

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

Interpretation and implementation matters

General compliance and enforcement

Enforcement

COMBATING WILDLIFE CYBERCRIME: REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties retained Decision 15.57 and adopted Decisions 17.92 - 17.96 on *Combating wildlife cybercrime*, as follows:

Directed to all Parties

15.57 *Parties are urged to:*

- a) *submit information to the CITES Secretariat on best practices and on websites adhering to codes of conduct for posting on the CITES website;*
- b) *publish results of scientific research on correlations between use of the Internet and the rate of wildlife crime, and share these results with the CITES Secretariat;*
- c) *assess the extent of and trends in commerce of CITES-listed species via the Internet, and submit such information to the Secretariat for analysis; and*
- d) *submit information to the CITES Secretariat for analysis on any changes in trade routes and methods of shipment that have been observed as a result of increased use of the Internet to promote trade in wildlife.*

17.92 *All Parties should:*

- a) *provide the Secretariat with any changes or updates to domestic legislation that pertain to wildlife cybercrime as well as any other relevant domestic measures;*
- b) *provide the Secretariat any best practice models that pertain to regulation of online marketplaces and social media platforms, including enforcement protocols; and*
- c) *seek input from purveyors and owners of online marketplaces and social media platforms for the purpose of sharing any relevant information with the Secretariat.*

Directed to the Secretariat

17.93 *The Secretariat shall:*

- a) *subject to available resources and where appropriate, engage with relevant social media platforms, search engines and e-commerce platforms to address illegal international trade in CITES-listed species through these platforms, and raise awareness of the conservation plight of CITES-listed species affected by illegal trade;*
- b) *in its enforcement-support role, provide assistance and expertise regarding wildlife cybercrime enforcement operations and investigations;*
- c) *share on its e-portal any information received from Parties, the International Consortium on Combating Wildlife Crime (ICWC), and other experts regarding domestic measures to address wildlife cybercrime and any relevant best practices, manuals, or guidance, including any information provided by Parties pursuant to Decision 17.92;*
- d) *engage with INTERPOL on efforts to combat wildlife crime linked to the Internet, and invite INTERPOL to consider establishing capacity, at the INTERPOL Global Complex for Innovation in Singapore, to support the efforts of Parties to combat such crimes, and to develop guidelines for Parties on how to combat wildlife crime linked to the Internet more effectively;*
- e) *liaise with ICWC regarding best practices and model domestic measures for addressing illegal e-commerce and wildlife cybercrime; and*
- f) *report on its discussion with INTERPOL and ICWC at the 69th and 70th meetings of the Standing Committee, and subsequently at the 18th meeting of the Conference of the Parties.*

Directed to the Standing Committee

17.94 *The Standing Committee, at its 69th meeting, shall form a workshop¹ on wildlife cybercrime that includes both producer and consumer countries and those with large internet companies, non-governmental organizations with expertise, lawyers, and other relevant experts.*

17.95 *The workshop shall work intersessionally, reporting to each Standing Committee meeting prior to the 18th meeting of the Conference of the Parties, and preparing, if appropriate, a draft resolution for presentation to the 18th meeting of the Conference of the Parties.*

17.96 *The Standing Committee shall consider the reports of the Secretariat in accordance with the provisions of Decision 17.93, paragraph f), as well as any other information presented to the Standing Committee and, if necessary, make recommendations for consideration by the Parties at the 18th meeting of the Conference of the Parties.*

Implementation of Decision 17.93, paragraphs a), b) and d)

3. INTERPOL now provides a practical Cyber Wildlife Crime Investigations course to better equip law enforcement officers with the necessary skills to combat the increasing illegal wildlife trade via online platforms and assist investigators in the use of online intelligence sources.² The first training was held in June 2017 at the INTERPOL Global Complex for Innovation (IGCI) in Singapore and brought together 18 police and wildlife officers from nine Asian countries. Participants learned a range of skills including effective monitoring of social media and other platforms, including marketplaces and the Darknet,³ and how to protect themselves during online investigations.

¹ As agreed by CoP17, the Secretariat believes that this meant to refer to a working group, not a workshop

² <https://www.interpol.int/News-and-media/News/2017/N2017-077>

³ There are large sections of the Internet which search engines cannot detect. This is known as the 'deep web'. While most of what exists in the deep web is not dangerous information, it can be deliberately misused by those with malicious intent. This hidden part of the Internet where criminals act undetected is called the 'Darknet'. For more details, see <https://www.interpol.int/Crime-areas/Cybercrime/The-threats/The-Darknet>

4. The Secretariat considers that this new INTERPOL training course could significantly contribute to enhancing the capacity of authorities to respond to wildlife crime linked to the Internet, and recommends that Parties actively encourage relevant national agencies to participate in future training events.
5. To progress the implementation of Decision 17.93, paragraph d), as well as Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement, paragraph 12 d), the Secretariat is exploring with INTERPOL opportunities to further enhance capacity at the INTERPOL Global Complex for Innovation in Singapore to support the efforts of Parties to combat wildlife cybercrime. Such further enhanced capacity could also contribute to the implementation of Decision 17.93 paragraph a) and b).

Implementation of Decisions 17.92, 17.93, paragraph c) and 15.57

6. The Secretariat issued Notification to the Parties No. 2017/036 of 4 May 2017,⁴ inviting Parties to submit information in accordance with Decisions 17.92 and 15.57 to the Secretariat. Australia, Canada, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided information in response to the Notification. The Secretariat notes that the instructions in Decisions 17.93 and 15.57 seem to partially overlap, which led to a degree of duplication in some of the responses received from Parties.
7. Information provided in response to the Notification indicates that some Parties have already made commendable progress in engaging with social media platforms, search engines and e-commerce platforms to address illegal international trade in CITES-listed species. This prompted a number of online marketplace platforms to engage in developing new web-trolling software applications to better self-police, identify and remove postings offering illegal wildlife products for sale. A number of online platforms have also publicly denounced wildlife trafficking and expressed support for pro-active efforts to stem this illegal trade.
8. Most of the respondents reported that they have conducted numerous investigations involving illegal trade in wildlife on internet and social media platforms, involving multiple species such as rhinoceros horn; elephant-, walrus- and whale ivory; specimens of big cats (tiger, leopard and jaguars); live migratory birds and migratory bird mounts; sea turtles and black coral. One Party noted that, despite a range of voluntary measures implemented by internet marketplace platforms and social media sites to 'self-police', the practice of illicitly posting and selling wildlife on these platforms persists. It further reported that investigations involving illicit online wildlife trade in some cases evolve into broader-scale investigations involving organized criminal networks and various related financial crimes, such as money laundering, fraud, smuggling, and tax evasion. This demonstrates the need for Parties to continue to engage with social media platforms, to tackle illegal wildlife trade on the Internet, and to ensure that any illegal trade through these platforms is addressed.
9. In accordance with Decision 17.93, paragraph c), the Secretariat is, at the time of writing (September 2017), processing the information received from Parties for inclusion, as appropriate, on a new page on wildlife cybercrime on the CITES website⁵.

Implementation of Decision 17.93, paragraph e)

10. To implement Decision 17.93, paragraph e), the Secretariat liaised with its partners within the International Consortium on Combating Wildlife Crime (ICCWC) regarding best practices and model domestic measures for addressing illegal e-commerce and wildlife cybercrime. The Secretariat received comprehensive responses from INTERPOL and the World Customs Organization (WCO), and is processing this information for inclusion, as appropriate, in the new page on wildlife cybercrime on the CITES website. The information provided by INTERPOL and WCO is summarized in paragraphs 11 to 14 below.
11. INTERPOL's Global Cybercrime Strategy outlines the organization's plan to support member countries' efforts to combat cybercrime by coordinating and delivering specialized policing capabilities in the period 2016 to 2020.⁶ INTERPOL has been supporting efforts to combat wildlife crime over the Internet since 2012.
12. Through the global efforts during Operation Thunderbird,⁷ as highlighted in the document on the *International Consortium on Combating Wildlife Crime (ICCWC)* prepared for the present meeting, a number of websites

⁴ <https://cites.org/sites/default/files/notif/E-Notif-2017-036.pdf>

⁵ https://cites.org/eng/prog/imp/Combating_wildlife_crime

⁶ https://www.interpol.int/content/download/34471/452245/version/4/file/007-04_Summary_CYBER_Strategy_2017_01_EN%20LR.pdf

⁷ <https://www.interpol.int/News-and-media/News/2017/N2017-022>

and social media platforms offering illegal wildlife products for sale were targeted. In particular, online searches and information collection were conducted on websites and social media advertisements offering to sell wildlife products and such information was used to initiate investigations. In addition, INTERPOL has informed the Secretariat of its plans to provide mentoring on combating wildlife crime over the Internet to a number of countries in Africa.

13. INTERPOL also conducted research and analysis on illegal wildlife trade in the Darknet between December 2016 and April 2017. Experts from the INTERPOL IGCI identified a number of cases indicating that criminals use the Darknet to sell illicit wildlife products such as rhinoceros horn, elephant ivory and tiger parts and products. The use of the Darknet for illegal wildlife trade is however currently limited, and a total of only 21 advertisements, some dating back to 2015, were identified.⁸ In contrast, it is believed that illegal wildlife trade currently takes place openly over the Internet at a significant scale. For this reason, Parties should primarily direct their efforts in accordance with the provisions of Resolution Conf. 11.3 (Rev. CoP17), paragraphs 11 and 12, towards social media platforms, search engines and e-commerce platforms. Parties should however also be conscious that there is a risk that increasing efforts to combat illegal wildlife trade on the Internet could displace such trade to the Darknet. To ensure that measures are quickly adapted to respond to any newly identified trends, Parties are encouraged to continuously review trends to determine if the measures they implement to combat illegal wildlife trade on the Internet might impact the *modus operandi* of criminals.
14. The WCO provided information on two expert groups, the *WCO Electronic Crime Expert Group (ECEG)* and the *WCO Working Group on E-Commerce (WGEC)*. The WCO ECEG⁹ is a restricted group of experts that develops guidance materials on technological advancements which are relevant to modern customs administrations and their operational activities. Overall, the group does not deal with specific crime areas, but with more general topics such as computer forensics, data analysis, setting up cybercrime units, etc. The WCO WGEC¹⁰ has a Safety and Security stream which explores the topic of illicit trade over the Internet in a cross-cutting manner covering illicit trade in general. Wildlife crime is one of the risks being considered by the group, which is currently co-chaired by the United States Customs and Border Protection, the International Federation of Freight Forwarders Associations (FIATA) and the International Air Transport Association (IATA). The group works virtually and convenes face-to-face meetings as appropriate and when needed.
15. While the work of the WCO ECEG is of interest to broader efforts to combat cybercrime, it is not of particular relevance to the work to be conducted in accordance with the provisions of the Decisions adopted by CoP17. The Secretariat however believes that the work of the WCO WGEC could benefit the activities to be conducted in accordance with Decision 17.95 (see paragraph 17 below).

Intersessional working group on wildlife cybercrime

16. Decision 17.94 directs the Standing Committee to establish a 'workshop' on wildlife cybercrime at its 69th meeting (SC69) and provides guidance on its proposed composition. The Secretariat believes that this meant to refer to a working group, not a workshop. The Secretariat notes that, at its 68th meeting, (SC68, Johannesburg, October 2016), the Standing Committee agreed on the leads for a number of different matters, and Kenya was identified as the lead for the working group on wildlife cybercrime to be established at SC69.¹¹
17. The Standing Committee may wish to consider to invite the co-chairs of the WCO WGEC to participate in the activities of the working group on wildlife cybercrime in order for the working group to benefit from the inputs and expertise of the WCO WGEC. At the same time, it could also provide an opportunity for the WCO WGEC to identify issues that might be of relevance to its work. Further, the Standing Committee may also wish to invite a representative from INTERPOL to participate in the activities of the intersessional working group.
18. Resolution Conf. 11.3 (Rev. CoP17), paragraphs 11 and 12, under *Regarding e-commerce of specimens of CITES-listed species*, already contain a number of provisions concerning measures to combat wildlife crime on the Internet. In the context of Decision 17.95, the Standing Committee may wish to request the working group to take this into consideration as part of its work to determine if the text of Resolution Conf. 11.3 (Rev. CoP17) could be further strengthened or if it would be more appropriate to prepare a

⁸ <https://www.interpol.int/News-and-media/News/2017/N2017-080>

⁹ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/electronic-crime.aspx>

¹⁰ <http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/ecommerce.aspx>

¹¹ <https://cites.org/sites/default/files/eng/com/sc/68/E-SC68-SR.pdf>

new draft Resolution on e-Commerce of specimens of CITES-listed species for consideration by the Conference of the Parties at its 18th meeting.

19. The Secretariat proposes the following terms of reference for the intersessional working group on wildlife cybercrime, for consideration by the Standing Committee:

In support of the implementation of Decisions 17.95 and 17.96, the Working Group on Wildlife Cybercrime shall:

- a) consider the report of the Secretariat in accordance with the provisions of Decision 17.93, paragraph f), as well as any other relevant information presented to the Standing Committee;
- b) consider the reports received from Parties in response to Notification to the Parties No. 2017/036 of 4 May 2017;
- c) after considering the reports and information referred to in paragraphs a) and b) above, advise whether further measures are required to combat wildlife cybercrime and if so, propose draft text for either amendments to paragraphs 11 and 12 of Resolution Conf. 11.3 (Rev. CoP17) or a new resolution on e-commerce of specimens of CITES-listed species, together with required decisions.
- d) report to the 70th meeting of the Committee.

Recommendations

20. The Standing Committee is invited to:

- a) establish an intersessional working group on wildlife cybercrime with the terms of reference proposed in paragraph 19 above;
- b) request the Secretariat to invite the co-chairs of the WCO Working Group on E-Commerce and a representative of INTERPOL to participate in its working group on wildlife cybercrime; and
- c) in furtherance of paragraph 12 b) of Resolution Conf. 11.3 (Rev. CoP17), draw the attention of the Parties to INTERPOL's Cyber Wildlife Crime Investigations course.