

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



Seventy-fourth meeting of the Standing Committee  
Lyon (France), 7 - 11 March 2022

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

TOTOABA (*TOTOABA MACDONALDI*):  
REPORT OF THE SECRETARIAT

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

**18.292 Directed to Parties**

*Parties, in collaboration with relevant stakeholders, are encouraged to:*

- a) *communicate to the Secretariat and the CITES Authorities of relevant Parties 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;*
- b) *engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquita (*Phocoena sinus*), including demand reduction campaigns;*
- c) *eliminate supply and demand for illegally sourced specimens of totoaba, and strengthen national policies and law enforcement measures to prevent and address their illegal trade;*
- d) *support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita;*
- e) *support Mexico in the implementation of Decision 18.293, including support for gillnet retrieval programmes; and*
- f) *provide financial and in-kind support for the implementation of the study called for in Decision 18.294, paragraph c) to be presented before the 73rd meeting of the Standing Committee.*

### **18.293 Directed to Mexico**

*Mexico is urged to:*

- a) *take immediate and effective actions by 1 November 2019 in response to the threats to totoaba and vaquita posed by illegal trade by:*
  - i) *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, and invite the Secretariat to assess the effectiveness and impact of these measures before the end of 2019;*
  - ii) *collecting and analysing information on organized crime groups involved in the illegal trade in totoaba, convening multi-disciplinary investigative teams to work in close collaboration with local authorities in key areas of concern, and undertaking intelligence-driven operations and investigations for addressing illegal trade in totoaba;*
  - iii) *providing regular (every six months) updates on these actions and their results to the Secretariat; and*
  - iv) *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”;*
- b) *intensify efforts and to secure resources to expand gillnet removal efforts to maintain the Vaquita Refuge area as a net-free zone, and take all necessary measures to protect net removal teams and destroy confiscated nets;*
- c) *adhere to the implementation of Decision 43 COM 7B.26, adopted at the 43rd session of the World Heritage Committee (Baku, 2019); and*
- d) *submit a comprehensive report on the implementation of Decision 18.293, paragraphs a) to d) above, as well as the information required in Decision 18.292, paragraph a), to the Secretariat in time for it to convey this to the Standing Committee at its 73rd meeting, together with any recommendations it may have.*

### **18.294 Directed to the Secretariat**

*The Secretariat shall:*

- a) *subject to external resources and measurable progress made in implementing actions identified in Decisions 18.292 and 18.293, consider convening before the end of 2019 a meeting of range, transit and consumer States of totoaba, and selected organizations and stakeholders, to evaluate progress made in combating illegal fishing of totoaba, eliminating supply and demand for illegally-sourced specimens of totoaba, and strengthening law enforcement measures to prevent and address their illegal trade;*
- b) *engage with partner agencies of the International Consortium on Combating Wildlife Crime (ICWC) in support of activities that could facilitate the initiation of targeted joint investigations and enforcement action from source to destination across the entire illegal trade chain;*
- c) *subject to the availability of external resources and in consultation with organizations with relevant expertise, undertake the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1); and*
- d) *report the information communicated by Parties and Mexico in accordance with Decisions 18.292 and 18.293, as well as the outcomes of the meeting convened in accordance with paragraph a) above, to the Standing Committee at its 73rd meeting together with any recommendations it may have.*

## 18.295 Directed to the Standing Committee

*The Standing Committee shall:*

- a) *review and assess any information and recommendations submitted by the Secretariat in accordance with Decision 18.294; and*
- b) *based on its assessment, and if not satisfied with timely progress in the implementation of Decisions 18.292 and 18.293, make any appropriate recommendations within the mandate of the Standing Committee in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures.*

3. In November 2020, the Secretariat prepared information document [SC2020 Inf. 14](#) to update the Standing Committee on progress with implementation of the Decisions above.

### Implementation of Decision 18.293

4. Regarding the implementation of the Decisions on totoaba by Mexico, the Secretariat conducted a detailed assessment of the comprehensive report from Mexico to the Standing Committee, submitted on 7 July 2020 in accordance with Decision 18.293, paragraph d), and of the first and preliminary<sup>1</sup> second regular six-monthly reports from Mexico to the Secretariat.
5. Mexico's report of 7 July 2020 includes a detailed overview concerning the history of its efforts to conserve totoaba and to protect the vaquita. Mexico stated that these efforts are not recent but stretch over decades of work in the Upper Gulf of California. They also acknowledged that efforts have not been sufficient to address the illegal fishing and trafficking of totoaba, driven by demand for totoaba swim bladders. Mexico reports it has redoubled its efforts and activities to comprehensively address the matters affecting the totoaba and vaquita.
6. Due to the challenges posed by the COVID-19 pandemic, the Standing Committee held its 73rd meeting (SC73, online, May 2021) with a reduced agenda that did not include the issue of totoaba. The Committee was therefore not able to consider the comprehensive report from Mexico.
7. In light of this, the Secretariat communicated to Mexico that it may wish to consider voluntarily preparing an updated comprehensive report for consideration by the Committee at the present meeting. Mexico agreed and on 7 December 2021 it submitted to the Secretariat an updated comprehensive report to the Standing Committee in accordance with Decision 18.293, paragraph d).
8. The Secretariat prepared a summary of the information provided by Mexico in its reports to the Standing Committee and in its first to fourth regular six-monthly reports submitted to the Secretariat on 28 April 2020, 30 October 2020, 30 April 2021, and 1 November 2021, respectively. These reports were assessed by the Secretariat and the Secretariat regularly provided detailed feedback to Mexico on its findings. The Secretariat also proposed additional measures and activities to be considered by Mexico for implementation of the requirements in Decision 18.293. The summary compiled by the Secretariat over the period since CoP18, based on the reporting received from Mexico, together with the final observations and assessments of the Secretariat concerning these reports and other information received, are presented in Annex 1 to the present document, available in English only.
9. The reports submitted by Mexico capture information on a wide range of measures and activities deployed by the Party, including at sea, on land and by air. The Secretariat appreciates the efforts made by Mexico to structure its reports clearly differentiating between historical and more recent information. The Secretariat also notes the comprehensive and transparent reporting provided by Mexico, which included in Annex 1 to its comprehensive report of 7 July 2020, daily activity reports containing detailed records and information concerning the activities conducted by authorities in the Upper Gulf of California during the period 1 September 2019 to 15 June 2020. Similarly, the updated comprehensive report from Mexico to the Standing Committee submitted to the Secretariat on 7 December 2021, included in its Annex daily activity reports containing detailed records and information concerning the activities conducted by

---

<sup>1</sup> On 30 October 2020, Mexico submitted its second regular six-monthly report to the Secretariat. It was however noted by Mexico that, due to the challenges presented by the COVID-19 pandemic, the second regular six-monthly report submitted is preliminary and that the full final report will follow. The final second regular six-monthly report from Mexico to the Secretariat was received on 23 November 2020, after information document SC2020 Inf. 14 was finalized.

authorities in the Upper Gulf of California during the period 1 July 2020 to 31 October 2021. Due to the detailed nature of these activity reports outlining the daily routines of authorities, the Secretariat believes that it would not be appropriate to make them publicly available. Therefore, Mexico's comprehensive reports without the Annexes containing the daily activity reports, are available, in the language received, in Annexes 2 and 3 to the present document. Mexico may wish to consider providing the detailed daily activity reports to Parties directly upon request, should it deem appropriate to do so.

10. It is evident from Mexico's reporting that significant resources have been committed and activities deployed to address illegal fishing of totoaba, and the associated threats posed to the vaquita.
11. The observations and conclusions of the Secretariat regarding Mexico's implementation of Decision 18.293 are presented in paragraphs 12 to 35 below.

***Collecting and analysing information, undertaking intelligence-driven operations and investigations, and convening multi-disciplinary investigative teams to address organized crime groups involved in totoaba trafficking***

12. Mexico highlights intelligence gathering and investigative work that provided important insights and information about the structure and *modus operandi* of criminal organizations operating within Mexico and involved in totoaba fishing and swim bladder trafficking. This 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. Mexico also provides an overview of activities undertaken, in collaboration with INTERPOL, to engage relevant authorities in the Hong Kong Special Administrative Region (SAR) of China for exchange of information regarding cases of illegal totoaba specimen trafficking.
13. The Secretariat welcomes the information about various groups that were established to facilitate multidisciplinary work. Mexico highlights the Law of the Attorney General of the Republic that was issued on 20 May 2021 to support 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. In August 2021, the First Inter-institutional Meeting was convened and involved multiple authorities. Its aim was to strengthen criminal justice system responses to wildlife crime in Mexico through the exchange of information and inter-institutional coordination.
14. Mexico also reported on important legal reforms to ensure that environmental crimes are treated as serious and to increase the penalties that can be imposed for such crimes. A Decree was published in the Government Gazette on 21 February 2021 that provides for a penalty of five to 15 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 3,000 to 6,000 days imprisonment (eight to sixteen years) can be imposed.
15. The matters highlighted in paragraphs 12 to 14 above are elaborated upon in more detail in Annex 1 to the present document. The Secretariat concludes that notable progress towards the implementation of Decision 18.293, subparagraph a) ii) has been made. Mexico is encouraged to build upon this positive momentum going forward.

***Establishing and operationalizing the trilateral enforcement contact group together with relevant Parties***

16. Decision 18.293, subparagraph a) iv) urges Mexico, together with relevant Parties, to establish and operationalize the trilateral enforcement contact group called for in the outcomes of the trilateral meeting on combatting totoaba trafficking held between China, Mexico and the United States of America (USA) in Ensenada, Mexico, in August 2017.
17. In its comprehensive report of 7 July 2020 to the Standing Committee, Mexico reported that it is making efforts to strengthen international cooperation, in particular with China and the USA, in order to combat totoaba trafficking. 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.
18. In its third regular six-monthly report submitted to the Secretariat in April 2021, Mexico reported that it prepared a draft proposal for the "Terms of Reference for the Creation, Organization and Functions of the Trilateral Contact Group on Law Enforcement", which was made available to China and the USA for review and comment. In its fourth regular six-monthly report submitted to the Secretariat on 1 November 2021,

Mexico confirmed that comments were received from the USA on the draft proposal. On 14 May 2021, Mexico received a request for clarification from China on the Mexican authorities that will be signatories to the trilateral contact group terms of reference. Mexico provided the required feedback to China in July 2021. On 3 August 2021, Chinese authorities responded that they would provide comments on the draft terms of reference document as soon as possible. In its regular six-monthly report of 1 November 2021 Mexico indicated that, at the time of reporting, the comments from China had not been received.

19. The Secretariat recalls that, in November 2019, the CITES Secretary-General wrote to China, Mexico and the USA, stressing the importance of the Decisions adopted at CoP18 and their implementation. The Secretary-General emphasized the urgency of addressing illegal fishing of, and trade in, totoaba specimens, as well as the impact this illegal activity has on the vaquita. These letters reiterated the need for strengthened collaboration amongst the Parties affected by the illegal trade in totoaba specimens. During a visit to China in November 2019, the Secretary-General also met with high level officials at the Ministry of Foreign Affairs, General Customs Administration, the National Forestry and Grassland Administration and the Fishery Department of the Ministry of Agriculture, conveying the concerns about illegal totoaba trafficking and the threat it poses to the vaquita.
20. 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 finalize the terms of reference as a matter of priority and to operationalize the trilateral enforcement contact group. The Secretariat addresses this matter further in paragraph 46 of the present document.

#### **Implementation of Decision 18.293, paragraph c)**

21. Decision 43 COM 7B.26 on *Islands and Protected Areas of the Gulf of California (Mexico)*, adopted at the 43rd session of the World Heritage Committee in 2019, is highly relevant and complementary to the CoP18 Decisions. Paragraph 5 of Decision 43 COM 7B.26 urges Mexico to ensure that the necessary resources and inter-institutional support are available for transition to fishing gear that does not endanger vaquita and other marine species, with full engagement of local communities. Paragraph 6 of the Decision urges Mexico to further strengthen its enforcement and surveillance activities to ensure that the Vaquita Refuge Area remains completely gillnet-free and that net retrieval programmes continue. Mexico included detailed information in its reports about activities conducted regarding these and other provisions of Decision 43 COM 7B.26. This information is too elaborate to address in the present document. Parties are invited to consult Mexico's reports and the summary compiled by the Secretariat, as well as the final observations and assessments of the Secretariat, provided in Annex 1 to the present document, for further information.
22. Regarding transition to fishing gear that does not endanger vaquita, the Secretariat has been engaged in discussions with Mexico since CoP18 and has 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 approved "vaquita friendly" nets (suriperas), as well as to explore what support could be provided to fishers to acquire these nets. The Secretariat was able to provide support to ongoing efforts in the upper Gulf of California to demonstrate that vaquita-safe fishing can provide a viable livelihood to local fishers, thereby disincentivizing fishing with illegal gillnets that are harmful to vaquita and other marine species. The CITES livelihoods approach complemented the enforcement activities requested by CoP18 and demonstrated that commercial-scale catches by artisanal fishers are not only possible but necessary to scale up the transition from illegal gillnets to vaquita friendly nets. This case study can be found in Annex 3 to document SC74 Doc. 21.2 on *Livelihoods*.
23. 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 remains 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, including by developing a clear plan with timeframes and milestones to facilitate transition of local communities to the use of vaquita-safe fishing gear. There is a need to enhance coordination between the National Commission of Aquaculture and Fisheries (CONAPESCA) and the CITES Management Authority of Mexico to ensure *inter alia* that all the required permits and authorizations are issued on time.
24. The Secretariat was informed by the consultants that implemented the CITES livelihoods project that, in September 2021, more than 10 cooperatives of San Felipe Baja California and Santa Clara Sonora, requested from CONAPESCA the issuance of Development Fishing Permits for the project entitled "Design and implementation of a traceability mechanism for the capture of shrimp with Net Suripera in the

Upper Gulf of California during the 2021-2022 season". This project was considered strategic within the framework of the Intragovernmental Group on Sustainability in the Upper Gulf of California and has received a positive opinion from the National Institute of Fisheries (INAPESCA). It is considered as a priority within the framework of the last meeting of Mexico with the CITES Secretariat (October 2021). Unfortunately, the permits were issued too late after the fishing season had started and could not be used because the weather conditions were no longer ideal. The communities thus were not able to achieve the objectives of the project and a year was lost to contribute to reducing the bycatch of vaquita marina and providing a legal fishing alternative for fishermen in the area. The delays and complications in the issuance of permits resulted in a delayed transition to fishing gears that are vaquita-friendly.

**Preventing fishers and vessels from entering the vaquita refuge and zero tolerance area and gillnet removal efforts**

25. The Secretariat noted in information document SC2020 Inf. 14 that it was evident that patrols, surveillance activities and inspections have been significantly strengthened and increased in the Upper Gulf of California in the period since 1 September 2019. The further regular six-monthly reports received from Mexico since then, as well as the updated comprehensive report of 7 December 2021 from Mexico to the Standing Committee, highlight that daily activities continued.
26. Mexico states that 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 area. It also reports that illegal activities detected regarding the presence of vessels in the zero-tolerance area represented occasional and isolated incidents. Further, they report that constant and repeated illegal presence of vessels have been halted, demonstrating the effectiveness of the measures implemented.
27. This, however, stands in sharp contrast with information on the presence of vessels and gillnets in the zero-tolerance area received from other sources. On 16 July 2021, the Secretariat made a [statement](#) after receiving over a thousand emails generated through an online campaign, expressing concerns about the illegal fishing of totoaba and the threat this poses to the vaquita.
28. A [vaquita survey report](#) shared with the Secretariat in November 2021 suggests that the presence of illegal fishers and nets in the zero-tolerance area remains substantial. The survey report states that, in the period from 17 October to 3 November 2021, many gillnets deployed within the zero-tolerance area were observed. The survey report further states that the ability to survey the zero-tolerance area was hindered by the numbers of fishing vessels and gillnets present, and that on a single day 117 vessels were counted inside the zero-tolerance area.
29. Following the publication of the July 2021 statement mentioned in paragraph 27 above, the Secretariat received additional information from Mexico via Diplomatic Note. The Diplomatic Note and [the Annex to it](#) provided information 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](#).
30. In information document SC2020 Inf. 14, the Secretariat elaborated upon 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 establishes strict regulatory measures and provides a basis for the relevant authorities to respond to illegal fishing activities and the associated trafficking. The effective implementation of the Agreement could significantly contribute addressing the illegal fishing activities affecting totoaba and vaquita and efforts to maintain the vaquita refuge and zero tolerance area net-free.
31. In Annex 1 to the present document, the Secretariat concludes that there is an improvement regarding the number of fishing vessels that are operating unauthorized and entering the zero-tolerance area, compared to previous years. Further, the extensive awareness-raising activities conducted amongst fishers regarding the areas where fishing restrictions apply and fishing is prohibited, and inspection efforts, seem to be delivering positive results. The absence of hostile acts from fishers towards authorities in more recent months is an encouraging sign, suggesting that there is an increased willingness among fishers to be compliant. The Secretariat notes, however, that vessels operating unlawfully continue to be present in

the zero-tolerance area. In some of these cases, as highlighted in Annex 1 to the present document, the actions taken by authorities continue to be lenient and non-deterrent.

32. Although it is encouraging to note that measures were on some occasions taken against fishers that entered the zero-tolerance area, there seems to be inconsistency regarding how measures are applied. Daily activity reports indicate that, on some days, fishers were only requested to remove their nets and leave the area whilst on other days measures were taken (it was not clear from the reports what exactly these measures entailed). It also seems that the indicators, triggers and predetermined actions as anticipated by the Agreement mentioned in paragraph 29 above are not yet being implemented when incidents meeting the criteria set out in the Agreement are detected. It seems that room for further strengthened implementation 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* continues to exist.
33. 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. This continues to be exploited by 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 full-time basis. The Secretariat considers that the continued presence of fishers in the vaquita refuge and zero tolerance area is the single most important factor that significantly undermines the efforts of Mexico and the progress made by Mexico on other fronts. Addressing this remains an utmost priority.
34. 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.
35. The Secretariat also notes that net removal is one of the core activities to be pursued in accordance with Decision 18.293, paragraph b). Mexico’s reporting included comprehensive information regarding gillnet net removal efforts. This information is too elaborate to address in the present document. Parties are invited to consult Mexico’s reports and the summary provided in Annex 1 to the present document. In assessing the implementation of this Decision, the Secretariat concludes that progress has been made. However, to ensure that the vaquita refuge area is a net-free zone, activities need to be further scaled up to deter the fishers from entering the zero-tolerance area, as mentioned above.

#### Implementation of Decision 18.294

#### ***Meeting of range, transit and consumer States of totoaba***

36. The Secretariat had hoped to organize the meeting called for in Decision 18.294, paragraph a), in the first half of 2020. However, these plans had to be postponed due to the restrictions resulting from the outbreak of the COVID-19 pandemic. Since prospects for an in-person meeting remained unlikely, the Secretariat on 18-20 and 22 October 2021, convened an online [\*Meeting of Range, Transit and Consumer States of Totoaba\*](#). The meeting was made possible thanks to financial support from Switzerland.
37. The online meeting brought together national CITES, law enforcement and other relevant agency representatives from Canada, China including Hong Kong SAR, Japan, Mexico, the USA and Viet Nam, as well as representatives from the partner organizations within the International Consortium on Combating Wildlife Crime (ICWC) and other inter-governmental and non-governmental organizations. The Republic of Korea was also invited to participate in the meeting but declined the invitation. The Party might not be aware of information about totoaba trafficking associated with it, as reported upon by Mexico and highlighted in Annex 1 to the present document. The Party declined the invitation despite further follow-up.
38. Online meeting participants shared information on individual and joint initiatives and activities undertaken to address illegal fishing and trafficking of totoaba, and focused on identifying opportunities, actions, strategies, measures and activities that could be pursued to strengthen enforcement efforts, collaboration, coordination, and the flow of information between counterparts in different countries.

39. Participants also had exchanges on opportunities to support gillnet retrieval programmes, strengthen gillnet removal activities, and promote the use of alternative fishing gear. In addition, they considered opportunities to develop, strengthen and mobilize demand reduction strategies to combat illegal trade in totoaba and its implications for the conservation of vaquita.
40. The meeting culminated with an agreement on a comprehensive set of measures and activities to be undertaken. These measures and activities entail: *Strengthening law enforcement measures and activities and international collaboration to address illegal totoaba specimen trafficking; Mobilizing specialized tools and measures to combat organized crime associated with totoaba trafficking; Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba; and Financing, reporting and communications*, and were captured in an agreed meeting outcomes document. This document, available in English and Spanish, was made available to all online meeting participants, and is available as Annex 4 to the present document.
41. The Secretariat welcomes the progress made with the implementation of some of the measures and activities agreed. In November 2021, INTERPOL communicated to the Secretariat that it has initiated work on activity 1.1 (convening a Regional Investigative and Analytical Case Meeting), 1.2 (initiating a law enforcement operation) and 1.5 (setting up a depository of information for totoaba) in the agreed meeting outcomes document. Mexico also reported on engagement between INTERPOL and officials from the Federal Attorney for Environmental Protection (PROFEPA) in November 2021, to follow up on the outcomes from the totoaba meeting. In a January 2022 media release concerning [Operation Golden Strike](#), INTERPOL provided information about successes achieved during the operation held in late 2021, including the seizure of 46 kg of totoaba swim bladders. INTERPOL and the World Customs Organization (WCO) also confirmed that they have already commenced discussions on further work to be undertaken during the course of 2022.
42. The Secretariat thanks Parties that communicated the details of their national focal points in accordance with activity 1.6 in the agreed meeting outcomes document. This is essential to facilitate stronger engagement and communication between authorities in different countries about totoaba trafficking related matters. In December 2021, the Secretariat shared these details among the Parties concerned. Parties that have not yet communicated the details of their national focal points to the Secretariat are encouraged to do so as a matter of priority.
43. In January 2022, the WCO informed the Secretariat that it was working to set up a closed user group on totoaba as anticipated by activity 1.10 in the agreed meeting outcomes document. The Secretariat will provide a further update in this regard at the present meeting.
44. The Secretariat also thanks the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement for the [totoaba specimen identification guide](#) provided in response to activity 1.9 in the agreed meeting outcomes document. The guide has been made available on the CITES Secretariat website [Identification Materials](#) page, and also on the [WCO ENVIRONET](#) platform. It will also be made available in the CITES Virtual College during the ongoing process of revision and enhancement of the Virtual College (see document SC74 Doc. 33.3 on the *International Consortium on Combating Wildlife Crime*). The Secretariat would welcome receiving additional totoaba specimen identification materials, which will be made available as outlined in activity 1.9.
45. A further outcome of the online totoaba meeting was a document containing matters for further discussion and information on other matters on which consensus could not be reached. This document, available in English and Spanish, is presented in Annex 5 to the present document. Due to time constraints during the online meeting, the *matters for further discussion* could not be concluded, and regarding the *matters on which consensus could not be reached*, it was concluded that it would likely not be constructive to pursue further discussion of these matters in an online setting.
46. The *matters for further discussion* included a proposal that China, Mexico and the USA set and agree a timeline to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well to establish and operationalize it. As noted in paragraph 20 above, progress to operationalize the trilateral enforcement contact group has been slow. In light of this, the Secretariat prepared recommendation c) presented in paragraph 53 of the present document, for consideration by the Committee.

## **Study on vaquita and totoaba**

47. Regarding the study on vaquita and totoaba called for in Decision 18.294, paragraph c), the Secretariat is grateful to Switzerland for the funds it provided to undertake the envisaged study. The Secretariat will be reviewing the terms of reference for the study using the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, and the outcomes of the present meeting, so they reflect current conditions and needs. Noting that the next meeting of the Committee will take place after the 19th meeting of the Conference of the Parties (CoP19, Panama City, 2022), the Secretariat proposes draft decisions on this matter for consideration by the Committee to be submitted to CoP19, as contained in paragraph 54 of the present document.

### Implementation of Decision 18.292

48. The Secretariat issued Notification to the Parties [No 2019/061](#) of 1 November 2019 inviting Parties and relevant stakeholders to provide information to the Secretariat on their implementation of Decision 18.292. Replies were received from China and the USA, and from four non-governmental organizations (Animal Welfare Institute, Center for Biological Diversity, Environmental Investigation Agency and Natural Resources Defense Council) in a joint submission. These replies are attached to the present document as Annexes 6, 7 and 8, in the language and format received.
49. Mexico included information on its implementation of Decision 18.292, in its reports to the Standing Committee, as well as in its regular six-monthly reports to the Secretariat. Mexico's reports included extensive information on totoaba related arrests, ongoing investigations, prosecutions and convictions in Mexico. This information is summarized in Annex 1 to the present document. The reporting from Mexico also provided information on activities undertaken to engage other Parties, including through INTERPOL and the publication of [INTERPOL Notices](#), as highlighted in Annex 1.
50. Regarding the implementation of Decision 18.292, paragraph a), and subsequent to the responses to Notification to the Parties No 2019/061, in June 2020, Hong Kong SAR of China shared an eco-message<sup>2</sup> with the Secretariat concerning arrests and a [seizure of totoaba swim bladders](#). The eco-message was also shared with authorities in Mexico and the USA, in line with Decision 18.292, paragraph a). Open source information suggested a [further seizure of more than 100 kilograms of totoaba swim bladders](#) and an arrest made on 27 October 2020 by authorities in Hong Kong SAR. Through an open source information, the Secretariat also learnt about [Operation APEX](#), during which totoaba swim bladders were seized in the USA in September 2020, when authorities dismantled a criminal syndicate involved in international money laundering, drug trafficking and illegal trade in wildlife. The Secretariat notes that it did not receive any information on these cases from Hong Kong SAR and the USA, as anticipated by Decision 18.292, paragraph a).
51. Information on more recent seizures, such as the [seizure of 46 kg fresh totoaba swim bladders](#) in September 2021 by authorities in Hong Kong SAR, and [26,8 kg of totoaba swim bladders seized](#) by authorities in Viet Nam in December 2021, were also not shared with the Secretariat as anticipated by Decision 18.292, paragraph a).
52. The sharing of information in accordance with Decision 18.292, paragraph a) has been limited and unsatisfactory to date. The seizures mentioned above demonstrate the ongoing nature of illegal trade in totoaba specimens and emphasize the need for strong collaboration and information exchange between Parties affected to ensure that criminal networks are disrupted from source to destination. The Secretariat acknowledges that sharing of information is often not possible or appropriate due to the nature and sensitivity of many cases. The difficulty of implementing Decision 18.292, paragraph a) was also raised by several Parties that participated in the online *Meeting of Range, Transit and Consumer States of Totoaba*. The Secretariat notes that encouraging Parties to use recognized and secure law enforcement communication channels and tools for the sharing of such information will likely prove much more effective in facilitating information and intelligence exchange. In this regard, INTERPOL stands ready to provide support to Parties in exchanging information and intelligence, and to serve as a depository for information as anticipated by activity 1.5 in the totoaba meeting agreed outcomes document. Further, the closed user group on totoaba being established by WCO as described in paragraph 43 of the present document will provide an important additional tool for Parties to share information quickly and securely. Parties are therefore encouraged to step up information and intelligence exchange by actively engaging in these mechanisms.

---

<sup>2</sup> See Annex 1 to Resolution Conf. 11.3 (Rev. CoP18) on Compliance and enforcement

## Recommendations

53. The Secretariat recommends the Standing Committee:

- a) note the reporting provided by Mexico in accordance with Decision 18.293, paragraph d) and the Secretariat's final assessments of Mexico's efforts presented in Annex 1 to document SC74 Doc. 28.5 on *Totoaba* (*Totoaba macdonaldi*), and:
  - i) note the efforts made and substantial resources deployed by Mexico to address illegal fishing and trafficking of totoaba, and the associated threats posed to the vaquita;
  - ii) note the ongoing concerns about fishers illegally operating in the vaquita refuge and zero-tolerance area, and highlight the urgency of addressing this;
  - iii) encourage Mexico to actively pursue the urgent implementation of all aspects 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*;
  - iv) request Mexico to strengthen measures to ensure that a "zero tolerance policy" is strictly applied in the vaquita refuge and zero-tolerance area, and that consistent measures are taken, and strict penalties imposed against fishers that are found operating in areas where fishing is prohibited;
  - v) encourage Mexico to further scale up and expand maritime surveillance and patrol activities in the vaquita refuge and zero-tolerance area to ensure that authorities are present on a full-time basis to prevent fishers from engaging in illegal activities in these areas and take action to address any illegal activities detected;
  - vi) request Mexico to include information on the measures implemented and activities conducted as anticipated by recommendation a) iii), iv) and v), in its next regular six-monthly reports to the Secretariat in accordance with Decision 18.293, subparagraph a) iii); and
  - vii) request the Secretariat to continue to monitor Mexico's implementation of Decision 18.293, and to bring any matters of concern that may arise to the attention of the Standing Committee;
- b) take note of the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba*, as contained in the agreed meeting outcomes document presented in Annex 4 to document SC74 Doc. 28.5, and encourage all Parties affected by totoaba specimen trafficking to make every effort to implement the measures and activities agreed as relevant to them, and:
  - i) request Parties affected by totoaba trafficking that have not yet done so to communicate the details of their national focal points to the Secretariat in accordance with activity 1.6 in the agreed meeting outcomes document;
  - ii) encourage Parties to scale up information and intelligence exchange in support of disrupting criminal networks from source to destination and bringing the perpetrators involved to justice, by implementing activity 1.5 in the agreed meeting outcomes document, drawing upon the support available through INTERPOL, as well as the functionalities available through the WCO closed user group on totoaba established in accordance with activity 1.10; and
  - iii) invite the Republic of Korea to take note of the information on totoaba trafficking associated with it, as reported upon by Mexico and highlighted in Annex 1 to document SC74 Doc. 28.5, and of the agreed outcomes from the online *Meeting of Range, Transit and Consumer States of Totoaba*, and to implement the measures and activities as relevant to it; and
- c) request China, Mexico and the United States 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 to establish and operationalize the group, and to communicate this timeline to the CITES Secretariat by 15 April 2022.

54. The Secretariat further invites the Standing Committee to consider the following draft decisions, for submission to CoP19:

**19.AA Directed to the Secretariat**

The Secretariat shall revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise, and report on the outcomes of this work to the Standing Committee.

**19.BB Directed to the Standing Committee**

The Standing Committee shall review and assess the study undertaken in accordance with Decision 19.AA and any recommendations from the Secretariat concerning the study and make recommendations as appropriate.