



## SC74 Doc. 28.5 – Totoaba (Report of the Secretariat)

Decision 18.293 requested that Mexico implement seven actions (see [18.293\(a\)\(i-iv\) and \(b-d\)](#)) to address the illegal fishing of totoaba and trafficking of swim bladders in order to protect the vaquita, of which there are fewer than ten animals remaining on the planet. Mexico has failed to make adequate progress on implementing four of the actions, therefore the Standing Committee (SC), pursuant to 18.295(b), should **recommend a suspension in the commercial trade of CITES-listed species consistent with Res. Conf. 14.3**. If SC members are unwilling to take that step, we recommend, at a minimum, the SC confirm that the issue will be addressed as a compliance matter in accordance Article XIII and Res. Conf. 14.3 and, if not satisfied with Mexico's response, at SC75 decide on appropriate compliance measures, including a trade suspension.

Specifically, Mexico has failed to:

- "... effectively prevent fishers and vessels from entering the Vaquita Refuge area." ([Decision 18.293\(a\)\(i\)](#)) As the Secretariat concluded, Mexico's "zero tolerance policy" against illegal fishing is not "being applied in the vaquita refuge and zero tolerance area" providing an opportunity for fishers to engage in illegal fishing, "... 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," and that addressing this deficiency "remains an utmost priority." ([SC74 Doc. 28.5 at 33](#))

Despite Mexico's claim of thousands of enforcement personnel in the area, illegal fishing remains rampant. According to the IUCN, during a [vaquita survey](#) conducted between 17 October and 3 November 2021, "[m]any gillnets were observed being deployed within the ZTA (zero tolerance area) and the "ability to survey the ZTA was hindered by the numbers of pangas and gillnets." On 3 November 2021, 117 vessels were counted inside the ZTA engaged in illegal fishing using gillnets that kill vaquita, and "[n]o enforcement vessels were recorded in the area." IUCN documented similar levels of illegal fishing in [2019](#) and [2020](#). The failure to prevent fishers and vessels from entering the ZTA, given the perilous status of the vaquita, warrants urgent, decisive and meaningful action by the SC.

- establish and operationalize the trilateral enforcement group called for in 18.293(a)(iv) with China and the United States. To date, 30 months after the Parties agreed to the totoaba Decisions at CoP18, Mexico has only completed a draft of the terms of reference for the trilateral enforcement group.
- secure sufficient resources to expand gillnet removal efforts to maintain the Vaquita Refuge, including the zero tolerance area, as a net free zone. ([Decision 18.293\(b\)](#)) The Secretariat concluded that "... the measures and activities deployed needs to be further scaled up to deter the activities of fishers in the zero-tolerance area, to enable maintaining the Vaquita Refuge area as a net-free zone." ([SC74 Doc. 28.5, Annex 1 at 13](#)) According to the net retrieval data in SC74 Doc. 28.5 Annex 1, from September 2019 to October 2021, at least 314 illegally set fishing gears (primarily of illegal gillnets) totaling nearly 53,000 meters in length were removed from the sea; clear evidence that Mexico has failed to achieve a net free zone.
- fully adhere to Decision 43 COM 7B.26 of the World Heritage Committee, which called on Mexico to stop the ongoing illegal fishing of totoaba in the Upper Gulf of California, transition to alternative fishing gear that does not endanger the vaquita, and strengthen its enforcement and surveillance activities to ensure that the vaquita refuge remains completely gillnet free. ([Decision 18.293\(c\)](#)) Mexico has not met these obligations.

Mexico's non-compliance warrants meaningful compliance action. Compliance measures suggested by Res. Conf. 14.3 have already been exercised against Mexico, and a recommended trade suspension at SC74 is needed. ([Res. Conf. 14.3 at 29 \(a-h\)](#)). At the very least, the SC must propose timebound Decisions to CoP19 to track, monitor and provide oversight of this situation.

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