.

### **Secretariat observations and assessments**

Whilst some progress has been made, it does not seem that a “zero tolerance policy” is being applied in the vaquita refuge and zero tolerance area, and this continues to be exploited by some fishers. Although maritime patrols are conducted daily, these entail only a number of hours each day. This creates an opportunity for fishers to enter the zero-tolerance area and engage in unauthorized activities when authorities are not present. Mexico is therefore encouraged to further expand its maritime surveillance and patrol activities in the zero-tolerance area to a more full-time basis. Although the Secretariat welcomes the sustained activities and progress made on different fronts, it also notes with concern that information suggests that the illegal activities of fishers continue in the vaquita refuge area. The Secretariat considers that this is the single most important matter that significantly undermines the efforts of Mexico and the progress made by Mexico on other fronts. Addressing this remains an utmost priority.

After considering Mexico’s reporting received to date, the Secretariat continues to conclude that the provisions of Decision 18.293, subparagraph a) i) to effectively prevent fishers and vessels from entering the vaquita refuge area have not been implemented.

**1.2. Decision 18.293, subparagraph a) ii)** urge Mexico to - *Take immediate and effective actions in response to the threats to totoaba and vaquita posed by illegal trade by:*

<b>1.2.1. Collecting and analysing information on organized crime groups involved in the illegal trade in totoaba</b>
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### **Summary of reporting**

On 15 December 2018, Mexico’s General Congress adopted a Decree through which the Organic Law of the Attorney General’s Office (FGR) entered into force. This law regulates the operation of the Office of the Attorney General and grants the FGR powers to investigate and prosecute crimes. For the investigation of federal crimes which include environmental crimes, the FGR has an office of the Special Prosecutor for Organized Crime Investigation (SEIDO). This office deals with crimes that meets the definition of organized crime, i.e. crimes organized and carried out by three or more persons, permanently or repeatedly conducting activities which constitute serious crimes and are committed by them as members of an organized group.

PROFEPA compiled a complete folder on alleged totoaba bladder traffickers and buyers in San Felipe , Mexicali, Tijuana and Ensenada (Baja California State); in Santa Clara (State of Sonora); in Culiacán (State of Sinaloa); and in Mexico City. On 29 October 2019, this file was handed over to both the office of SEIDO and the Specialized Unit for Investigation of Crimes against the Environment provided for in Special Laws (UEIDAPLE).

Mexico also set up an inter-institutional group in which PROFEPA, FGR, SEMAR, SEDENA, the National Intelligence Center (CNI), the General Customs Administration (AGN), the Financial Intelligence Unit and the National Guard participate. These agencies carry out intelligence gathering work and exchange information in relation to crimes against the environment, provided for in Article 2, section X, of the Federal Law Against Organized Crime.

Mexico also established another inter-institutional group in which SEMAR, SEDENA, the National Intelligence Center and the AGN participate. This group carries out work to gather intelligence and exchange information

with international organizations and the FGR, to address crimes against the environment, as provided for in the Federal Penal Code.

The *modus operandi* and structure of an organized crime syndicate in Mexico were successfully identified as a result of intelligence gathering and investigative work done by the FGR, the National Intelligence Center, the Financial Intelligence Unit and PROFEPA. As a result, on 11 November 2020, SEIDO and SEMAR executed ten arrest warrants issued by a Control Judge of the State of Sonora, against four leaders of the organized crime group called Cartel del Mar, three traffickers and three fishermen, all of whom were involved in totoaba swim bladder trafficking. In the same month, PROFEPA presented SEIDO with information for investigation, related to the illegal sale of totoaba specimens in Canada, as further elaborated upon under 1.2.3 below.

The FGR, in collaboration with PROFEPA, was pursuing twenty criminal cases that related to 1,790 totoaba swim bladders which were destined for illegal export to China, Japan and the Republic of Korea. These cases were in different stages of investigation and prosecution, with convictions having been secured in four cases that were finalized. Further details on the four cases finalized are included under 3.1.1 of the present document.

Mexico also reported on the execution of search warrants and arrests in April 2021, as highlighted under 3.1.1 of the present document. This was possible through intelligence exchange between the FGR, the Mexican Financial Intelligence Unit and PROFEPA, which enabled identification of the structure of the criminal organization concerned, its activities and *modus operandi*, and its dismantling. Coordinated work between the FGR and PROFEPA resulted in two convictions in the period April to September 2021.

### **Secretariat observations and assessments**

After considering Mexico's reporting received to date, the Secretariat concludes that the intelligence gathering and investigative work undertaken, that resulted in the arrest of key members of the Cartel del Mar in November 2020, as well as several other arrests and seizures to date, demonstrate notable progress towards the implementation of Decision 18.293, subparagraph a) ii). Mexico is encouraged to build upon this positive momentum in furthering similar ongoing work.

#### **1.2.2. Convening multi-disciplinary investigative teams to work in close collaboration with local authorities in key areas of concern**

### **Summary of reporting**

The office of the Deputy Prosecutor's Specialized Unit for Investigation of Crimes against the Environment provided for in Special Laws (UEIDAPLE) is responsible for investigating crimes related to the illegal possession, transportation and trafficking of totoaba. Additionally, the Office of the Sub-Attorney for Regional Control, Criminal Procedures and Protection supervises and coordinates the activities of state level authorities, which initiate investigations against alleged offenders for these crimes.

Regarding the establishment of multi-disciplinary investigative teams to work with local authorities in the areas of greatest concern, Mexico established the following groups:

- **Inter-institutional Operations Center (IOC):** Within the framework of meetings of the IOC, which provides a platform for discussion and analyses of the different challenges experienced related to environmental, social and security matters concerning totoaba in the Upper Gulf of California, the various authorities and role players involved in addressing these matters meet on a monthly basis to discuss and agree how they could be best be addressed. Local authorities and non-governmental organizations participate in these meetings.
- **Regional Coordination for the Construction of Peace:** In addition to the OIC, representatives from SEMAR, the National Guard, CONAPESCA, FGR, the Ministry of Welfare and PROFEPA periodically participate in meetings of the so-called "Regional Coordination for the Construction of Peace" held in San Felipe, Baja California, where relevant local issues are discussed, vetted and addressed.

- **Inter-institutional group:** Mexico also established an inter-institutional group as described under 1.2.1 above, which carry out intelligence work and exchange information with international organizations and the FGR in relation to crimes against the environment, as provided for in the Federal Penal Code.

In January 2020, PROFEPA trained FGR, SEMAR and National Guard personnel on legal aspects and the identification of totoaba. Forty officials participated in this training workshop, where inter-institutional coordination was also highlighted.

The Law of the Attorney General of the Republic (FGR) was issued on 20 May 2021. The purpose of this law is to establish the integration, structure, operation and powers of the FGR, as well as the organization, responsibilities and legal functions of the Public Ministry of the Federation, in accordance with the powers granted to it. This Law grants enforcement, investigative and prosecutorial powers to the Special Prosecutor's Office for Organized Crime (FEMDO) for the investigation of federal crimes committed by organized crime groups, including environmental crimes, as well as to the Specialized Prosecutor for Regional Control, which investigates federal crimes against the Environment and Environmental Management. According to Mexico, the publication of this Law will make an essential contribution to the investigation and prosecution of crimes committed by organized crime groups, including environmental crimes, and to facilitate coordination regarding the work of the different authorities.

As part of the *Strengthening capacities for detection, investigation and prosecution of crimes against wildlife and forests in Mexico* project, delivered through the United Nations Office on Drugs and Crime (UNODC) Global Programme for Combating Wildlife and Forest Crime, the First Inter-institutional Meeting was convened in August 2021. This meeting aims at strengthening criminal justice system responses to wildlife crime in Mexico, through the exchange of information and interinstitutional coordination. The meeting was attended by representatives of the Ministry of Foreign Relations (SRE), SEMAR, SEMARNAT, the Tax Administration Service (SAT), Alliance for Open Government (AGA), the Mexican Financial Intelligence Unit (FIU), CONAPESCA, CONAFOR, CONABIO and PROFEPA.

### **Secretariat observations and assessments**

After considering Mexico's reporting received to date, the Secretariat concludes that good progress is being made in the implementation of this aspect of Decision 18.293, subparagraph a) ii).

#### **1.2.3. Undertaking intelligence-driven operations and investigations for addressing illegal trade in totoaba**

### **Summary of reporting**

Mexico established an inter-institutional group responsible for intelligence work and exchange information in relation to crimes against the environment, as well as other activities, as described under 1.2.1 above.

On 16 January 2020, PROFEPA officially requested the Office of the Attorney General to submit a request for support from INTERPOL through the International Consortium to Combating Wildlife Crime (ICWC), in addressing illegal trade in totoaba swim bladders.

The first Wildlife Priority Case Meeting took place on 2 and 3 March 2020, at the INTERPOL National Central Bureau (NCB) of Mexico. On 8 April 2020, Mexico received confirmation from the INTERPOL General Secretariat that its Environmental Security Unit will make available two teams to provide support to Mexico on fisheries as well as other wildlife crime matters. Operations based on confidential information were expected during the first half of 2020, but these were delayed due to the COVID-19 situation.

Following a seizure of 160kg totoaba swim bladders in June 2020 by authorities in Hong Kong Special Administrative Region (SAR) of China, information exchange between SEIDO and the INTERPOL NCB of Hong Kong SAR of China has been initiated. The operational and investigative needs of SEIDO, the INTERPOL NCB of Mexico, the federal police, SEMAR and PROFEPA were communicated to the INTERPOL General Secretariat. Analyses of data was being conducted by the INTERPOL General Secretariat to generate intelligence that could be used in support of the activities being undertaken to address totoaba swim bladder trafficking.

PROFEPA presented SEIDO with information for further investigation, regarding the illegal sale of totoaba specimens at a location in Canada. This case provided a good opportunity for international cooperation and joint investigations between Mexico, Canada and China.

Mexico provided further information on activities undertaken to engage relevant authorities in Hong Kong SAR of China through the Consulate General of Mexico in Hong Kong SAR, in support of exchange of information regarding cases of illegal totoaba specimen trafficking.

### **Secretariat observations and assessments**

After considering Mexico's reporting received to date, the Secretariat concludes that good progress is being made in the implementation of this aspect of Decision 18.293, subparagraph a) ii).

**1.3. Decision 18.293, subparagraph a) iii) urge Mexico to - *Provide regular (every six months) updates:***

**1.3.1 On the actions taken in accordance with Decision 18.293, subparagraphs a) i) and ii) and their results, to the Secretariat**

### **Secretariat observations**

On 29 November 2019, Mexico also submitted a report to the Secretariat providing detailed information on its implementation of Decision 18.293 subparagraph a) i), which invited the Secretariat to assess, before the end of 2019, the effectiveness and impact of the measures and activities implemented by Mexico.

The first six-monthly report from Mexico was submitted to the Secretariat on 28 April 2020. On 30 October 2020, Mexico's 2nd regular six-monthly report to the Secretariat was received. Mexico noted in its submission that the report submitted was a preliminary report due to staff responsible for the preparation of the report having been affected by the COVID-19 pandemic, and that the full report will follow later. The final second regular six-monthly report from Mexico to the Secretariat was received on 23 November 2020. The 3rd regular six-monthly report from Mexico was submitted to the Secretariat on 30 April 2021. The 4th regular six-monthly report from Mexico was submitted to the Secretariat on 1 November 2021. This report as well as

Mexico also submitted a voluntary updated comprehensive report from Mexico to the Standing Committee submitted to the Secretariat on 7 December 2021.

**1.4. Decision 18.293, subparagraph a) iv) urge Mexico to - *Take immediate and effective actions in response to the threats to totoaba and vaquita posed by illegal trade by:***

**1.4.1. Establishing and operationalizing, together with relevant Parties, the trilateral enforcement contact group called for in the outcomes of the 2017 "Trilateral Meeting China/United States/Mexico On The Combat Against Illegal Traffic Of Totoaba Fish (*Totoaba macdonaldi*) August 23-25, Ensenada, Mexico**

### **Summary of reporting**

Mexico is making efforts to strengthen international cooperation, in particular with China and the USA, in order to combat the trafficking of totoaba. Mexico also stated that trilateral collaboration is a shared responsibility between the three Parties, and that investment in this issue by the Parties concerned has been uneven and has not worked as expected. Mexico therefore noted that the leadership of the CITES Secretariat was considered essential to continue promoting trilateral cooperation.

On the occasion of the XXXI Mexico-USA binational fisheries meeting held in Mexico City in September 2019, Mexico proposed the adoption of a trilateral instrument and reiterated the urgency of convening another trilateral meeting to follow up on the 2017 meeting. The USA demonstrated its willingness to activate the Law Enforcement Trilateral Contact Group as soon as possible and identified two officials from the National Oceanic and Atmospheric Administration (NOAA) and experts in fisheries to engage with as points of contact on this issue. Mexico is working on a first draft of the "Terms of Reference for the Creation, Organization and Functions of the Trilateral Contact Group on Law Enforcement" to be proposed to China and the USA.

Between March and June 2020, various virtual meetings were held between representatives of the environmental and fishing sectors of Mexico and the USA.

Through its Permanent Mission to International Organizations based in Geneva, Switzerland, Mexico maintained close ties with the Permanent Missions of China and the USA and informed them of their intention to reactivate the trilateral activities between these countries.

The Mexican Embassy in China engaged with the Department of International Cooperation of the National Administration of Forests and Grasslands of China (NFGA), who provided the assurance that China attached great importance to combatting illegal trade in totoaba specimens and to establishing international cooperation mechanisms on this matter. The NFGA confirmed that activities have been conducted in support of the implementation of the Decisions on totoaba adopted at CITES CoP18, and that workshops have been held with the relevant Chinese authorities concerning this matter. The Director of Enforcement and Legal Compliance of NFGA in his capacity as CITES Management Authority was identified by China as contact person to deepen collaboration between Mexico and China on this issue.

In November 2019, at the request of PROFEPA, the General Directorate of International Police Affairs and the INTERPOL NCB of Mexico sent requests via the INTERPOL I-24/7 communication network to the NCBs in the USA; mainland China; Hong Kong SAR of China; Japan and the Republic of Korea, requesting that these Parties carry out activities within their capabilities to combat illicit trafficking in totoaba, by focusing on the following:

- identifying individuals involved in the trafficking of totoaba swim bladders, focusing on international airports;
- checking baggage on flights from Mexico, when possible.
- identifying individuals with suspicious backgrounds concerning travel and border crossings; and
- exchanging information on *modus operandi* associated with illicit trafficking in totoaba, as well as any actions deemed needed.

The following documents were shared with the Parties mentioned:

- A practical guide for the identification of Totoaba (*Totoaba macdonaldi*) in English; and
- An INTERPOL Purple Notice<sup>1</sup> outlining the *modus operandi* identified concerning totoaba trafficking that have taken place in Mexico, in English.

On 8 March 2021, Mexico's NCB published, at the request of SEIDO, two INTERPOL Red Notices for wanted individuals. It also submitted an eco-message to INTERPOL regarding the 10 individuals arrested on 11 November 2020, as elaborated upon under 1.2.1 of the present document.

Mexico made a draft proposal for the "Terms of Reference for the Creation, Organization and Functions of the Trilateral Contact Group on Law Enforcement" available to China and the USA at the end of November 2020 for assessment. The Embassy of Mexico in the USA conducted further follow up in this regard, and feedback was received from US authorities in April 2021, that they have consolidated their comments on the draft which would be submitted to Mexico.

Mexico has taken substantial domestic actions to discourage the illegal trade of the totoaba, and emphasized that the future of the species together with that of the vaquita will remain largely compromised if strict measures are not taken and applied in the regions where the totoaba swim bladders transit or are destined to. Mexico noted therefore the importance of having the Terms of Reference of the Trilateral Contact Group on Law Enforcement finalized.

Mexico confirmed that comments were received from the USA on the draft proposal for the "Terms of Reference for the Creation, Organization and Functions of the Trilateral Contact Group on Law Enforcement". On 14 May 2021, Mexico received a request for clarification from China on Mexican authorities that will be signatories to the Trilateral Contact Group terms of reference. The required feedback was provided to China

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<sup>1</sup> <https://www.interpol.int/en/How-we-work/Notices/About-Notices>

in July 2021. A response was received from Chinese authorities on 3 August 2021 that will provide comments on the draft terms of reference document as soon as possible.

### **Secretariat observations and assessments**

The Secretariat welcomes the development of the draft terms of reference for the establishment and operationalization of the trilateral enforcement contact group and the activities conducted by Mexico to engage with authorities in China and the USA. Although progress has been made, it has been slow, and the Parties concerned are encouraged to make every effort to as a matter of priority finalize terms of reference and operationalize the trilateral enforcement contact group as required by Decision 18.293, subparagraph a) iv).

## **2. Activities conducted in accordance with Decision 18.293, paragraphs b) and c)**

### **2.1. Decision 18.293, paragraph b) urge Mexico to - Intensify efforts and to:**

#### **2.1.1. Secure resources to expand gillnet removal efforts to maintain the Vaquita Refuge area as a net-free zone**

### **Summary of reporting**

Net removal efforts continued during the period 1 September 2019 to 15 June 2020, although they had to be reduced after the COVID-19 pandemic outbreak.

For sea removals, most activities focused on the vaquita Zero Tolerance Zone. Patrols were done by SEMAR vessels on an almost daily basis, totaling 275 patrols in the period. Compared with the frequency of maritime patrols conducted between January and August 2019 (an average of 9.37 patrols per month), maritime patrols in the period 1 September 2019 to 15 June 2020 were significantly scaled up and increased more than 300% (an average of 29 patrols per month). A total of 183 land patrols were carried out in the period 1 September 2019 to 15 June 2020. The ships from Sea Shepherd and the Museum of Whale and Marine Sciences had to withdraw from the area in March 2020 due to the COVID-19 pandemic. In July 2020, their activities had not yet resumed (see 4.1 below).

The number of nets removed at sea and confiscated on land in the period 1 September 2019 to 15 June 2020 are shown in the table below.

<b>Net removal activities: 1 September 2019 – 15 June 2020</b>				
Removed by	SEMAR		NGOs	Total
Removal sites	Sea	Land	Sea	
Nets	72	89	70	231
Nets in meters	17,469	10,346	15,304	43,119

In the period 1 September 2019 to 15 April 2020, CONANP supported four community projects, in which 36 smaller vessels participated. The activities of these vessels covered 310 hectares, resulting in the recovery of 47 pieces of illegal fishing gear and mostly active nets, in addition to damaged nets of more than 230 meters. On 17 June 2020, a videoconference was held among program participants to restart the net extraction activities of the program for approximately 13 days per month over a period of three months, involving 15 boats and 50 fishers. A request was made for two PROFEPA vessels to participate in and support this work.

Mexico removed 106 nets with a total length of 18 008 meters in the period November 2020 to April 2021. Mexico joined the [Global Ghost Gear Initiative](#) (GGGI), a cross-sectoral alliance dedicated to tackling the problem of abandoned, lost or otherwise discarded fishing gear. A coordination group made up of the Ministry of Economy, SEMAR, SADER, the Ministry of Communications and Transportation, SEMARNAT, CONAPESCA, the National Institute for Aquaculture and Fisheries (INAPESCA), CONANP and PROFEPA was formed, to collect technical data with the aim of developing a national ghost gear action plan. It is anticipated that this plan would improve social awareness and promote the implementation of fishing best practices aimed at reducing the impact of ghost nets on marine and coastal ecosystems.

To support a national assessment to map key sites in the Mexican seas, substantive information on fishing activities was provided with the support of particularly CONAPESCA and INAPESCA. This information would be integrated in a model to perform predictive analysis to inform net removal activities. According to Mexico, in the future, this will allow to locate with greater probability key sites where ghost nets could be located. Mexico is also in the process of implementing field pre-surveys in collaboration with the Food and Agriculture Organization of the United Nations (FAO), with the purpose of better integrating information concerning fishing activities in Mexican waters, and of generating information to support development of the model to perform predictive analysis concerning key sites.

A “quick start-up activity” was initiated in the first semester of 2021 to support ghost net removal efforts, launched through a pilot program for the collection and rapid mapping of Fishing Gear in Punta Mita, Nayarit, Mexico. In this program, the Federal Government is supported by the World Wildlife Fund (WWF) Mexico, the Regional Center for Aquaculture and Fisheries Research (CRIAP) of Bahía Banderas, Community and Biodiversity (COBI) AC, Conservation International (CI), the Tecnológico de Bahía de Banderas and the Society Cooperativa Pescadores de las Marietas (SCPM), in order to carry out training tasks to clean the seabed where local fishing activities are carried out, and to educate and raise awareness in local communities about the impact that ghost fishing gear have on their areas of productive activity.

In September 2021, a Virtual Roundtable on Ghost Fishing Gear was held online, with multisectoral participation that included mainly representatives of the government and civil society organizations. The objectives of the Roundtable were to raise awareness about the issue of ghost fishing gear and its impacts; report on the work plan that Mexico is executing in collaboration with the GGGI; to present ongoing projects and organizations working to address the issue of ghost fishing gear in Mexico; to identify overlaps, gaps and opportunities; and collect information to lay the foundation for capacity-building and action planning workshops that were to be held in late 2021.

On 23 June 2021, SEMARNAT, SEMAR, SADER, SRE, CONANP, CONAPESCA, INAPESCA and PROFEPA signed a collaboration agreement with the Sea Shepherd Conservation Society and the Museum of Whale and Marine Sciences to support net removal work, which will remain in force until 30 September 2024. From 3 August 2021, the ghost net extraction program in collaboration with the Museum of Whale and Marine Sciences resumed. In the period May to October 2021, 19 nets with a total length of 8 185 meters were removed and transferred to the naval base of San Felipe for their subsequent destruction. During the same period, no nets have been found in the zero-tolerance area, suggesting that the zone was free of ghost nets during this period.

### **Secretariat observations and assessments**

In assessing the implementation of this provision, the Secretariat concluded that available information suggests that the measures and activities deployed were not sufficient and did not adequately deter the activities of illegal fishers.

The Secretariat also emphasized in its assessment that applying a zero-tolerance policy for fishers and vessels entering the vaquita refuge area, monitoring fishing vessels and the gear they employ and taking strict action against any unauthorized and illegal activities remained essential, to send a clear and deterrent message that such conduct will not be tolerated.

#### **2.1.2. Take all necessary measures to protect net removal teams and destroy confiscated nets**

### **Summary of reporting**

According to Mexico, all illegal nets removed are transported to the premises of the navy (Sector Naval), for subsequent destruction.

Regarding the protection of net removal teams, security forces were deployed together with inspectors. However, officials had to abort net retrieval efforts on several occasions due to intimidation and aggression by fishers.

In 2021, security forces continued to be deployed together with inspectors to provide protection. For the period 1 May 2021 to 31 October 2021, the hostility of fishers towards authorities seems to have ceased, and

authorities were able to conduct their work without being intimidated or interrupted, with fishers to a large extent being compliant with instructions when confronted by authorities.

### **Secretariat observations and assessments**

Net removal is one of the core activities to be pursued in accordance with Decision 18.293, paragraph b). In assessing the implementation of this provision, the Secretariat concludes that progress has been made, but the measures and activities deployed needs to be further scaled up to deter the activities of fishers in the zero-tolerance area, to enable maintaining the Vaquita Refuge area as a net-free zone.

**2.2. Decision 18.293, paragraph c) - adhere to the implementation of Decision 43 COM 7B.26, adopted at the 43rd session of the World Heritage Committee (Baku, 2019)**

### **Summary of reporting**

On 1 February 2020, Mexico presented a report to the World Heritage Committee outlining the actions taken to address the problems in the Upper Gulf of California, and the recommendations issued by the Committee.

Videoconferences were held on 30 October 2019, 18 February 2020 and 19 June 2020, during which advice was gathered from technical experts at the World Heritage Center and the IUCN, to progress work related to the activities to be undertaken, expected results and indicators to be applied over the next five years to facilitate it being removed from the world heritage sites at risk list. The first technically agreed versions of the documents continued to be improved by a Working Group that was established.

Mexico reiterated that the “Comprehensive Plan for the Enforcement of the Law in the Zero Tolerance Zone and the Vaquita Refuge area” will include inspection and surveillance activities to ensure compliance, as well as activities to recover, remove, and destroy illegal, lost or abandoned fishing gear.

Testing and financing of alternative fishing gear will be carried out, while the use of authorized fishing gear will continue in the 2020 season.

Mexico complied with the requests for information from the UNESCO World Heritage Committee regarding the Islands and Protected Areas of the Gulf of California inscribed on the List of World Heritage in Danger in 2019. It was engaged in a review process to facilitate the updating of a document initially presented in July 2020 on “Corrective Measures” to be implemented. The objective of updating this document is to improve the result indicators concerning the outcomes of the actions to be delivered to conserve the vaquita and its habitat. The updated document was expected to be finalized during the first half of 2021. A draft technical document entitled “Desired Conservation Status of the Property (DSOC)” was under review. This document aims to describe the results expected from the implementation of the activities outlined in the “Corrective Measures” document, over the period 2020-2025. It also expected to deliver this document to UNESCO for review, in the first half of 2021.

Within Mexico’s Conservation Program for Sustainable Development (PROCOCODES), a total of 19 projects were authorized in natural protected areas by 2021, involving the mobilization of 1,4 million Mexican Pesos (approximately USD 70 000). These projects support the sustainable use of natural resources, their protection and restoration, contributing to improve the quality of life of the inhabitants in the Protected Natural Areas and associated zones. A further 10 million Mexican Pesos has been set aside for similar projects. In collaboration with the CITES Secretariat, Mexico also reached out to international organizations that might be able to support its work concerning totoaba and vaquita. In this regard, Mexico highlighted an informal meeting between Mexico and the CITES Secretariat on 25 March 2021, as well as engagement with the World Bank Global Wildlife Programme, to discuss possible opportunities for support.

SADER established a Technical Roundtable to carry out actions in support of fishermen in the Upper Gulf of California, located in the communities of San Felipe, Baja California, the Cucapá community, and Golfo de Santa Clara and Puerto Peñasco, Sonora. In 2021, CONAPESCA will increase its grant through the BIENPESCA program to provide support to approximately 4,730 fishers. Mexico reported that the grant will amount more than 34 million Mexican Pesos, which represent an increase of 381 percent compared to 2019. In the 2021-2022 shrimp season, INAPESCA and CONAPESCA supported a total of 634 smaller vessels, improving their operations through training interventions.

The proposal of Mexico on “Corrective Measures” was presented to the World Heritage Center in August 2021, in accordance with the process and the guidelines provided by the World Heritage Center and the IUCN as advisory body. Mexico established an Inter-institutional Working Group for the review and formulation of the “Corrective Measures” and the later integration of the DSOC. In July 2021, the World Heritage Committee adopted Decision 44 COM 7A. 56, in which it reiterated its concern about the critical status of the vaquita population. The Heritage Committee's decision recognized the efforts of Mexico to use the mechanism of the List of World Heritage in Danger to strengthen international cooperation in the fight against illicit international trafficking in totoaba specimens and to continue dialogue with the Parties affected by this illegal trade, including within the framework of CITES. Mexico welcomed the creation of a technical working group to elaborate the DSOC to support removal of the Property from the List of World Heritage in Danger. Mexico was urged to expedite the process in cooperation with the World Heritage Center and IUCN, including by organizing a technical workshop with the participation of the World Heritage Center and IUCN, including IUCN's Species Survival Commission and the International Committee for the Recovery of the Vaquita Marina (CIRVA).

The IUCN World Conservation Congress held in September 2021, adopted [Motion 132](#) on *Controlling and monitoring trade in croaker swim bladders to protect target croakers and reduce incidental catches of threatened marine megafauna*, in which reference is made to totoaba.

### **Secretariat observations and assessments**

The information presented in sections 1.1 to 2.1.2 of the present document is relevant to the different aspects of implementation of Decision 43 COM 7B.26, adopted at the 43rd session of the World Heritage Committee.

The Secretariat is aware that the new strengthened measures established by 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", which includes forbidding fishing using traditional gillnets (chinchorros) that pose a bycatch threat to the vaquita, and impose the use of approved “vaquita friendly” nets (suriperas), were met with some resistance from some fishers.

This resistance seemed to stem from a belief among fishers that the suriperas are not as effective as the chinchorros and that catch is less when using the suriperas. However, catch during trial runs reportedly even exceeded that of fishers using the traditional chinchorros. These successful trial projects seemed to have sparked an interest among some fishers in using the suriperas.

Noting that securing local community buy-in is essential to efforts to protect the vaquita and support the livelihoods of the fishers concerned, the Secretariat initiated discussion with Mexico and reached out to different entities to seek support for efforts in the Upper Gulf to raise awareness and provide training for fishers in the use of suriperas, as well as to explore what support could be provided to fishers to acquire these nets.

The Secretariat is pleased that it was able to secure limited funding to support a livelihoods project in Mexico, which was implemented by the Museum of Whale and Marine Sciences (Museo de la Ballena), Alternative Fishing of Baja California (Pesca ABC) and Responsible Fishing in the Upper Gulf of California. These organizations worked with small-scale fisheries communities in San Felipe and Santa Clara to strengthen alternative livelihoods through the use of legal fishing gears.

The Secretariat encourages Mexico to pursue as a priority the implementation of programmes that will facilitate awareness raising and training amongst fishers in the use of suriperas, and support to fishers in acquiring these nets.

Working with the fishing community to design, test and implement alternative vaquita-safe fishing gear to generate viable incomes for the fishers to support their families is essential. This will not only support protecting the vaquita, but also contribute to making fishers less susceptible to engage in illegal activities. Mexico is therefore encouraged to further scale up and expand its activities in this regard, including by developing a clear plan including timeframes and milestones to facilitate transition local communities to vaquita-safe fishing.

**3. Activities conducted in accordance with Decision 18.292**

**3.1. Decision 18.292, paragraph a) - Communicate to the Secretariat and the CITES Authorities of relevant Parties:**

**3.1.1 Information on seizures of specimens of totoaba, arrests of those engaged in illegal take and trade, results of any prosecutions, and actions taken to implement this Decision**

**Summary of reporting**

Mexico provided elaborate information on arrests, ongoing investigations, prosecutions and convictions concerning illegal possession, transport, traffic, storage or illegal export of totoaba swim bladders or specimens, as follows:

<b>September 2019 to June 2020</b>	
<b>Arrests and ongoing investigations</b>	
10 December 2019	A person with 41 totoaba swim bladders arrested. Matter was reported to be under investigation.
8 February 2020	Search carried out which resulted in the seizure of weapons, drugs and 8 totoaba swim bladders. The subject in this case was suspected to be a member of an organized crime syndicate and the case was reported to be ongoing.
16 March 2020	A person found with 1 totoaba swim bladder and two pieces of totoaba meat. Investigation was reported to be ongoing.
21 March 2020	Checkpoint search carried out and two people were detained for transporting 26 pieces of meat, consisting of totoaba and a sea turtle meat, in their vehicle.
FED / SEIDF / UEIDAPLE RESEARCH FOLDER- CDMX / 0002052/2019	On 26 November 2019, personnel from the Tax Administration Service of Mexico handed over two suitcases to the Federal Police at Mexico City International Airport. The suitcases detected was destined to go to the Narita International Airport, Japan, and contained 162 totoaba swim bladders. Enquiries were reported to be ongoing.
FED / SIN / MAZ / 0000479/2020 INVESTIGATION FOLDER	Investigation initiated on 22 April 2020 after a seizure of 66 suspected pieces of totoaba swim bladder in two abandoned suitcases during an inspection by the National Guard on the Mazatlán-Culiacán Highway. On 27 April 2020, the seized items were positively identified as totoaba swim bladders. No further information provided.
FED / SIN / MAZ / 0000546/2020 INVESTIGATION FOLDER	Investigation initiated on 16 May 2020 after the National Guard seized 127 pieces of suspected totoaba swim bladder found in an abandoned box by police sniffer dogs during a routine inspection at the Mazatlán Bus Station, in Sinaloa. On 25 May 2020, the seized items were positively identified as totoaba swim bladders. No further information provided.
<b>Ongoing Trials</b>	
28 March 2020	One person arrested at the military checkpoint in possession of 20 wrappers that contained a total of 21 totoaba swim bladders. On 30 March 2020, an initial hearing was held. No further information on ongoing nature of the case provided.
Criminal Case 80/2018 FED / BC / MXLI / 00000934/2018	This case relates to the arrest on 14 March 2018 of one person found in possession of 22 totoaba swim bladders. The trial date was set for 21 April 2020. No further information provided.
Criminal Case 90/2018 FED / SEIDF / UEIDAPLE-CDMX / 0497/2018 INVESTIGATION FOLDER	This case relates to the arrest of a Chinese national at the Mexico City International Airport for the transport 416 totoaba swim bladders. The judge ordered that proceedings be conducted in the Mandarin language and reserved the date and time for the constitutional hearing. No further information provided.

Criminal Case 168/2018 FED / SEIDF / UEIDPLE- BC / 0000584/2018 INVESTIGATION FOLDER	This case relates to the arrest of one person found in possession of 209 totoaba swim bladders. A proposal for financial restitution was rejected, and a hearing was set for 7 May 2020, which was postponed due to COVID-19 contingency measures put in place.
Criminal Case 220/2018 FED / SEIDO / UEIDCS-BC / 0000231/2018	This case relates to the arrest of three people in February 2018 for the illegal possession of 87 totoaba swim bladders. The date for the initial hearing was set for 30 March 2020 but was postponed due to the COVID-19 pandemic. No information on the new date set provided in the report.
Criminal Case 89/2018 FED / SEIDO / UEIDCS- BC / 0000297/2018	This case relates to the 28 October 2018 arrest of one person found in possession of 27 totoaba swim bladders. A hearing date was set for 28 April 2020 but postponed due to COVID-19 contingency measures put in place.
Criminal Case 492/2018 FED / SEIDO / UEIDCS- BC / 0000230/2018 INVESTIGATION FOLDER	This case relates to the seizure of four suitcases containing 375 totoaba swim bladders, bound for Shanghai, China. The defendant's attorney requested a suspension on condition of financial restitution. A hearing date was set for 14 April 2020 but postponed due to COVID-19 contingency measures put in place.
Criminal Case 337/2019 FED / SEIDF / UEIDAPLE- NL / 001216/2019 INVESTIGATION FOLDER	This case relates to the arrest of four persons in a case involving 647 sea cucumbers and 90 totoaba swim bladders. A hearing was set for 11 March 2020 at which the defendant's attorney requested a suspension on condition of financial restitution. This request was opposed by FGR and PROFEPA and subsequently denied. After further proceedings, on 19 June 2020, the court ruled to dismiss an appeal raised by the accused regarding bail. The accused remains in custody and the case is ongoing.
Investigation file 2684/2018 FED / SON / SLRC / 2684/2018 INVESTIGATION FOLDER	2018 criminal case for possession of 1 totoaba bladder. The opinion of repair of the damage presented by PROFEPA and established the amount at \$ 209,275.76 (two hundred and nine thousand two hundred and seventy-five pesos 76/100 M.N.). Case was reported to be ongoing.
CRIMINAL CASE 236/2018 FED / BC / MXLI / 0002579/2018 INVESTIGATION FOLDER	Arrest of a person in possession of 7 totoaba swim bladders. The defendant proposed the payment of \$ 27,000 (twenty-seven thousand pesos) for the repair of damage. This amount was less than that indicated in the opinion issued by PROFEPA, which determined an amount of \$ 469,550 (four hundred sixty-nine thousand five hundred and fifty pesos). This was contested by the accused on 18 February 2020, and his defense presented a technical opinion in which it is estimated that the repair of damage amounts to \$ 360,555 (three hundred and sixty thousand five hundred and fifty-five pesos). The case is pending and the control judge set a date for the hearing to take place.
INVESTIGATION FOLDER (NO NUMBER HAS BEEN ASSIGNED)	On 19 June 2020, PROFEPA filed for an investigation file to be opened with the FGR's UEIDAPLE concerning the 4 June 2020 Hong Kong Customs airport seizure of approximately 160 kilograms of totoaba swim bladder. The shipment transited by air from the USA and the boxes showed Mexico as the country of origin. Five people were detained in Hong Kong in connection with this seizure.
<b>Convictions</b>	
Criminal Case 100/2018	This case relates to the arrest of a Chinese national on 25 April 2018 at the Mexico City International Airport found in possession of two suitcases containing 417 totoaba swim bladders. Financial restitution in the amount of 1,037,793.80 Mexican pesos (approximately USD 46 000.00) was ordered by the court, which is to go to the go to the Trust Fund for Biodiversity of the National Commission on Knowledge and Use of Biodiversity. On 18 March 2020, the 417 totoaba swim bladders were incinerated.

Criminal Case 142/2018 FED / SON / SLRC / 0000878/2018	This case relates to the arrest of two people on 20 April 2018, for the possession of 108 totoaba swim bladders. On 19 February 2020, a conviction was secured, resulting in a sentence of more than three years imprisonment, as well as a fine. The totoaba specimens were confiscated.
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Mexico highlighted a number of proposals for constitutional and legal reforms in the context of environmental crimes, which were being pursued. (See Annex 3 to the report of Mexico).

PROFEPA was undertaking a constitutional and legal reform project for crimes committed against the environment and environmental management to be treated as serious, enabling that such crimes result in arrest and prosecution. It was proposed that the Federal Penal Code be amended to make the trafficking, or the capture, possession, transport, storage, introduction to the country or extraction from the national territory of any specimen, parts, derivatives, product or by-product of the *Totoaba macdonaldi* species, punishable with a penalty of five to fifteen years in prison. This proposal was presented in the Chamber of Deputies on 3 March 2020, and published in Parliamentary Gazette, number 5470-V of that date.

On 13 May 2020, the Head of PROFEPA participated in a videoconference which addressed the reforms proposed. The President of the Committee on Constitutional Matters of the Chamber of Deputies of the Mexican Congress welcomed these proposals.

Mexico identified that the methodology used to determine direct damage (costs associated with the restitution of the specimens involved, but excluding the restitution of environmental damage) caused by illegal fishing and the trafficking of totoaba was not adequate. As a result, the penalties imposed by court have not been sufficiently deterrent. In light of this, a revision of the direct damage determination provisions was prepared by experts appointed by PROFEPA. Work was also being done with CONABIO to review and restructure the provisions related to the determination of environmental damage caused by illegal fishing and the trafficking of totoaba swim bladders. This work was aimed at establishing clear criteria to determine the damage caused by the illegal activities, with a particular focus on totoaba. This would facilitate reliable determinations in accordance with the provisions set in the Federal Law of Environmental Responsibility (LFRA) so that the determinations accurately demonstrate the scale and impact of the damage and can be better presented to avoid being challenged. This would facilitate significant penalties related to financial restitution which will have an additional strong deterrent effect.

In 2021, Mexico provided an update on the constitutional and legal reform project undertaken by PROFEPA, indicating that various follow up activities have been conducted to secure amendments to Articles 19 of the Constitution and 420 of the Federal Criminal Code. These amendments would ensure that environmental crimes are treated as serious, facilitate detentions and also increase the penalties that can be imposed for such crimes. As a result of these efforts, a Decree was published in the government Gazette on 21 February 2021, that adds a third paragraph to article 420 of the Federal Criminal Code and provides for a penalty of five to fifteen years in prison. In cases provided for in section IV and section X of Article 2 of the Federal Law against Organized Crime, when the illegal activities involve any specimen, part, derivative, product or by-product of the totoaba, a penalty equivalent of three thousand to six thousand days (eight to sixteen years) can be imposed.

During the reporting period November 2020 to April 2021, convictions were secured in four cases, as follows:

November 2020 to April 2021	
Date of conviction	Case details and sentence
1 December 2020	A conviction secured in the State of Baja California against a person found in possession of 209 totoaba swim bladders. A sentence of three years and nine months in prison, a fine and reparation of damage order were imposed.
1 January 2021	Two people arrested at the Monterrey International Airport, Mexico, for illegally transporting 647 sea cucumbers and 90 totoaba swim bladders to Seoul, Republic of Korea, were convicted and sentenced to three years in prison, a nine hundred day fine and a repair for environmental damage order for more than seven million pesos (USD 352 414) were imposed.
26 February 2021	A conviction secured in the State of Baja California, against a person who was transporting 22 totoaba swim bladders. A sentence of four years in prison, a fine and reparation of damage order were imposed.

12 April 2021	A conviction was secured against a person for the transportation of 38 totoaba swim bladders. A sentence of four years and six months in prison, a fine and a repair for environmental damage order for more than 38 million pesos (approximately USD 2 million) were imposed.
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Coordinated efforts to gather intelligence resulted in an increase in seizures and more deterrent penalties are also being imposed.

In addition Mexico reported on the [Strengthening capacities for detection, investigation and prosecution of crimes against wildlife and forests in Mexico](#) project, launched on 26 January 2021, and being delivered through the UNODC Global Programme for Combating Wildlife and Forest Crime.

For the period April to September 2021:

<b>April 2021 to September 2021</b>	
<b>Arrests and ongoing investigations</b>	
29 April 2021	A search warrant was executed, which resulted in the seizure of 224 totoaba swim bladders weighing 131,743 kg and the arrest of three offenders, which included a Chinese national.
26 July 2021	PROFEPA registered a case with the Attorney General's Office for further follow up, concerning the seizure of 14.4 kg of totoaba swim bladders by customs officers at Hong Kong Airport.
7 August 2021	A control Judge in the State of Baja California included an alleged member of the Cartel del Mar (a cartel known to be involved in totoaba specimen smuggling) in an organized crime investigation related to the illegal possession of sea cucumbers in closed season. This followed from the execution of a search warrant by SEIDO at a home in San Felipe, Baja California.
<b>Convictions</b>	
6 September 2021	Two persons who illegally transported 56 totoaba swim bladders received a prison sentence of two years and eight months, as well as a fine equivalent to \$ 25,347.00 Mexican pesos (approximately USD 1 250). In addition, a fine for reparation of environmental damage amounting to more than 14 million pesos (approximately USD 687 000) was imposed.

At the end of 2021, 19 cases were ongoing and in different stages of investigation and completion. From November 2019 till the end of October 2021, Mexican authorities seized 2,242 totoaba swim bladders, and penalties amounting to approximately 59 million Mexican pesos (approximately USD two and a half million) have been imposed.

By 7 December 2021, 29 offenders have been arrested and charged in Mexico, of which 24 were Mexican nationals, 4 Chinese and 1 Venezuelan.

### **Secretariat observations and assessments**

It is encouraging to note that convictions have been secured with good deterrent penalties imposed. The Secretariat concluded that these successes together with the activities conducted by Mexico as outlined under 1.4.1 of the present document regarding international collaboration and amongst others the use of INTERPOL Notices to share information with other Parties demonstrated notable progress by Mexico in implementing Decision 18.292, paragraph a). Mexico was encouraged to build upon this positive momentum.

In addition the Secretariat welcomed the project on *Strengthening capacities for detection, investigation and prosecution of crimes against wildlife and forests in Mexico*, launched on 26 January 2021, and being delivered through the UNODC Global Programme for Combating Wildlife and Forest Crime, as reported upon by Mexico. The Secretariat also commend Mexico for moving ahead with the implementation of the [ICCWC Indicator Framework for Combating Wildlife and Forest Crime](#) in the country. This will directly contribute to further strengthening law enforcement responses to address illegal wildlife trade in Mexico.

**3.2. Decision 18.292, paragraph b)** encourage Parties to - *Engage in awareness-raising activities on:*

**3.2.1 The illegal trade in totoaba, and its severe implications for the conservation of vaquita (*Phocoena sinus*), including demand reduction campaigns**

**Summary of reporting**

Mexico highlighted a significant number of workshops and training activities that were undertaken to raise awareness of the illegal trade in totoaba and its serious consequences for the conservation of the vaquita. These interventions involved more than 150 officials from various agencies involved in addressing these crimes, including from SEDENA, SEMAR, the national guard, the Customs division, and others.

In addition, 17 courses on the identification of protected species were held for representatives from SEDENA, SEMAR and the national guard, in which 479 officials participated. Almost half of these courses were held from September to December 2019, and these involved 192 participants.

In its capacity as CITES Scientific Authority, CONABIO is preparing infographics and other materials to be published for dissemination through various media, including social networks, to raise awareness among the general public about the negative effects of illegal fishing and trade in totoaba swim bladders on the protection of the vaquita.

**Secretariat observations and assessments**

Progress is being made in the implementation of Decision 18.292, paragraph b). Mexico is encouraged to include in its future reports information on progress and results concerning those activities that were ongoing at the time of reporting.

**4. Other information reported by Mexico**

**4.1. COVID-19 pandemic impacts on the implementation of Decisions**

**Summary of reporting**

Extraordinary measures were taken to ensure that patrolling and inspection activities continued uninterrupted despite COVID-19 related restrictions. From September 2019 to July 2020, the Mexican government disbursed an amount close to 300 million Mexican Pesos (approximately USD 14 600 000) to comply with the Decisions on totoaba directed at Mexico. This funding could have been used to respond to the COVID-19 pandemic, but was nevertheless used to maintain activities to respond to illegal fishing and totoaba trafficking.

Although the number of officials in the field were reduced, and the ships of the NGO Sea Shepherd withdrew from the area on 25 March 2020 as a result of the COVID-19 pandemic and health concerns, joint operation schemes were used to maximize the human resources available.

For the Curvina Golfina fishing season (February – April 2020), that coincides with the reproductive migration of the totoaba from mid-February to late March, 30 inspectors were deployed to conduct surveillance duties in the area. The deployment period for these officers were scheduled until 6 April 2020, but Mexico had no option but to reduce their numbers in compliance with the *Agreement establishing the preventive measures that must be implemented to mitigate and control the health risks of the disease caused by the SARS-CoV2 virus (COVID-19)* published in the Government Gazette of Mexico on 24 March 2020.

As of 25 March 2020, the number of inspectors was accordingly strategically reduced to comply with COVID-19 health restrictions. Decisions on reduction of inspectors were based on:

- A decrease in the presence of larger and smaller vessels in the area at the end of the February to April 2020 fishing season;

- At the end of Lent and Easter, a reduction in consumption of seafood, causing fishing activities in the region to decrease; and
- A reduction expected in exports from Mexico to the USA derived from a decrease in demand and consumption of fishery products, as well as restrictions on trade.

In addition to the basic operations carried out throughout the year, the presence of authorities would again be reinforced during the periods associated with an increase in fishing operations, namely the shrimp fishing season, which occurs during the second half of September and the month of October. In this period, PROFEPA was expected to deploy five additional inspectors, increasing the number of federal inspectors in the region to 14 in total.

During the totoaba migration, when the species moves to the north of the Upper Gulf between November and December, PROFEPA was expected to increase the presence of federal inspectors to a total of 19.

For continuity in the implementation of measures, the necessary adjustments were constantly made based on evaluation of the situation and the measures and restrictions imposed by the government to respond to and address the COVID-19 situation.

Despite the health situation derived from the COVID-19 pandemic, Mexico has undertaken multiple coordinated inspection and surveillance actions in the Upper Gulf of California and intensified its zero tolerance actions in the vaquita's refuge area. In total, 4,341 officials and inspectors were deployed in the Upper Gulf of California over the period November 2020 to April 2021, to support activities aimed at addressing illegal fishing and the associated illegal trade in totoaba swim bladders, as elaborated upon in more detail under 1.1.1. of the present document.

During the period 1 July 2020 to 31 October 2021, the daily activity reports confirmed that activities were delivered by the various authorities concerned throughout the period mentioned (with the exception of a short period from 4 to 8 June 2021), to address illegal fishing and trafficking.

SEMAR, the National Guard, SEDENA, PROFEPA and CONAPESCA, continue to daily implement surveillance and other activities to address illegal activities related to totoaba and to protect the vaquita. From May to October 2021, more than 7,000 officials participated in the activities conducted, as elaborated upon in more detail under 1.1.1. of the present document.

### **Secretariat observations**

The Secretariat commended Mexico for the extraordinary efforts it made to continue patrolling and inspection activities both on land and at sea, in an uninterrupted manner, despite the COVID-19 related restrictions and the significant challenges that came with the pandemic. Mexico was encouraged to continue to implement, to the extent possible, measures to mitigate the risks of illegal activities escalating as a result of reduced presence and patrols.

## **4.2. Magnitude of the challenge**

### **Summary of reporting**

Authorities have redoubled their daily actions to prevent illegal totoaba fishing. This provoked those who illegally fish to increasingly harden their attitude towards the authorities. This posed a significant additional challenge for Mexico, which must as a first priority guarantee the safety of officials, as well as the volunteers who accompany them.

Criminal groups involved in the illegal capture and trafficking of totoaba do not hesitate to engage in acts of intimidation and violence against authorities. This included vandalism, such as the destruction of PROFEPA offices, as well as the destruction of equipment and property intended for the protection of the vaquita, such as buoys, motor homes, launches, etc. Organized crime cartels involved in totoaba trafficking are powerful and these cartels deploy all possible means to achieve their goals, targeting fishers and their families, including their children, through the use of intimidation, threats, extortion and violence.

Based on the latest report submitted by Mexico, the hostility of fishers towards authorities seems to have ceased, as elaborated upon in under 1.1.1 of the present document.

### **Secretariat observations**

The Secretariat welcomes that information suggests that the hostility of fishers towards authorities have ceased, and that authorities were able to conduct their work without being intimidated or interrupted.

### **4.3. Initiative for Sustainability in the Northern Gulf of California**

The situation in the Upper Gulf of California is complex and multifactorial. The *Initiative for Sustainability in the Northern Gulf of California* was designed to deal with the multiple facets of the issue and seeks to create sustainable coastal communities and address the root causes of the issues involving totoaba and affecting vaquita, by deploying activities under the following pillars:

- comprehensive development for community well-being;
- governance and security (including combating poaching and trafficking in totoaba);
- sustainable and responsible fishing;
- the conservation and monitoring of ecosystems and species (with emphasis on the vaquita marina); and
- sustainable productive diversification.

The initiative was published on the SEMARNAT website to collect proposals and inputs from the fishing sector and communities in the Upper Gulf of California. The initiative will be updated in accordance with the proposals and inputs received through public consultation. To this end, meetings were also held on 28 February and 11 March 2020, in which the Secretaries of the Interior (SEGOB), Foreign Relations (SRE), Finance and Public Credit (SHCP), Economy, Welfare, Labor, Social Welfare (STPS), Tourism, Public Education (SEP), Communications and Transportation (SCT), Agrarian, Territorial and Urban Development (SEDATU), as well as the Federal Commission for Protection against Sanitary Risks, the National Water Commission (CONAGUA), INAPESCA, the National Institute of Migration (INM) and the National Institute of Indigenous Peoples (INPI), were represented.

Some of the inputs received through the public consultation process were highlighted in the report as follows:

- Implement social support programs, with preferential treatment for the residents of the communities of San Felipe and the Gulf of Santa Clara, with the participation of representatives of the three levels of government;
- Modify the Federal Penal Code and the National Code of Criminal Procedures to include more severe penalties for illegal fishing, and penalties for public servants that allow illegal fishing;
- Enter into an agreement between Mexico, China and the USA, recognizing responsibility for the illegal trafficking of protected species such as the vaquita and totoaba;
- Explore the possibility of INAPESCA determining the fishing gear that will replace gillnets, and that SADER and SEMARNAT grant support for technology transfer in the acquisition of fishing gear;
- Prepare repopulation programs for totoaba and Curvina Golfina, as well as ecological and environmental awareness, to induce the protection of marine resources;
- Install aquaculture production modules and review the Biosphere Reserve Management Program; and
- Take into consideration the technological package “Study for the comprehensive management of the Curvina Golfina fishery in the Upper Gulf of California”.

The content of the initiative will be updated in a meeting still to be held, and the final version will then be presented. This last phase is pending given the health emergency caused by the COVID-19 pandemic.

### **Secretariat observations**

The Secretariat welcomed the *Initiative* and encouraged Mexico to convene as soon as possible the meeting anticipated, to update the content of the initiative, and to actively work to ensure that the funding and resources required to fully implement the *Initiative for Sustainability in the Northern Gulf of California* are mobilized as a matter of priority.

#### **4.4. Study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1)**

### **Summary of reporting**

According to Mexico, the study referred to in Decision 18.294, paragraph c), would constitute an essential tool to promote international cooperation action on the issue of illegal trade in totoaba fish bladders, to ensure the protection of totoaba and the survival of the highly endangered vaquita, and to focus efforts towards higher impact results. The study is essential in reinforcing national measures to resolve the situation regarding totoaba, which has a direct impact on the recovery of the vaquita. Given the crisis caused by the pandemic, Mexico is not in a position to contribute financially to the study, but is able to support with personnel and to provide logistical support for the study to be conducted.

### **Secretariat observations**

Switzerland made available generous funding for the implementation of this Decision. However, the ongoing pandemic has impacted the conduct of this work, and the Secretariat is considering the best options for undertaking the research and fieldwork that was required, which amongst others would include research and fieldwork regarding Asian markets for totoaba specimens.

Further information on progress regarding the study is provided in document SC74 Doc. 28.5 on *Totoaba (Totoaba macdonaldi)*.

#### **4.5. Application from Mexico to include 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.**

Mexico addressed the matter of Wildlife Conservation Management Units (UMAs), stating that the UMAs provide a solution for tangible *Totoaba macdonaldi* conservation efforts.

UMAs are of great importance for the recovery of wild populations of totoaba. The breeding of totoaba in captivity allows for the sustainable management of the species, mainly for the purposes of reproduction, research, repopulation and commercial use in the national territory of Mexico, becoming a viable and sustainable productive alternative that does not affect wild populations of totoaba and in turn contribute to discourage the exploitation and illegal trade of the species.

Mexico has registered eight establishments that breed totoaba in captivity. A large number of the offspring produced have been released into the wild to repopulate the natural distribution area.

Through the Official Mexican Standard NOM-169-SEMARNAT-2018, Mexico established marking specifications for totoaba products produced in captivity, pioneering genetic marking at the individual level which allows for determining the parental specimens for each totoaba bred in captivity.

Mexico concluded 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. Mexico 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. 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.

Three of the eight registered facilities have released a total of 457 650 of the offspring produced into the wild to repopulate the natural distribution area. The National Commission for the Knowledge and Use of Biodiversity (CONABIO) is coordinating the project "Evaluation of the impact and relevance of experimental releases of totoaba (*Totoaba macdonaldi*) produced in captivity as a strategy for the conservation of the wild population", implemented by researchers from the University of Baja California (UABC). The objectives of the project are:

- a) the evaluation of the impact of the experimental releases of captive-produced progeny into the wild population; and
- b) the evaluation of the population demographic trend between 2008-2020 to determine whether illegal fishing has affected the genetic health of the population.

The results would help to determine whether the three UMAs that reproduce totoaba in captivity and that release fingerlings (juveniles) annually, should adjust their strategies for the recovery of the wild population (e.g., make adjustments to release areas, ages or sizes and minimum number of individuals to be released, etc.). Releases are a requirement for UMAs that reproduce totoaba.

Specimens have been released into the wild from three UMAs (Earth Ocean Farms, S. de RL De CV; the Aquaculture Institute of the State of Sonora and the Autonomous University of Baja California (UABC), Biotechnology Unit in Fish farming).

### **Secretariat observations**

At its 71st meeting (SC71, Geneva, 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*.

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 (SC73) (see paragraph 17 in [SC71 SR](#)).

Due to the challenges posed by the COVID-19 pandemic, SC73 was held online in May 2021 with a reduced agenda, and as a result the issue of Totoaba (*Totoaba macdonaldi*) was not discussed at the meeting. As a consequence, and as provided for in Resolution Conf. 12.10 (Rev. CoP15), the application is submitted to the Standing Committee at the present meeting, as detailed in document [SC74 Doc. 59.1.1](#).