

## **Meeting of Range, Transit and Consumer States of Totoaba (*Totoaba macdonaldi*)**

**Online: 18-20 and 22 October 2021**

### **Matters for further discussion and on which consensus could not be reached**

#### **Matters for further discussion**

Participants in the online Meeting of Range, Transit and Consumer States of Totoaba (*Totoaba macdonaldi*) considered and discussed the following measures and activities that could be pursued to address illegal fishing and trafficking of totoaba and the threat this poses to the vaquita. However, due to time constraints the meeting ended before discussions on these could be concluded:

#### **Strengthening law enforcement measures and activities and international collaboration to address illegal totoaba specimen trafficking**

To strengthen law enforcement and international collaboration to address illegal totoaba specimen trafficking, it is proposed to:

1. Encourage Parties affected by totoaba trafficking to put mechanisms in place to engage relevant non-governmental organizations (NGOs) regarding information available to them about illegal fishing and trafficking of totoaba. There is a wealth of information available through the NGO community which if effectively gathered and verified, could be drawn upon in the fight against this illegal trade. Mexico in particular is encouraged to engage with the NGO community about information available regarding crime networks that are active and operating within Mexico, as indicated by NGO representatives during the October 2021 totoaba meeting.
2. Request China, Mexico and the United States of America (USA) to set and agree a timeline to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well as the establishment and operationalization of this group, and to communicate this timeline to the CITES Secretariat by 30 November 2021.
3. Invite Parties to, when totoaba specimens are seized, share morphological data concerning these specimens with Mexico, for further analyses [as appropriate].

#### **Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba**

##### **Disincentivize illegal fishing**

To increase the effectivity of the incentivizing actions, Mexico is encouraged to disincentivize illegal fishing by:

- A. Reducing earnings from illegal activities, by making illegal fishing less lucrative; (move to no consensus if aquaculture) Alternative: in cooperation with other Parties, study and

develop ways to reduce the profit incentive of totoaba poaching in order to deter this activity

- B. Offering alternatives to fishing-dependent communities in the upper Gulf of California;
- C. Continuing removal of gillnets and identifying funds and circular economy initiatives for the recycling of the nets;

### **Matters on which consensus could not be reached**

During discussions at the online Meeting of Range, Transit and Consumer States of Totoaba (*Totoaba macdonaldi*), consensus could not be reached on the following:

- That Mexico considers prohibiting the use of gillnets in the entire [Upper] Gulf of California, which may help to remove the area from the World Heritage in Danger list as well as support moving towards more sustainable fishing broadly;

Two other topics were raised that could be explored as opportunities to combat illegal trade in totoaba and its harm to vaquitas, **but consensus was not achieved.**

- **Totoaba aquaculture.** The role here should be considered separately from the registration process of Earth Ocean Farms application to CITES. It has the potential to promote alternative livelihoods in communities where totoaba are currently poached. Restocking the wild population from captive breeding operations has the potential to be an important awareness raising tool in Mexico about totoaba conservation. And the sale of totoaba meat, and perhas in the future carefully controlled shipments of farmed swim bladders, has the potential to reduce demand for illegal wild swim bladders. The concept is to decrease harmful demand by increasing sustainable demand. However, it was also noted that there is a well-documented preference in China for wild swim bladders, especially those of large size which may not be feasible economically to raise farmed fish to such an age and size. There are technical obstacles such as the length of time for DNA testing. Also there are some examples (salmon) where a rise in aquaculture actually grew demand for wild fish at the same time, through greater consumer awareness of the product. There was concern that such discussion was premature at a time when illegal wild harvest is not controlled and poses an imminent extinction risk.
- **Gear swap for harm reduction.** Harm reduction has been a very useful tool as a nudging strategy to reduce the social costs, for example, of the use of illegal drugs by young addicts. Through programs such as needle exchange, the social harms of crime and illness are reduced in those vulnerable populations, while the complex work of incrementally eliminating illegal activity completely proceeds. This concept is reflected in the CITES demand reduction guidance, which aims to first reduce demand, on the road toward elimination. The concept is that the Mexican government could permit civil society to undertake a gear swap: in exchange for the voluntary and anonymous surrender of banned large mesh totoaba gillnets (verified to be in working order and not aged or useless nets), the surrendees could be provided with legal gear which is permitted under the September 2020 regulations for use in the Gillnet Exclusion Zone in the Upper Gulf of California: hook and line and longlines (cimbras and palangras); such gear was used for years to catch totoaba until the rise of the large gillnets over the past several decades. While it cannot be

guaranteed that this gear will not be used to poach totoaba (and anyone accepting it would need to be aware that they put themselves at risk of violating the law), it would accomplish a meaningful and measurable harm reduction for the vaquita by getting some of the most threatening nets out of the water. Also, participants in the program will have the experience, for once, of using legal gear, and it also starts to build a kind of trust relationship where there may be a better chance of converting people who would otherwise engage in criminal and harmful activity into fully legal fishers. A final potential benefit is that law enforcement could focus fully on illegal gillnets, and that the volume of illegal gillnets which they are mandated to intercept and prosecute would be reduced. There is concern, however, that this would not only allow poaching of a protected species to continue without much reduction, and that it could be difficult to verify that program participants have given up using gillnets entirely.