

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 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.*

3. At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee agreed recommendations on *Combating wildlife cybercrime*, and established an intersessional working group on wildlife cybercrime. The recommendations and the mandate of the intersessional working group, as agreed at SC69, are presented in document SC69 Sum. 5 (Rev. 1).²
4. In response to the request from the Standing Committee agreed at SC69, the Secretariat engaged with the World Customs Organization (WCO) to invite the co-chairs of the WCO Working Group on E-Commerce (WGEC) to participate in the intersessional working group on wildlife cybercrime. Noting that INTERPOL was already included in the intersessional working group established at SC69, the Secretariat wrote to INTERPOL, inviting that a focal point be appointed for this work. The Secretariat informed the Chair of the Standing Committee intersessional working group on wildlife cybercrime about the steps taken.
5. The Secretariat facilitated communication between the Chair of the Standing Committee and the Chair of the working group following a request from Legal Atlas to be included in the intersessional working group on

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

² <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-Sum-05-R1.pdf>

wildlife cybercrime. The request was approved by the Chair of the Standing Committee and the Chair of working group and Legal Atlas was included in the working group. The intersessional working group prepared a document for the present meeting, and will report on its work in accordance with the provisions of Decision 17.95.

6. The present document provides information on activities conducted regarding the implementation of the Decisions *on Combating wildlife cybercrime*, as well as related developments that have taken place, since SC69.

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

7. The Secretariat continued its deliberations with INTERPOL 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 former Secretary-General of CITES formally corresponded with the Secretary General of INTERPOL about this matter in February 2018, and INTERPOL designated a contact person for the Secretariat to engage with about establishing capacity at the INTERPOL Global Complex for Innovation in Singapore, as anticipated by the provisions of Decision 17.93, paragraph d). As reported by the Secretariat in its document to SC69, such further enhanced capacity could also contribute to the implementation of Decision 17.93, paragraphs a) and b).
8. The Secretariat worked with the designated contact person at INTERPOL to develop a concept note, which is at the time of writing being considered internally at INTERPOL. The Secretariat will provide a further update on this work in its report on *Combating wildlife cybercrime*, to the 18th meeting of the Conference of the Parties (CoP18, Sri Lanka, 2019).
9. The Secretariat in January 2018, participated in the 2nd meeting of the Sub-Groups of the WCO Working Group on E-Commerce (WGEC), in Brussels, Belgium.³ Participation in this meeting was of value in the context of Decision 17.93. The meeting brought together over 125 delegates from customs administrations, government, private sector, international organizations, e-vendors and e-platforms, express service providers, postal operators, freight forwarders and academia, to discuss and advance the work of the WGEC in the area of cross-border e-commerce and to develop a *Framework of Standards on Cross-Border E-Commerce*, as elaborated upon in paragraph 10 below. The Secretariat presented the outcomes of discussions on *Combating wildlife cybercrime* agreed at SC69, and informed participants of the ongoing efforts by the Secretariat and ICCWC in this regard. The Secretariat would like to thank the Hong Kong Special Administrative Region (SAR) of China, for the generous funding that enabled the Secretariat to participate in the meeting.
10. The WGEC discussed a number of challenges presented by high volumes of cross-border e-commerce shipments, and how these challenges could be overcome. These include ensuring rapid release and clearance of goods, while managing, among others, a number of associated safety and security risks including illicit trade. Customs administrations' cooperation with other relevant agencies was highlighted as particularly important for identifying and interdicting illicit and non-compliant goods moving through e-commerce channels. To address such issues, the WCO has developed, in consultation with relevant stakeholders, the *Framework of Standards on Cross-Border E-Commerce*.⁴ The Framework provides baseline global standards that customs administrations, working with other relevant government agencies and stakeholders, should implement to facilitate legitimate e-commerce shipments, while establishing efficient and effective measures for risk management (including security and safety risks), tackling illicit trade, and collecting revenue. Among others, the Framework calls for the exchange of advance electronic data between customs, other relevant government agencies and e-commerce stakeholders (e.g. e-vendors/platforms, postal operators, express services) and enhanced interagency cooperation for curbing illicit cross-border e-commerce, including illegal trade over the Internet. In particular, Standard 9 on *Prevention of Fraud and Illicit Trade* highlights that customs administrations should work with other relevant government agencies to establish procedures for analysis and investigations of illicit cross-border e-commerce activities with a view to prevent and detect fraud, deter the misuse of e-commerce channels and disrupt illicit flows. The *Framework* was subsequently adopted by the WCO Council at its Session held from 28 to 30 June 2018.⁵ It is based on the eight guiding principles of the *Luxor Resolution on cross-border E-*

³ As highlighted in paragraph 14 of document SC69 Doc. 31.3 on Combating wildlife cybercrime, the WCO WGEC 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. For additional information see <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-31-03.pdf>

⁴ http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/wco-framework-of-standards-on-crossborder-ecommerce_en.pdf?la=en

⁵ <http://www.wcoomd.org/en/media/newsroom/2018/july/wco-publishes-global-standards-on-ecommerce.aspx>

commerce,⁶ adopted by the WCO Policy Commission in December 2017. Over the next year, the WCO intends to develop technical specifications for each of the Standards of the Framework, a data set and data exchange mechanism between customs and e-commerce stakeholders, definitions of relevant terms, an implementation strategy and capacity building mechanism, as well as to assist in carrying out pilot projects and case studies.

11. INTERPOL and the International Fund for Animal Welfare (IFAW), from 5 to 6 June 2018, convened a 'Cyber-enabled Wildlife Crime Workshop' in Lyon, France. The workshop brought together representatives from the public and private sector, including law enforcement officers, policymakers, academia, representatives from online technology companies, intergovernmental and non-governmental organizations, to identify and share best practices in tackling cyber-enabled wildlife crime. The Secretariat, participated in this workshop and informed participants of the ongoing efforts by the Secretariat and ICCWC to combat wildlife cybercrime. The Chair of the intersessional working group on wildlife cybercrime also participated in the meeting and provided a brief on the work and mandate of the working group. The deliberations during the meeting focused on improving coordination, cooperation and communication across sectors, the roles played by the different sectors and the interaction between them, and the identification of areas of possible further collaboration. Following the workshop, a restricted circulation report on *Best Practices in tackling Cyber-enabled Wildlife Crime*, was circulated to workshop participants.

Implementation of Decisions 15.57 and 17.93, paragraph c)

12. The Secretariat continues to welcome additional information from Parties, in accordance with Decisions 15.57 and 17.93, paragraph c). Work is ongoing on the development of a web page on *Wildlife crime linked to the Internet* on the CITES website⁷ to implement the provisions of Decision 17.93, paragraph c). The webpage will include information received from Parties, ICCWC partners, and other experts. The Secretariat will also use the webpage to, as appropriate, consolidate other information relevant to this topic, such as for example any information received in accordance with Decision 15.57.
13. With support from the Republic of Korea, and within the scope of Decisions 15.57 and 17.93, the Secretariat conducted research regarding e-commerce in the 365 CITES-listed medicinal plant species, on Amazon and Ebay. The detailed report on this work is presented in document PC23 Inf. 10,⁸ prepared for the 23rd meeting of the Plants Committee (PC23, Geneva, July 2017). Key findings of the study are highlighted in document PC24 Inf. 7,⁹ prepared by the Secretariat for the 24th meeting of the Plants Committee (PC24, Geneva, July 2018). The key findings include that several hundred thousands of products containing (or claiming to contain) CITES-listed medicinal plant species are offered for sale on these two platforms, that hardly any offers mention applicable CITES regulations, and that a large portion of international e-commerce in CITES-listed medicinal plant products seems to occur outside the purview of the Convention, at a scale which is currently impossible to estimate.
14. A development worth noting is the March 2018 establishment of a *Global coalition to end wildlife trafficking online*.¹⁰ This Coalition was launched with the aim to reduce illegal online trade in wildlife by 80% by 2020. The Coalition builds upon the harmonized policy for e-commerce and social media companies.¹¹ In addition, in November 2017, Internet companies based in China announced the formation of a new alliance to address wildlife crime linked to the Internet. This included the signature of a Charter, committing to take strong action against such crimes.¹² Initiatives such as these fully align with Decisions 15.57, 17.93, paragraph a), and the provisions under *Regarding e-commerce of specimens of CITES-listed species* in Resolution Conf. 11.3 (Rev. CoP17). The Secretariat encourages Parties to build upon this work, and to, as appropriate, further strengthen their engagement with online platforms and companies to encourage them to take action to tackle illegal trade in CITES-listed species over the Internet.

⁶ http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/resolutions/policy-commission-resolution-on-cross-border-e-commerce_en.pdf?la=en

⁷ https://cites.org/eng/prog/imp/Combating_wildlife_crime

⁸ <https://cites.org/sites/default/files/eng/com/pc/23/inf/E-PC23-Inf-10.pdf>

⁹ <https://cites.org/sites/default/files/eng/com/pc/24/Inf/E-PC24-Inf-07.pdf>

¹⁰ The founding members of the Global Coalition to End Wildlife Trafficking Online are Alibaba, Baidu, Baixing, eBay, Etsy, Facebook, Google, Huaxia Collection, Instagram, Kuaishou, Mall for Africa, Microsoft, Pinterest, Qyer, Ruby Lane, Shengshi Collection, Tencent, Wen Wan Tian Xia, Zhongyikupai, Zhuanzhuan and 58 Group, convened by WWF, TRAFFIC and IFAW. For additional details see <https://www.worldwildlife.org/pages/global-coalition-to-end-wildlife-trafficking-online>

¹¹ <https://www.worldwildlife.org/publications/wildlife-friendly-online-trade-2017-a-harmonized-policy-for-e-commerce-and-social-media-companies>

¹² <http://www.traffic.org/home/2017/11/22/chinese-internet-giants-launch-alliance-to-combat-wildlife-c.html>

Implementation of Decision 17.93, paragraph e)

15. To implement Decision 17.93, paragraph e), the Secretariat has since SC69 continued to seek information from its ICCWC partners on best practices and model domestic measures for addressing illegal e-commerce and wildlife cybercrime. In addition to matters outlined elsewhere in the present document, the Secretariat received comprehensive responses from INTERPOL and the United Nations Office on Drugs and Crime (UNODC), and is also processing this information for inclusion, as appropriate, in the webpage on *Wildlife crime linked to the Internet*, reported upon in paragraph 12 of the present document. The additional information received is summarized in the paragraphs below.
16. The practical *Cyber Wildlife Crime Investigations course* provided by INTERPOL is drawn to the attention of Parties in the recommendation agreed by the Standing Committee at SC69. INTERPOL has since SC69 continued to deliver training and mentorships to a number of African and Asian countries in support of their efforts to combat wildlife cybercrime.¹³ In addition, at the time of writing, INTERPOL is working with countries that have cyber forensics laboratories to develop a set of training modules focused on investigating wildlife cybercrime. These training modules will aim to: raise awareness among the law enforcement community about the 'Cyber' dimension of wildlife crime; professionalize field practitioners in charge of investigating cases with a transnational dimension; enhance capacity and promote best practices to facilitate timely and secure exchange of law enforcement information; facilitate member State cross-checks against INTERPOL databases; identify possible linkages with other forms of crime and/or criminal entities; and further stimulate international police cooperation to combat wildlife cybercrime.
17. The UNODC *Global Programme for Combating Wildlife and Forest Crime*¹⁴ is coordinating a project on *Disrupting Environmental Crime Markets*, that focuses on illegal trade on the Internet, illicit financial flows and threat finance. This project is coordinated with other divisions within UNODC, namely the UNODC *Global Programme against Money Laundering*,¹⁵ UNODC *Global Programme on Cybercrime*,¹⁶ UNODC *Global Programme for Strengthening Capacities to Prevent and Combat Organized Crime*,¹⁷ and the UNODC *Research and Trend Analysis Branch*. The two main components of the project include combating the shift to the marketing and sale of environmental commodities on the Internet, including the Darknet; and, the identification and disruption of illicit financial flows and confiscation of assets representing instrumentalities and proceeds of environmental crimes. Activities to be delivered as part of the project include national counter-cybercrime assessments and trainings, financial disruption courses, cryptocurrency investigation courses, field research, training of law enforcement officers in digital forensics techniques, and providing investigative software so that relevant national authorities have the tools necessary to counter cyber-enabled wildlife crime. At the time of writing, UNODC has put in place experts working specifically to support the efforts of Parties to address wildlife cybercrime, in Nairobi, Kenya and in Bangkok, Thailand.

Terminology on wildlife cybercrime in the context of CITES

18. At CoP17, Parties discussed addressing wildlife crime linked to the Internet, under the agenda item titled *Combating wildlife cybercrime*.¹⁸ At the time, some Parties suggested that the term cybercrime was not sufficiently specific and that they would prefer 'illegal online trade in wildlife'.¹⁹ Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, under *Regarding e-commerce of specimens of CITES-listed species*, refers to 'wildlife crime linked to the Internet'.²⁰ At SC69, some speakers suggested the term 'wildlife cybercrime' should be used instead of 'e-commerce'.²¹ The Secretariat believes that this matter could benefit from further discussion to facilitate the consistent use of terminology. There are currently different understandings of the term 'cybercrime', and while a universal definition does not exist, an interpretation that could be considered as a way forward is that cybercrime is two dimensional, namely *cyber-dependent* and *cyber-enabled*. Cyber-dependent crime could be interpreted as a crime against computer networks and/or their data, for example through the creation, dissemination and deployment of malware and ransomware or hacking. Cyber-enabled crime could be interpreted as crime that uses modern information and communication technologies, social media and e-commerce platforms, the Darknet or similar, to facilitate crimes such as illegal drug and weapons trade, human trafficking, and illegal trade in wildlife. Should this interpretation be considered, wildlife crime could be viewed as a form of cyber-enabled crime. To facilitate

¹³ See for example: https://twitter.com/INTERPOL_EC/status/996943761191059456

¹⁴ <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/global-programme.html>

¹⁵ <https://www.unodc.org/unodc/en/money-laundering/technical-assistance.html>

¹⁶ <https://www.unodc.org/unodc/en/cybercrime/global-programme-cybercrime.html>

¹⁷ https://www.unodc.org/documents/organized-crime/GPTOC/13-83720_GPTOC_Approval_nd.pdf

¹⁸ <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-29.pdf>

¹⁹ https://cites.org/sites/default/files/eng/cop/17/Com_II/SR/E-CoP17-Com-II-Rec-07-R1.pdf

²⁰ <https://cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf>

²¹ <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-SR.pdf>

the use of consistent terminology and noting that the term wildlife cybercrime might not be sufficiently specific, the Standing Committee may wish to consider in its implementation of Decision 17.96, if it would be more appropriate in the context of CITES, to use 'wildlife crime linked to the Internet' as per the current terminology used in Resolution Conf. 11.3 (Rev. CoP17).

Recommendations

19. The Standing Committee is invited to:

- a) in the interest of the consistent use of terminology, consider if it deems the current terminology of 'wildlife cybercrime' as sufficiently specific, or if it would be more appropriate to use 'wildlife crime linked to the Internet' as per the terminology in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*; and
- b) include in its report to the 18th meeting of the Conference of the Parties, in accordance with Decision 17.96, a recommendation on the most appropriate terminology to use, including recommending that the Secretariat amend all references in relevant Resolutions and Decisions with the terminology agreed at CoP18.