

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

General compliance and enforcement

Enforcement

Combating wildlife cybercrime

REPORT OF THE WORKING GROUP

1. This document has been prepared by the Working Group on Combating Wildlife Cybercrime in accordance with Decision 17.95.*
2. The Standing Committee, at its 69th Meeting (SC69, Geneva, November 2017), in accordance with the provisions of Decision 17.94, established an inter sessional Working Group on Combating Wildlife Cybercrime, with a mandate to:¹
 - a) Consider the report of the Secretariat in accordance with 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, as well as any other relevant information received, including from Parties, enforcement authorities, private industry and civil society, 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 wildlife cybercrime involving specimens of CITES-listed species, together with related draft decisions as necessary.
 - d) Report to the 70th meeting of the Committee.
3. The membership of the working group was agreed as follows: Kenya (Chair), Australia, Belgium, Brazil, China, Estonia, European Union, France Gabon, Germany, Indonesia, Kuwait, Liberia, Malaysia, Peru, Poland, Portugal, Saudi Arabia, Singapore, South Africa, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, and Viet Nam; and Born Free Foundation, Elephant Action League, International Fund for Animal Welfare, INTERPOL, IWMC – World

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

¹ See Summary Record for SC69 Doc. 31.3 on <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-SR.pdf#page=35&zoom=auto,74,622>

Conservation Trust, Legal Atlas², Lewis & Clark – International Environmental Law Project, TRAFFIC, and Wildlife Conservation Society.

4. The working group conducted its work by email and considered the reports of the Secretariat³ and Parties, and other relevant information shared with the group, in accordance with its mandate. Key matters that were discussed include:
 - a) Establishing the actual nature of virtual transactions given the complex nature of these transactions e.g use of pseudo accounts, pseudo items that conceal the real transaction which in turn happens offline and unveiling the information secrecy that is a norm with virtual transactions.
 - b) The necessity for trained virtual investigation and enforcement officers given the complex nature of virtual transactions.
 - c) Collaboration with likeminded agencies in coming up with guidelines and training courses that focus on the manner in which wildlife is transported using postal/courier services in different weights and packaging
 - d) Improved contact with online platforms like social media and auction site providers to sensitize and provide points of contact for enforcement agencies
 - e) Improved legal frameworks of Parties to ensure that any trade or transport wildlife specimens across borders meet specific provisions.
 - f) Improved national legislation and regulations regarding virtual transactions, and development of such legislation where necessary
 - g) Wider involvement of international bodies such as INTERPOL and WCO which already have worldwide reach with customs and enforcement agencies around the world to enhance knowledge and information sharing
 - h) Enhanced funding for effective investigations at a local and regional level by providing up-to-date techniques and equipment. e.g INTERPOL and EUROPOL joint investigations.
 - g) Enhanced training on how to 'follow the money' in relation to illegal wildlife trade on cyber platforms, and how it can interface with real world investigation techniques to identify the key players
5. In addition, the Chair and a number of members of the working group attended the INTERPOL-IFAW *Cyber-enabled Wildlife Crime Workshop* on the 5-6 June. Key issues discussed include:
 - a) The need for communication, cooperation and coordination across all sectors;
 - b) A need for information sharing while recognizing the challenges posed by data protection laws;
 - c) The need for educating both online consumers and senior management across the sectors;
 - d) The need for greater political will and access to more resources and/or making more efficient usage of the limited resources we have.
 - e) Need for development of case studies to develop and enhance awareness of wildlife cybercrime by investigators, prosecutors and judiciary.
 - f) The continuous need for research to help identify how best to ensure consumers read and understand online technology company policies.

² Legal Atlas requested to join the working group after SC69. The Working Group Chair, in consultation with the Chair of the Standing Committee, agreed to include Legal Atlas as an additional member of the working group.

³ <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-31-03.pdf>

- g) Collaboration with online technology companies to identify illegal transactions on platforms and explore strategies to identify and prevent such transactions.

The outcome document of the workshop was shared with WG members by IFAW for their consideration.

- 6. Based on working group discussions, the working group concluded that further measures are required to combat wildlife cybercrime. It therefore recommends that paragraphs 11 and 12 of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* are amended and submitted for the consideration at the 18th meeting of the Conference of the Parties to CITES (Sri Lanka, May 2019). The working group therefore recommends the Standing Committee considers the following:
- 7. Propose to the Conference of the Parties revisions to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* under *Regarding e-commerce of specimens of CITES-listed species* as follows:

Note: Text proposed to be deleted is crossed out. Proposed new text is underlined

Regarding illegal online trade in ~~e-commerce of specimens of CITES-listed species~~

11. RECOMMENDS that Parties:

- a) evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;
- b) establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime; ~~and~~
- c) establish at the national level a mechanism to coordinate the monitoring of Internet-related wildlife trade and to provide for the timely sharing between designated contact points in CITES Management and Enforcement Authorities of information that results from these activities; ~~and~~
- d) appoint national points of contact with knowledge and training on online investigations, evidence gathering, and prosecutions to serve as focal points for enquires from other Parties and intergovernmental organisations;
- e) establish an ongoing national monitoring programme, and in conjunction with relevant experts, develop a list of Appendix II specimens that are most commonly found in illegal trade on digital and online platforms;
- f) identify national points of contact at online technology and data companies that can facilitate the provision of information upon request from Parties in support of investigations; and share with the CITES Secretariat;
- g) engage online platforms to:
 - i) introduce and publish policies to address and prevent the use of such platforms for illegal trade in wildlife including measures to ensure compliance with such policies;
 - ii) ensure that such policies are presented as clearly and visibly as possible;
 - iii) encourage them to inform their users about illegal online trade in wildlife, by using targeted alerts and other technology to ensure users are aware of relevant laws and website policies;
- h) Raise awareness of illegal online trade in wildlife through public outreach and by engaging directly with online technology companies; and
- i) Encourage the cooperation and engagement of postal, transport, logistical and financial service providers and relevant retail sectors;

12. RECOMMENDS further that Parties and ICPO-INTERPOL:

- a) submit information to the Secretariat on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce of CITES-listed species via the Internet;
- b) ensure that sufficient resources are directed to:
 - i) the investigation and targeting of illegal Internet-related trade in specimens of CITES-listed species;
 - ii) conduct training and awareness raising as well as monitoring and enforcement of illegal online trade in protected specimens;
- c) use the data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness; and
- d) consider ways in which funding may be provided for the establishment of a full-time position, dedicated to e-commerce aspects of wildlife crime, within the General Secretariat of ICPO-INTERPOL. The responsibilities of such a position should include ensuring that all information or intelligence regarding illegal online trade ~~e-commerce~~ is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties;

8. The Standing Committee is encouraged to submit the following draft Decision to the 18th meeting of the Conference of the Parties for consideration:

Directed to the Secretariat:

XX. The Secretariat shall include as appropriate terminology relevant to “illegal online trade in wildlife” on the CITES Glossary and the new webpage on *Wildlife crime linked to the Internet* on the CITES website

Recommendations

9. The Standing committee is invited to:
- a) propose to the Conference of the Parties revisions to Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement under Regarding e-commerce of specimens of CITES-listed species as contained in the present document;
 - b) submit the draft Decision as proposed in the present document to the 18th meeting of the Conference of the Parties for consideration.