

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Species specific matters

TOTOABA (*TOTOABA MACDONALDI*)

1. This document has been prepared by the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.145 to 17.151 on *Totoaba* (*Totoaba macdonaldi*), as follows:

Directed to Parties

17.145 *Parties acknowledge that Mexico, the United States of America and China are committed to collaborating and contributing towards the conservation of totoaba, and urge other parties to join them in this effort.*

Directed to range, transit or consumer States of totoaba

17.146 *Parties should intercept illegal shipments, and, as appropriate and to the extent possible, share information on such illegal catch and illegal trade, with the Secretariat, as well as CITES authorities of relevant Parties.*

17.147 *Parties should engage in awareness raising activities about the endangerment of totoaba and its grave implications for vaquita (*Phocoena sinus*, an endangered species threatened with extinction and listed under Appendix I), eliminate supply of and demand for totoaba, and increase law enforcement measures to prevent and address illegal fishing and trade.*

17.148 *Parties shall submit to the Secretariat information to be made available to the 69th and 70th meetings of the Standing Committee on the number and quantity of seizures of illegal totoaba products, arrests of those engaged in the illegal fishing and trade, results of any prosecutions, and actions taken to implement these decisions.*

Directed to the Secretariat

17.149 *Subject to availability of external resources and in consultation with relevant organizations [i.e. the Food and Agriculture Organization of the United Nations (FAO), the International Union for Conservation of Nature (IUCN), etc.] as well as the range State, the Secretariat shall commission a report, to be submitted to the Standing Committee, on the current status of totoaba and vaquita, and ongoing conservation efforts, information on illegal trade and markets, and recommendations to guarantee the recovery of totoaba and vaquita and combat illegal trade.*

Directed to the Standing Committee

17.150 *The Standing Committee shall evaluate the data and information submitted by Parties at its 69th and 70th meetings and make recommendations for any additional actions.*

Directed to Parties and other relevant stakeholders

17.151 *Parties and other relevant stakeholders are urged to support efforts to stop illegal fishing, trafficking, and support activities benefitting the recovery of wild populations of totoaba.*

Progress in the implementation of Decisions 17.145 to 17.151

3. At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee considered two documents on totoaba: document [SC69 Doc. 65.1](#) by the Secretariat; and document [SC69 Doc. 65.2](#) by Mexico, China and the United States of America. The documents reported, respectively, on the implementation of the Decisions 17.145 to 17.151, and on the outcomes of the trilateral meeting on “Combating illegal trafficking of Totoaba” held from 23 to 25 August 2017 in Ensenada (Mexico).
4. The Standing Committee noted the documents, and encouraged China, Mexico and the United States to continue their collaboration, noting the urgency of the issue, to improve the conservation status of totoaba and vaquita (*Phocoena sinus*), by implementing measures agreed at the trilateral meeting in August 2017. Regarding the study called for in Decision 17.149, the Standing Committee encouraged Parties and the wider CITES community to provide support for its full implementation. Additionally, based on the views expressed in plenary, Mexico announced that it would extend an invitation to the Secretary-General for a high-level mission to address the issues discussed.
5. At its 70th meeting (SC70, Sochi, October 2018), the Standing Committee considered document [SC70 Doc. 62.1](#) by the Secretariat, which reported that funding had been provided by Switzerland to initiate the study on the status of totoaba and vaquita, as called for in Decision 17.149. The Secretariat noted, however, that the available resources would not allow it to conduct the study in its full scope. It therefore encouraged donors to make further funding available. Outputs of the reactive monitoring mission to islands and protected areas of the Gulf of California by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Union for Conservation of Nature (IUCN) were also noted to be available in information document [SC70 Inf. Doc 6](#). Furthermore, the Secretariat invited the Standing Committee to provide comments on the outline of the study for the implementation of Decision 17.149 (included in Annex 2 of that document), which had been developed in consultation with Mexico.
6. At SC70, Mexico introduced document [SC70 Doc. 62.2 \(Rev. 1\)](#) noting that, in 2018, it had acted in accordance with Decisions 17.145 to 17.151, and asked the Secretariat, Parties and observers to take up its invitation for a high-level mission. It also noted that three captive breeding facilities for totoaba had released thousands of individuals into the wild, the wildlife refuge for the vaquita had been extended beyond their range, and that official marking specifications for totoaba specimens, parts and derivatives had been published in August 2017.
7. After considering documents SC70 Doc. 62.1 and SC70 Doc. 62.2 (Rev. 1), the Standing Committee (see document [SC70 Sum. 11](#) and SC70 SR):
 - a) encouraged donors to make co-funding available to the Secretariat for undertaking the study called for in Decision 17.149, and noted that the Secretariat could include in Section 5 of the outline for a study on vaquita and totoaba in Annex 2 of document SC70 Doc. 62.1 an analysis of the potential impact of legal trade in totoaba on the conservation of the vaquita and totoaba;
 - b) requested the Secretariat to issue a Notification to the Parties asking range, transit and consumer States of totoaba to provide information on the implementation of Decisions 17.146 to 17.148 and any other relevant information;
 - c) noted the invitation extended by Mexico to the Secretariat at its 69th meeting and urged the Secretariat to undertake such a high-level mission in early 2019 and to report orally on this mission at the 18th meeting of the Conference of the Parties; and,
 - d) requested the Secretariat to prepare a report to the Conference of the Parties on the implementation of Decisions 17.145 to 17.151, taking into account the information received from Parties in response to the Notification mentioned above, and propose amendments to Decision 17.145 to 17.151, as appropriate.

Progress achieved since SC70

8. Regarding paragraph 7 a) above, the updated outline of the study, as agreed by the Standing Committee, is presented in **Annex 2**. No additional funding had been secured by the end of 2018 for undertaking the study called for in Decision 17.149, meaning that certain components of the study may not be implemented, particularly where resources are required to undertake field and market research. The Secretariat will provide an oral update on progress with the implementation of the study at the 18th meeting of the Conference of the Parties.
9. Regarding paragraph 7 b) above, the Secretariat issued [Notification No. 2018/090](#) on 12 November 2018, inviting range, transit and consumer States of totoaba to provide information on the implementation of Decisions 17.146 to 17.148 by 4 December 2018. Two Parties, Mexico and the United States, replied to the Notification within the established deadline, and on 2 August 2019, a response was also received from China.
10. In their response (**Annex 3**), Mexico recalls the updates they recently presented at SC70 in document [SC70 Doc. 62.2 \(Rev. 1\)](#). Furthermore, they mention the ongoing implementation of inspection and vigilance activities, in coordination with management, judiciary, customs, and security authorities, highlighting special operations in the Gulf of California, in addition to a permanent mechanism of vigilance focusing on roads, ports, land border crossings, and airports with international flights. They also provide information on the ongoing implementation of a programme relevant to the awareness-raising mandate in Decision 17.147. Finally, they provide details on seizures of totoaba specimens and judiciary processes associated to them, highlighting those developed in the framework of “Operation Thunderstorm” (May 2018), organized by INTERPOL, WCO and ICCWC.
11. The United States (**Annex 4**) provides detailed information on, *inter alia*:
 - a) seizures and investigations related to totoaba;
 - b) a court order published on 14 August 2018 on an import ban for certain fish and fish products from Mexico that were caught with gillnets deployed in the Northern Gulf of California;
 - c) press releases and materials to help raise awareness on the illegal trade in totoaba, and its detrimental impact on the vaquita; and,
 - d) enforcement activities related to identification and interception of illegal shipments, and related arrests.
12. China (**Annex 5**) provides updates on the measures it implemented from 2015. Among these, it highlights an interagency operation (date not specified) to inspect fishery product markets in Guangdong Province, where no totoaba bladders were found on sale. China also informs on the awareness raising activities undertaken to broadcast the conservation aspects associated to totoaba trade, and to discourage the consumption of totoaba swim bladders. In addition to awareness-raising campaigns, cooperation has been established with major internet service providers (including *Alibaba*) to block online offers of totoaba specimens. Lastly, it provides information on four verdicts relating to illegal trade of 917 totoaba bladders, and the penalties imposed for each of them, but it is unclear when they took place. It is further reported that in June 2018, China’s customs seized 444.3 kg totoaba specimens with a total value of approximately 182 million yuan. No further information about this seizure or any subsequent investigations are provided.
13. Regarding paragraph 7 c) above, at the request of the Standing Committee, the Secretary-General liaised with Mexico’s Management Authority in early 2019 to organize a high-level mission. The mission took place from 28 to 29 May 2019, and the Secretariat has included in **Annex 6** a summary.
14. In July 2019, at its 43rd session, the World Heritage Committee decided to inscribe the Islands and Protected Areas of the Gulf of California (Mexico) on the List of World Heritage in Danger (see **Annex 7**). The Secretariat concurs with the analysis and conclusions of the World Heritage Centre and IUCN (see document WHC/19/43.COM/18) that the longer-term conservation of the vaquita and totoaba will not be possible without significantly increasing efforts to tackle international trafficking of wildlife products, which underpins illegal fishing in the Upper Gulf of California, and by developing solutions for sustainable livelihoods for local communities. The study on the current status of the totoaba and vaquita, and information on illegal trade and markets in totoaba requested by the CITES Standing Committee, could not yet be undertaken to inform relevant activities. However, in the short-term, it will be crucial to ensure that surveillance and enforcement measures are further strengthened in the Vaquita Refuge area, where the remaining individuals are most

likely concentrated, to ensure that this area remains completely gillnet-free. In this regard, it will be also important to continue the illegal net retrieval programmes.

15. Regarding paragraph 7 d) above, the Secretariat presents amended draft decisions on totoaba in **Annex 1** to the present document, taking into consideration the findings of the high level mission to Mexico, and the outcomes of the 43rd session of the World Heritage Committee. These draft decisions are aimed to ensure a stronger, measurable and time bound mandate that is representative of the Convention's priorities in matters related to the long-term survival of totoaba and vaquita, using the study outlined in Annex 2 of the present document as the reference document for decision-making processes during the upcoming intersessional period. An estimated budget that would be needed to implement these draft decisions is shown in **Annex 8**.

Recommendations

16. The Conference of the Parties is invited to:
 - a) consider and adopt the draft decisions on totoaba that are presented in **Annex 1** to the present document; and
 - b) agree to delete Decisions 17.145 to 17.151.

**Draft decisions on Totoaba (*Totoaba macdonaldi*)
for consideration by the Conference of the Parties**

Directed to Parties, especially those that are range, transit and consumer States of totoaba

18.AA 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 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*);
- c) eliminate supply and demand for illegally-sourced specimens of totoaba, and strengthen law enforcement measures to prevent and address their illegal trade;
- d) support efforts related to the recovery of wild populations of totoaba and vaquita;
- e) support Mexico in the implementation of Decision 18.BB; and
- f) provide financial and in-kind support for the implementation of the study called for in Decision 18.CC, paragraph c).

18.BB 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; and,
 - iii) providing regular (monthly) updates on these actions and their results to the Secretariat;
- b) Fully implement the “*Iniciativa para la sustentabilidad en el Norte del Golfo de California*”;
- d) Adhere to the implementation of Decision 43 COM 7B.26, adopted at the 43rd session of the World Heritage Committee (Baku, 2019); and
- e) Submit a comprehensive report on the implementation of Decision 18.BB, paragraphs a) to d) above, as well as the information required in Decision 18.AA, 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.

Directed to the Secretariat

18.CC The Secretariat shall:

- a) subject to external resources, convene before the end of 2019 a meeting of range, transit and consumer States of totoaba, and selected organisations and stakeholders, to agree on urgent

actions to combat illegal fishing of totoaba, eliminate supply and demand for illegally-sourced specimens of totoaba, and strengthen law enforcement measures to prevent and address their illegal trade;

- b) engage with ICCWC partner agencies 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 of document CoP18 Doc. 89 (Rev. 1); and
- d) report the information communicated by Parties and Mexico in accordance with Decisions 18.AA and 18.BB, 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.

Directed to the Standing Committee

18.DD The Standing Committee shall:

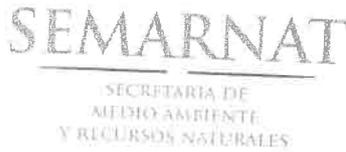
- a) review and assess any information and recommendations submitted by the Secretariat in accordance with Decision 18.CC;
- b) based on its assessment, and if not satisfied with progress in the implementation of Decisions 18.AA and 18.BB, determine if compliance measures should be adopted in accordance with Resolution Conf. 14.3, which may include consideration of recommendations to suspend trade in specimens of CITES listed species; and
- c) make further recommendations as needed to Parties and to the Conference of the Parties at its 19th meeting.

Outline for a study on vaquita and totoaba

1. Acknowledgments
2. Executive summary
3. Background
4. Setting the scene: Best available information on the current status of vaquita and totoaba
 - 4.1. Vaquita
 - a) Status and trends
 - b) Threats
 - c) Conservation efforts
 - 4.2. Totoaba
 - a) Status, trends
 - b) Threats
 - c) Conservation efforts
5. Comprehensive diagnosis of the illegal trade and markets of totoaba
 - a) Characteristics of illegal trade, and drivers
 - b) Supply and market developments
 - c) Challenges and prospects along the illegal trade chain
 - d) Analysis of the potential impact of legal trade in totoaba on the conservation of vaquita and totoaba¹
6. Integral cooperation: Assessment of ongoing activities and potential synergies with key CITES partners
 - a) Ongoing activities & synergies, and gap analysis
 - b) Potential for new strategic partnerships
7. Discussion: Progress, challenges and opportunities
8. Conclusions and recommendations
 - 8.1. Conclusions
 - a) Avenues for the recovery of vaquita [General measures; CITES-related measures]
 - b) Avenues for the recovery of totoaba [General measures; CITES-related measures]
 - 8.2. Recommendations
 - a) Source/Range state (Mexico)
 - b) Transit countries
 - c) Consumer/Destination Parties
9. Literature

¹ As agreed by the Standing Committee at its 70th meeting (SC70, Sochi, 2018). For reference, see [SC70 Sum. 11 \(Rev. 1\)](#), with some minor editorial amendments by the Secretariat.

Spanish only / seulement en espagnol / únicamente en español



SUBSECRETARÍA DE GESTIÓN PARA LA PROTECCIÓN AMBIENTAL
DIRECCIÓN GENERAL DE VIDA SILVESTRE

Oficio N° SGPA/DGVS/ 012866/2018

Ciudad de México, 30 NOV 2018

Estimado Tom Demeulenaer
Jefe, Servicios Científicos
Secretaría CITES
Correo electrónico: tom.demeulenaer@cites.org

En atención a la Notificación a las partes No. 2018/090, referente a la invitación de la Secretaría CITES a los Estados del área de distribución, de tránsito y de consumo de Totoaba (*Totoaba macdonaldi*), para presentar información pertinente sobre la aplicación de las Decisiones 17.146 a 17.148 sobre esta especie, así como cualquier otra información pertinente; anexo le hago llegar un archivo en formato Word con la información de México.

Sin otro particular aprovecho la ocasión para saludarle cordialmente.

A T E N T A M E N T E
EL DIRECTOR GENERAL DE VIDA SILVESTRE
AUTORIDAD ADMINISTRATIVA CITES DE MÉXICO

LIC. JOSÉ LUIS PEDRO FUNES IZAGUIRRE

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03 JAN 2019
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"Por un uso eficiente del papel, las copias de conocimiento de este asunto son remitidas vía electrónica".

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Ciudad de México, 30 de noviembre de 2018

Respuesta de México a la Notificación a las Partes No. 2018/090

En atención a la Notificación a las partes No. 2018/090, referente a la invitación de la Secretaría CITES a los Estados del área de distribución, de tránsito y de consumo de Totoaba (*Totoaba macdonaldi*), para presentar información pertinente sobre la aplicación de las Decisiones 17.146 a 17.148 sobre esta especie, así como cualquier otra información pertinente; anexo le hago llegar un archivo en formato Word con la información de México.

México participó en la Septuagésima reunión del Comité Permanente Rosa Khutor, Sochi (Federación de Rusia), del 1 al 5 de octubre de 2018, en la cual se presentó el Documento SC70 Doc. 62.2, el cual incluye los progresos realizados en la aplicación de las decisiones 17.145 a 17.151. En el Anexo 1 de éste documento, referente al informe del gobierno de México sobre el Estado de Conservación del Bien de Patrimonio Mundial de Islas y Áreas Protegidas del Golfo de California (INF UNESCO 9 de febrero de 2018), se señalan actividades relacionadas con el cumplimiento del Programa de Atención Integral del Alto Golfo de California, en el cual, la Procuraduría Federal de Protección al Ambiente (PROFEPA), la Secretaría de Marina (SEMAR), la Secretaría de Defensa Nacional (SEDENA), la Gendarmería y las Autoridades Nacionales Pesqueras (CONAPESCA), realizan acciones para proteger a la Vaquita Marina (*Phocoena sinus*) y la Totoaba (*Totoaba macdonaldi*).

México continúa realizando acciones de inspección y vigilancia de manera conjunta entre las autoridades administrativas, judiciales, aduaneras y de seguridad. Destacando los operativos especiales en el Golfo de California, además de un mecanismo permanente de vigilancia en vías de comunicación, puertos de arribo de embarcaciones, puertos marítimos de salida de embarcaciones con mercancías de exportación, cruces fronterizos terrestres y aeropuertos con frecuencia de vuelos internacionales (tanto en el área de pasajeros como de servicios de paquetería y mensajería).

México mantiene en operación un Programa de comunicación para informar a la sociedad las medidas implementadas para la conservación de la Vaquita y la Totoaba, difundiendo acciones de vigilancia para impedir la utilización de artes de pesca no sustentables, la prohibición permanente de las redes de enmalle, el origen y destino de las inversiones dirigidas a lograr la recuperación de la



Vaquita y la Totoaba, así como la ampliación de la superficie protegida, entre muchas otras. Se han utilizado distintos medios y plataformas de comunicación (redes sociales), además de espacios en foros y exposiciones, para provocar la reacción de la sociedad y sensibilizarla de la importancia de conservar estas especies. Destacan el diseño de contenidos gráficos y audiovisuales sobre la colaboración con otras instituciones, el desarrollo de una base audiovisual de contenidos para redes sociales como Twitter y Facebook, la publicación de notas periodísticas y entrevistas en medios de comunicación del titular de la SEMARNAT, la cancelación de un sello postal, así como diversas exposiciones como la muestra "México Vivo una Travesía Megadiversa" presentada en el Museo Universum (abril-junio de 2017) y la 8ª Semana de la Diversidad Biológica (mayo de 2018).

En cuanto a actividades de intercepción de envíos ilegales, se tiene establecido de manera permanente un operativo en la región conocida como el Alto Golfo para la atención al tráfico ilegal de Totoaba donde participan la Policía Federal, a través de su División de Gendarmería, apoyados por elementos de las Secretarías de la Defensa Nacional (SEDENA) y Marina-Armada de México (SEMAR), así como de la Comisión Nacional de Pesca y Acuicultura (CONAPESCA); además se tiene un operativo permanente de vigilancia en puertos marítimos y en 7 aeropuertos con vuelos internacionales, en conjunto con la Policía Federal, Procuraduría General de la República, INTERPOL y otras autoridades. Con este tipo de acciones, la PROFEPA coadyuva con otras instancias federales para la debida protección de las especies protegidas por leyes mexicanas e internacionales, en beneficio de la vida silvestre en México y el resto del mundo, también ha participado con INTERPOL (en los operativos Thunderbird, Madre Tierra, Thunderstorm y Amazonia).

México a través de la PROFEPA ha utilizado tecnología forense para apoyar la investigación de delitos contra la CITES, participa desde 2015 en la Red Temática del Códigos de Barras de la Vida (MEXBOL), la cual se formó en el año 2010, con el objetivo principal de crear una biblioteca digital que contenga la información de fragmentos de ADN denominados "códigos de barras de la vida" que sirven como referencia para la identificación genética de ejemplares biológicos y donde se han realizado códigos a partir de muestras de buche de Totoaba para utilizar en el análisis genético para apoyar en la identificación de esta especie.

En febrero de 2018, la Policía Federal detuvo y puso a disposición de Procuraduría General de la República (PGR) a tres personas en posesión y





transporte de 87 vejigas natatorias de *Totoaba macdonaldi*. El hallazgo se dio durante la revisión de un vehículo en la carretera federal Tijuana-Ensenada. <https://www.gob.mx/profepa/videos/realiza-profepa-peritaje-de-87-buches-de-totoaba-en-conjunto-con-pgr-y-policia-federal-151924>

En marzo de 2018 en Mexicali, B. C., la PROFEPA realizó un dictamen pericial de identificación de 22 buches o vejigas natatorias de *Totoaba macdonaldi*, en coadyuvancia con la PGR.

<https://www.gob.mx/profepa/prensa/realiza-profepa-peritaje-de-identificacion-de-22-buches-de-totaba-en-coadyuvancia-con-pgr-en-mexicali-b-c>

En abril de 2018, un Juez de Control, vinculó a proceso a un ciudadano chino que intentaba transportar buches de *Totoaba macdonaldi* a otro país con fines de venta. <https://www.gob.mx/profepa/prensa/juez-de-control-vincula-a-proceso-a-ciudadano-chino-que-intentaba-transportar-buches-de-totoaba-a-otro-pais-con-fines-de-venta-profepa>

En abril de 2018, fueron incautadas 4 maletas conteniendo buche de *Totoaba*, en el Aeropuerto Internacional de la Ciudad de México (AICM), cuyo destino era la República Popular de China.

En mayo de 2018, la PROFEPA participó en la Operación Internacional "Thunderstorm" para combatir los delitos contra la fauna y la flora silvestre, y la explotación forestal en todo el mundo, convocada por La Organización Internacional de Policía Criminal (INTERPOL) y la Organización Mundial de Aduanas (WCO) en conjunto con el Consorcio Internacional para Combatir los Delitos contra la Vida Silvestre (ICCWC). Se aseguraron 209 buches de *Totoaba macdonaldi*. <https://www.gob.mx/profepa/prensa/participacion-de-profepa-en-operacion-internacional-thunderstorm-permite-asegurar-714-animales-silvestres-y-4-2-m3-de-madera>

En julio de 2018, la PROFEPA aseguró 21 vejigas natatorias de *Totoaba macdonaldi*, en el área de paquetería de la Terminal 1 del AICM, los cuales provenían de la ciudad de Mazatlán y tenían como destino China. <https://www.gob.mx/profepa/prensa/asegura-profepa-21-buches-de-totoaba-en-el-area-de-paqueteria-del-aicm>



En agosto de 2018, la PROFEPA aseguró 16 buches de *Totoaba macdonaldi* en el AICM, mismas que tenían como destino la ciudad de Nueva York, Estados Unidos, y provenían de Hermosillo, Sonora.

<https://www.gob.mx/profepa/prensa/asegura-profepa-16-buches-de-totoaba-en-el-area-de-paqueteria-del-aicm>

En octubre de 2018, la PROFEPA participó en la identificación de 271 piezas de buches de *Totoaba macdonaldi* que fueron aseguradas por la Policía Federal adscritos al AICM, en un vuelo proveniente de la Ciudad de Panamá.

<https://www.gob.mx/profepa/prensa/identifica-profepa-y-aseguran-271-piezas-de-buches-de-totoaba-en-las-instalaciones-del-aeropuerto-internacional-de-mexico>

En noviembre de 2018, la PROFEPA informó que un ciudadano de origen chino, con nacionalidad mexicana, detenido por elementos de la Policía Federal en el AICM con cinco vejigas natatorias de pez *Totoaba macdonaldi*, fue vinculado a proceso por un Juez de Control en el Centro de Justicia Penal Federal con sede en el Reclusorio Sur. <https://www.gob.mx/profepa/prensa/juez-de-control-vincula-a-proceso-a-ciudadano-de-origen-chino-por-posesion-de-buches-de-totoaba-detenido-en-el-aicm>

En noviembre 2018, la PROFEPA realizó la identificación de 33 buches de *Totoaba macdonaldi* asegurados por la SEDENA a persona que los transportaba ilegalmente en Baja California.

<https://www.gob.mx/profepa/prensa/profepa-realiza-identificacion-de-33-buches-de-totoaba-asegurados-por-la-sedena-a-persona-que-los-transportaba-ilegalmente-en-baja-california>

Por ultimo le comento que la información respecto de las intercepciones ilegales, así como de actividades vinculadas al aprovechamiento ilegal de Totoaba, se actualiza constantemente y el presente documento menciona las acciones desempeñadas hasta noviembre de 201. Así también, dentro de las actividades que México lleva a cabo de manera permanente para detener el tráfico ilegal, resalta la promoción y establecimiento de actividades legales que tengan la capacidad de surtir de manera legal la demanda de esta especie, a través de un esquema de conservación y aprovechamiento sustentable bajo la figura legal de Unidades de Manejo para la Conservación de la Vida Silvestre (UMA) que contribuye a la conservación del hábitat y las poblaciones en vida libre.



English only / seulement en anglais / únicamente en inglés
United States Department of the Interior



FISH AND WILDLIFE SERVICE

International Affairs
5275 Leesburg Pike, MS: IA
Falls Church, VA 22041-3803

IN REPLY REFER TO:
FWS/DMA/FISH 3-26

Tom De Meulenaer
Chief, Scientific Services
CITES Secretariat
International Environment House
11 Chemin des Anémones
CH-1219 Châtelaine-Geneve
Switzerland

NOV 30 2018

Via email: tom.demeulenaer@cites.org

Dear Mr. De Meulenaer:

This letter provides the U.S. response to Notification to the Parties No. 2018/090, which requests information on the implementation of Decisions 17.145 to 17.148 on Totoaba (*Totoaba macdonaldi*). If you have any questions concerning the information we have provided, please feel free to contact me at pamela_scruggs@fws.gov.

Sincerely,

for 
Pamela Scruggs, Acting Chief
Division of Management Authority

Enclosure

U.S. response to Notification to the Parties No. 2018/090

Decision 17.146 *Directed to range, transit or consumer States of totoaba*

Parties should intercept illegal shipments, and, as appropriate and to the extent possible, share information on such illegal catch and illegal trade, with the Secretariat, as well as CITES authorities of relevant Parties.

The U.S. Fish and Wildlife Service (FWS) has regularly shared investigative information through our Office of Law Enforcement Attachés in Beijing, China, and Mexico City, Mexico, with authorities in the Chinese, Mexican, and South Korean governments, when seizures of totoaba and arrests of their nationals have occurred. Requests for information on known addresses and entities from these countries often go unanswered. Our Attachés stand ready to assist in investigations when requested and appropriate.

A search of our records from 2002 to the present for seizures and investigations into totoaba resulted in records showing 11 investigations and 844 seizures of totoaba. The relatively small number may be due to a number of reasons, including the smuggling pathways have yet to be discovered, new methods for processing of totoaba, or the United States is no longer being used as a transit point for this illegal trade. While we believe that the United States may no longer be used as a transit country, our Office of Law Enforcement remains on alert for totoaba shipments. Of note, the following protected animals and plants are commonly associated with totoaba seizures: pangolins, swallows, turtles, pipefish, seahorses, abalone, sea cucumber, coral, and ginseng.

The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA) published a notice in the *Federal Register* on August 28, 2018, entitled “Implementation of Import Restrictions; Certification of Admissibility for Certain Fish Products from Mexico” (83 FR 43796). A U.S. Court of International Trade (CIT) order (Slip-Op 18-92) imposed immediate import restrictions on fish and fish products of Mexican origin caught with gillnets deployed in the native geographic range of the vaquita, which is listed under the U.S. Endangered Species Act. The order, under provisions of the U.S. Marine Mammal Protection Act, relates to the continuing losses of vaquita as bycatch resulting from illegal gillnetting operations that target totoaba, another endangered species, for their swim bladders. Under the August 14, 2018, court order, an import ban was placed on certain fish and fish products from Mexico (chano, sierra, curvina, and shrimp) that were caught with gillnets deployed in the Northern Gulf of California. NMFS has coordinated with the U.S. Department of Homeland Security and U.S. Customs and Border Protection in order to develop requirements, methodologies, and timelines to implement the CIT order.

To implement the court order, NMFS mandates that imports of shrimp, fish, and fish products of Mexican origin that are entered under designated Harmonized Tariff Schedule (HTS) codes must be accompanied by the “Certification of Admissibility” signed by a duly authorized official of the Mexican Government. Certain fish from Mexico (chano, sierra, curvina, and shrimp) caught

with gillnets in the range of the vaquita will be refused entry and no certification will make them admissible. Fish, fish products, and shrimp not caught with a gillnet in the range of the vaquita are admissible, but only if accompanied by certification documents at the time of the entry. Eligible entries from Mexico under the designated HTS codes must be accompanied by certification or the entire shipment will be denied entry.

17.147 *Directed to range, transit or consumer States of totoaba*

Parties should engage in awareness raising activities about the endangerment of totoaba and its grave implications for vaquita (*Phocoena sinus*, an endangered species threatened with extinction and listed under Appendix I), eliminate supply of and demand for totoaba, and increase law enforcement measures to prevent and address illegal fishing and trade.

FWS has issued press releases in conjunction with the U.S. Department of Justice of relevant cases to increase public awareness of these illegal activities and the toll of such illegal take and trade on vaquita porpoises. We also post information on these seizures and prosecutions on our Office Law Enforcement website. FWS has also worked to increase awareness of totoaba trade throughout its Wildlife Inspection force, as well as with our partners in the U.S. Customs and Border Protection, and state partners. Our Attachés continue to work with authorities in the source and destination countries in an attempt to improve capacity and political will to investigate and prosecute individuals and business in their regions that engage in these illegal activities.

NOAA and FWS Office of Law Enforcement remain fully engaged in efforts to identify and intercept illegal shipments and continue to provide guidance to U.S. Customs and Border Protection officers when they encounter people entering the United States with dried swim bladders. In this outreach and partnership, photographs of suspected bladders are forwarded by U.S. Customs and Border Protection to NOAA and FWS for identification purposes. However, the majority of the bladders have been identified and determined not to be totoaba bladders.

NOAA and FWS Offices of Law Enforcement have provided training to Mexican wildlife officials regarding Modus Operandi concerning the methods and practices, based on U.S. experiences, in detecting the concealment and smuggling of totoaba bladders.

To help raise awareness regarding the illegal totoaba trade and its detrimental impact on the vaquita, the United States funded a project to raise awareness through publication of two reports (in multiple languages) and an interactive map of totoaba seizures/trade. These materials were presented at SC66 (January 2016) and CoP17 (September/October 2016).

17.148 *Directed to range, transit or consumer States of totoaba*

Parties shall submit to the Secretariat information to be made available to the 69th and 70th meetings of the Standing Committee on the number and quantity of seizures of illegal totoaba products, arrests of those engaged in the illegal fishing and trade, results of any prosecutions, and actions taken to implement these decisions.

NOAA and FWS initiated a case in 2014, which resulted in three arrests by NOAA Office of Law Enforcement and the prosecution of four defendants, all of whom pleaded guilty (between 2015-2017) to smuggling or violations of the U.S. Lacey Act. Each of the four defendants was ordered by a federal judge to pay restitution totaling \$45,000, which was sent to the Government of Mexico (PROFEPA). The investigation also resulted in the seizure and forfeiture of eight dried totoaba bladders.

China is providing the following information to the Secretariat as a response to the Notification to the Parties No. 2018/090 dated November 12, 2018.

China's response to the Notification to the Parties No. 2018/090

Great attention has been given to issue of the totoaba (*Totoaba macdonaldi*) since 2015 by the Chinese Government and a wide range of measures have been taken by line ministries, such as the Bureau of Fishery Management, the Ministry of Agriculture and Rural Affairs of the People's Republic of China, General Administration of Customs etc. to address illegal trade in totoaba products in China. An inter-agency operation was organized to inspect the fishery product markets in Guangdong Province in southern China. The participating departments included marine and fishery, customs, market management, and the regional office of China CITES Management Authority. No totoaba bladders were offered for sale in the markets by either clandestine or regular patrols of the markets. High vigilance is maintained to continue regulate the relevant markets and any offenders will be punished duly. It turned out that most of the fishery product dealers are not aware of the conservation status of totoaba and the trade in its products is illegal in China. To raise public awareness, posters about totoaba were produced and disseminated in the markets of fishery products. Training has been provided to the front-line law enforcement officials on the rapid identification of totoaba and its products. Awareness campaigns were conducted to urge the general public not to purchase and consume totoaba bladder with the intention to promote a pattern of green consumption. To curb the increasing occurrence of illegal trade of totoaba products on the internet, cooperation has been struck with Alibaba and other major internet service providers to jointly police the cyber shops and platforms to block all the offer of sale of totoaba products on the internet. Any seizure of totoaba products and subsequent prosecution of traffickers were widely covered by the mass and social media to deter potential offenders. It has communicated with the relevant departments of the United States and

Mexico many times, and a tripartite meeting with the United States and Mexico was held to strengthen cooperation in jointly combating the totoaba illegal trade and conserving the totoaba resources.

There are 4 verdicts related to illegal trade in totoaba bladders. In the 4 cases, in total 917 totoaba bladders were confiscated and 6 traffickers were sentenced to a ranged of penalties below.

Case	No of totoaba bladders involved	Source Country	Transfer country	Trafficker	Penalties
1	63	Mexico	Republic of Korea	Zhao	5-yr in prison, RMB50,000 in fine
				Tan	2-yr in prison, RMB30,000 in fine
2	351	Mexico		Li,Jianfeng	8-yr in prison, RMB200,000 in fine
				Li, Jiayi	7-yr in prison, RMB100,000 in fine
3	393	Mexico	Republic of Korea	Yan, Sufei	10-yr in prison, RMB200,000 forfeited property
4	110	Mexico	Republic of Korea	He, Quanxiang	5.5-yr in prison, RMB100,000 in fine

In June 2018, China Customs inspected a totoaba case, in which about 444.3 kg of the goods involved were seized, with a total value of about 182 million yuan.

**Summary of the high-level mission of the CITES Secretariat to Mexico,
conducted on 28-29 May 2019 at the request of the Standing Committee
[see paragraph 7, c) of document CoP18 Doc. 89 (Rev. 1)]**

1. In response to an invitation extended by Mexico to the Secretariat, and as urged by the Standing Committee at its 70th meeting (SC70, October 2018), the Secretariat undertook a high-level mission to Mexico in early 2019 to discuss issues regarding trade in and conservation of vaquita (*Phocoena sinus*) and totoaba (*Totoaba macdonaldi*). The mission took place from 28 to 29 May 2019. The Secretariat's delegation was composed of the Secretary-General and the Chiefs of Enforcement Support and of Scientific Services.
2. Both vaquita (*Phocoena sinus*) and totoaba (*Totoaba macdonaldi*) are endemic to the Upper Gulf of California (Mexico), and listed in CITES Appendix I. While totoaba is threatened mainly due to illegal trade for its gallbladder (destined to the Asian markets), vaquita's main threat is bycatch and drowning in totoaba gillnets. For CITES, the main axis for interventions concerns the (international) trade in totoaba.
3. The objectives of the mission, as proposed by Mexico, were agreed as follows:
 - (i) Comply with the agreements adopted at the 69th and 70th meetings of CITES Standing Committee, as well as with Decisions 17.147 to 17.151; and inform on the progress and activities that have taken place since late 2018 related to the conservation and trade of totoaba and vaquita, and which could set the basis for the new measures that will be discussed at CoP18.
 - (ii) Present the new approach of accountability of the present administration which includes the "Initiative for sustainability in the Northern Gulf of California", designed with the objective to create coastal communities that are environmentally sustainable and resilient, recover the social fabric, reactivate fisheries activities, and develop alternative productive activities with a sustainability perspective in benefit of local coastal communities in San Felipe and the Gulf of Santa Clara, close to the marine zones where totoaba and vaquita occur.
 - (iii) Review and discuss the draft decisions proposed by the CITES Secretariat regarding totoaba and vaquita (CoP18 Doc. 89), and articulate guidance regarding future CITES work for these species.
 - (iv) Identify opportunities to align the "Initiative for sustainability in the Northern Gulf of California" with the decisions that will be proposed for consideration of CoP18.
4. Information made available or acquired during the mission showed that illegal fishing to supply illegal markets with totoaba swim bladders continued relentlessly, even within protected areas and the *Area de Refugio para la protection de la vaquita marina*². Due to the high value of the swim bladders, the situation escalated considerably over the last two years with the involvement of organized crime and an influx of illegal fishers, resulting in the vaquita population to plummet to near-extinction, and further endangering the totoaba. The mission received information suggesting that those involved in the poaching and illegal trade seem to operate with great impunity at present. Whilst the Navy is doing commendable work engaging in activities to prevent the poaching, and probably has the necessary capacity to take effective measures, it is the understanding of the CITES Secretariat that it does not have the legal mandate to arrest or take action against the offenders involved, while the interventions by officials that have such powers seem to have been limited. The Navy may also not be optimally deploying the resources available to it. As a result, the current measures that have been put in place seem to provide little deterrent to illegal activities.
5. On 28 May 2019, a wide range of Mexican governmental agencies, stakeholders, and the CITES delegation met during a one-day high-level event organized by the Mexican Ministry of Environment (SEMARNAT) and hosted by the Mexican Navy in La Paz, Mexico.
6. Discussions at the high-level meeting focused on: current actions to prevent illegal fishing and deter illegal international trade in totoaba swim bladders; protect the vaquita refuge area (the so-called polygon); and restore totoaba populations. The Mexican Ministries of Agriculture and Rural Development (SADER), Navy

² Area established with the goal to allow and encourage the recovery of the vaquita population. It has a surface of 1,841 km² and is found in the western section of the Upper Gulf of California.

(SEMAR), Public Security and Citizen Protection (SSP) and the Office of the Attorney General (FGR), in coordination with other governmental agencies at the meeting, presented the activities they undertook in this regard in the Gulf of California, highlighting how each of these supported the implementation of CoP17 Decisions concerning totoaba and vaquita.

7. The Governor of Baja California Sur, Mr. Carlos Mendoza Davis, emphasized the activities implemented at the State level, which are focused on responsible fisheries management, and strengthening fishers' capacities to avoid detrimental impacts on species protected by environmental laws, including those listed in CITES.
8. The deputy Ministers of Environment (SEMARNAT) and of Agriculture and Rural Development (SADER) presented a new "*Initiative for sustainability in the Northern Gulf of California*", a development plan focusing on regional governance and security, wellbeing of local communities, responsible fishing, conservation of ecosystems and wildlife, and diversifying local economies. This initiative is expected to be implemented by all relevant government agencies, in close collaboration with a wide range of local stakeholders, to improve the economic, social and ecological sustainability of the northern Gulf of California in an integrated manner and ensure sustainable livelihoods and wellbeing for the local communities.
9. Regarding the "*Initiative for sustainability in the Northern Gulf of California*", the CITES Secretariat considers that the broad participation of many relevant agencies in its development, and its holistic approaches, are positive. The CITES Secretariat looks forward to further progress that Mexico could make with this promising *Initiative* in the run-up to and following the 18th meeting of the Conference of the Parties by: (i) identifying clear timelines and responsibilities for implementing each of the activities, (ii) ensuring strong commitments on the part of collaborating agencies identified in the *Initiative*, and (iii) allocating the necessary resources and finances from national and international sources for its full implementation.
10. The Secretariat reiterated during the mission that in addition to the *Initiative*, species-specific actions were needed on a short-term basis. In this regard, it emphasized that first and foremost, it is necessary for Mexican authorities to ensure full compliance with both national and international legislation in the affected region through vigorous, sustained and effective enforcement efforts, that must result in the arrest and prosecution of those involved in illegal activities, and a significant reduction in illegal activities currently observed. This will be essential to enabling that the elements relating to conservation, local livelihoods and social development that are mentioned in the *Initiative* can be properly deployed.
11. The Secretariat furthermore highlighted that it stands ready to support Mexico and work with all relevant agencies, stakeholders, partner organizations and Parties to provide resources and capacity building within its means and mandate. It also exchanged views on the measures regarding vaquita and totoaba that the Conference of the Parties could adopt at CoP18 to stop illegal trade, and in support of their conservation. Noting that the past collaboration concerning illegal trade in Totoaba swim bladders between Mexico, China and the United States of America was commendable, the Secretary-General committed to convening a second meeting of the three countries in the near future to reinvigorate and further strengthen efforts to deal with both supply and demand related to illegally sourced totoaba swim bladders.
12. In June 2019, the Secretary-General addressed a letter to the President of Mexico, expressing sincere appreciation to Mexico's Government for inviting her to undertake a high-level mission on vaquita and totoaba to Mexico, and admiration towards the leadership role that Mexico has consistently demonstrated in the international sphere of biodiversity conservation and sustainable use. In her letter, the Secretary-General called upon the President to:
 - Strive towards the implementation of a zero-tolerance policy for crimes against wildlife through governance and the full enforcement of the law;
 - Provide the necessary financial and human resources for the full deployment of the *Iniciativa para la sustentabilidad en el Norte del Golfo de California*, as it could play a critical role in securing the future of both the vaquita and the totoaba, and the livelihoods of local communities;
 - Given the seriousness and urgency of the situation confronting totoaba and vaquita, prioritize the implementation of strong actions, including the removal of illegal gillnets in the Upper Gulf of California, and putting an immediate stop to all fishing activities in areas where this is prohibited;
 - With particular focus on the Vaquita Refuge, ban all fishers and vessels from entering the Refuge, with zero tolerance for infringements;

- Address violations through strong enforcement action by governmental authorities with the powers of seizure and arrest, together with the Navy, to ensure that those that continue to engage in illegal activities will not operate in impunity; and
- work closely with those Parties most affected by the illegal trade in totoaba, in support of Mexico's efforts to combat illegal trade from the Gulf of California.

To date, no response has been received from Mexico.

Decisions adopted during the 43rd session of the World Heritage Committee (Baku, July 2019)
(see document WHC/19/43.COM/18, p. 110; <https://whc.unesco.org/archive/2019/whc19-43com-18en.pdf>)

26. Islands and Protected Areas of the Gulf of California (Mexico) (N 1182ter)

Decision: 43 COM 7B.26

The World Heritage Committee,

1. Having examined Document WHC/19/43.COM/7B.Add,
2. Recalling Decision **42 COM 7B.86**, adopted at its 42nd session (Manama, 2018),
3. Welcomes the ongoing surveillance efforts by the State Party undertaken in the Upper Gulf of California, as well as measures to prevent illegal international trafficking of totoaba products, but expresses its utmost concern that despite the significant efforts, illegal fishing of totoaba has continued and even escalated in the Upper Gulf of California resulting in a threat of imminent extinction of the vaquita population, specifically recognized as part of the property's Outstanding Universal Value (OUV) and endemic to the Gulf of California, and considers therefore that illegal fishing represents an ascertained danger to the OUV and integrity of the property, in line with Paragraph 180 of the Operational Guidelines;
4. **Decides to inscribe the Islands and Protected Areas of the Gulf of California (Mexico) on the List of World Heritage in Danger;**
5. Takes note of the reported progress made with the development of alternative fishing gear and urges the State Party to ensure that the necessary resources and inter-institutional support be available to start without further delay the transition to fishing gear that does not endanger vaquita and other non-target marine mammals, turtles and sharks, with full engagement of local communities;
6. Taking into account the recommendations of the Comité Internacional para la Recuperación de la Vaquita (CIRVA) to avoid the imminent extinction of the vaquita, also urges the State Party to further strengthen its enforcement and surveillance activities to ensure that the area where the last remaining individuals of vaquita are concentrated remains completely gillnet-free and to ensure that illegal net retrieval programmes are continued;
7. Reiterates its calls to the States Parties that are transit and destination countries for illegal trade in totoaba swim bladder to support the State Party of Mexico to halt this illegal trade, in particular through the implementation of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES);
8. Also takes note that the study requested by the CITES Standing Committee on the current status of totoaba and vaquita, and on the illegal trade and markets, has not been undertaken yet, and also reiterates that, once available, this study will be key in mapping trafficking routes and in identifying appropriate strategies to combat illegal trade in totoaba products, which will require a concerted effort between the States Parties of Mexico, China and the United States of America;
9. Requests the State Party to develop, in consultation with the World Heritage Centre and IUCN, a set of corrective measures, a timeframe for their implementation and a proposal for the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), for examination by the Committee at its 44th session in 2020;
10. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2020**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The Secretariat estimates that the meeting called for in Decision 18.CC, paragraph a) (Annex 1), would require an estimated 40,000 USD to convene.

Regarding the study under Decision 18.CC paragraph c) (Annex 1), with the proposed outline as indicated in Annex 2 to the present document, the Secretariat estimates that it would require funding as below:

- An in-depth desk study would require an individual consultant or a group of consultants at a cost of USD 30,000 – 40,000.
- Additional field visits may be needed to complement the in-depth study: to Asia (in order to understand the market chain) and Mexico (to assess the conservation and other associated issues). This would be budgeted at USD 10,000 – 20,000 for consultant travel.