

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Interpretation and implementation matters

General compliance and enforcement

COMBATING WILDLIFE CYBERCRIME

1. This document has been prepared by Kenya.*

Background

2. The Conference of the Parties, at its 15th meeting (Doha, 2010) amended Resolution Conf. 11.3 (Rev. CoP15) to:

RECOMMEND 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;*

RECOMMEND further that Parties and 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 the investigation and targeting of illegal Internet related trade in specimens of CITES-listed species;*
- 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 Interpol. The*

* *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.*

responsibilities of such a position should include ensuring that all information or intelligence regarding e-commerce is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties.

3. It also adopted Decisions 15.57 and 15.58 on E-commerce of specimens of CITES-listed species which urged Parties and directed the Secretariat to:

Decision 15.57

- 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.*

Decision 15.58

- a) *develop an Internet portal on the CITES website to compile, publish and disseminate information submitted by Parties and stakeholders related to e-commerce of CITES-listed species; and*
 - b) *write to Interpol encouraging it to establish a secure interactive website or electronic forum containing information and intelligence regarding Internet-related wildlife crime, capable of being updated in a 'real-time' manner by authorized contributors.*
4. At Standing Committee (SC) 58 (Geneva, 2009) a Working Group on e-commerce of specimens of CITES-listed species was established. It comprised representatives from Australia, Cameroon, Canada, China, France, Germany, Kenya, Peru, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the European Community, UNEP World Conservation Monitoring Centre, Humane Society International, IWMC – World Conservation Trust, International Fund for Animal Welfare (IFAW), TRAFFIC, VC International and the Secretariat. The mandate of the E-Commerce WG expired at CoP 16 and Decision 15.58 was discontinued. However, Res. Conf. 11.3 and Decision 15.57 are still extant.
 5. To date, the CITES webpage on E-Commerce does not include any information that may have been shared by Parties; yet, a number of Parties are taking steps to actively manage e-commerce.

Discussion

6. At CoP16, INTERPOL, with the International Fund for Animal Welfare's (IFAW) support, launched Project Web, a report summarizing an operation that found 660 advertisements of ivory items conservatively valued at approximately EUR 1,450,000 for sale during a two-week period on 61 Internet auction sites in nine European countries.
7. Meanwhile in November 2014, another report found that a total of 33,006 endangered animals and wildlife products were available for sale in 9,482 advertisements estimated to be worth a minimum of US\$10,708,137 over a period of six weeks.¹ The report investigated the trade in endangered wildlife taking place on 280 online marketplaces in 16 countries. Of the advertisements, 54 per cent were for live animals while 46 per cent were for animal parts and products. Ivory, reptiles and birds were the items most widely offered for trade, with ivory and suspected ivory featuring in a third of all advertisements and reptiles accounting for a quarter of the items found for sale. The results led to 1,192 intelligence files submitted to law enforcers, which equates to almost 13 per cent of the advertisements, for further investigation.

¹ IFAW, *Wanted – Dead or Alive, Exposing Online Wildlife Trade*.

8. Many other reports have been published in this period highlighting both the scale and nature of online wildlife trade. These include: Elephant vs. Mouse -- the ivory trade on Craigslist (2015); Bidding Against Survival: The Elephant Poaching Crisis and the Role of Auctions in the U.S. Ivory Market (2014); Click to Delete, Australia (2014), Click to Delete, New Zealand (2014); Blood e-Commerce - Rakuten's profits from the slaughter of elephants and whales (2014) and reports in TRAFFIC bulletin (2014).
9. Multiple enforcement operations and prosecutions, including Operation Cobra III, an international law enforcement operation conducted in May 2015 with the aim of combating wildlife crime and bringing the criminals involved to justice, have shown that a significant number of criminals use the internet to facilitate illegal trade in endangered species.
10. Some countries are reviewing their domestic legislation and considering changes that would specifically tackle wildlife cybercrime. There has been strong public support for these changes, for example, the government of the United Kingdom is proposing changes that would make it an offence not to include the CITES permit (article 10) number in the body on an advertisement.
11. A number of online marketplaces and social media platforms have been ramping up efforts to ensure their platforms are not being used to facilitate illegal wildlife trade. For example, Tencent, a leading provider of Internet services in China, and owner of sites including WeChat and QQ, launched Tencent for the Planet, which led to Tencent shutting down a group of social media accounts, which were proven to be involved in illegal online wildlife business activities.
12. In April 2015 in Germany, the Federal Ministry of the Environment, the Federal Agency for Nature Conservation, the Ministry of the Environment of the Federal State of North Rhine-Westphalia and IFAW hosted an internet workshop in Bonn which brought together policy makers and authorities with online marketplaces in order to forge a plan for tackling wildlife cybercrime. As a first step, it was agreed to offer specific trainings for the staff of online-marketplaces regarding species protection legislation and species identification and to sensitize website-users by proactively providing more relevant information about species protection and legal requirements. This could provide a model for future workshops that bring together enforcers and online marketplaces. .
13. Enforcement investigations into wildlife cybercrime demonstrate that both live endangered wildlife and their parts and derivatives are available for sale over the internet across the globe, ranging from countries traditionally considered to be 'source' countries to those referred to as 'consumer' countries. Organized criminal networks that link multiple online traders are being identified. In addition, provisional links are being made between consumer demand and the killing or capture of endangered wildlife in 'source' countries in order to supply the products being traded over the internet. However further investigations by enforcement officials combined with a centralized data base of prosecutions is necessary in order to be able to more clearly ascertain cause and effect and quantify how much of a driver online trade may be to poaching on the ground.

Conclusions and Recommendations

14. Data shows that the scale of trade in wildlife products over the internet is considerable, and evidence exists that a significant amount of this trade is illegal.
15. Revisions to domestic legislation can tackle the unique threat posed by illegal online trade.
16. Companies as well as governments are becoming ever more engaged in stamping out illegal wildlife trade online, and public support exists for distinguishing between legal internet trade and potentially illegal trade.
17. Working together, internet companies, source and consumer countries, and related experts could develop best practices that could inform revisions to domestic measures and that could form the basis of cybercrime trainings and workshops.
18. As enforcement efforts and developments in the law expand to keep up with the growing trend of e-commerce, a centralized database is crucial for understanding and establishing best practices.

19. There is a need for increased enforcement capacity and knowledge of this area of crime and as such Parties should consider methods for gathering intelligence and carrying out enforcement operations to target wildlife cybercriminals as well as introducing training on this subject to targeted teams. Parties should be encouraged to contact and liaise with the relevant enforcement units, which may include cybercrime units, in their countries to assess how concerns about the illegal trade in CITES specimens can be incorporated in or reviewed by such units. Information yielded could be considered by ICCWC and reported to the Standing Committee regularly.
20. In light of the points outlined above it is recommended that the Conference of the Parties adopt Decision 17.xxxx

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat recommends that the present document be discussed together with CoP17 Doc. 49 on Illegal trade in cheetahs (*Acinonyx jubatus*) as there are some overlapping issues and decisions between the two documents.
- B. The growth of the Internet has facilitated communication and commerce between individuals and institutions at a global scale, and there is a need to continually scale up efforts to address wildlife crime linked to the Internet.
- C. Further, the Secretariat would like to recall that one of the findings of the review of the implementation of Resolution Conf. 12.5 (Rev. CoP16) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, is that “online wildlife trade poses significant enforcement challenges, and could be best addressed through the adoption of a “zero tolerance” policy towards illegal wildlife trade between governments, online trading companies and non-governmental organizations. This approach to online advertising of the sale of specimens from protected species products in China, is highlighted by the consultant as a best practice”².
- D. The Secretariat also draws Parties attention to one of the findings made in the study on legal and illegal trade in specimens of tortoises and freshwater turtles, presented in Annex 2 to document CoP17 Doc. 73 on Tortoises and freshwater turtles (*Testudines* spp.), namely that the Internet has become a prime outlet to advertise and arrange sales of tortoises and freshwater turtles, legal as well as illegal.
- E. Further, Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*, under Regarding e-commerce of specimens of CITES-listed species, deals with the issue of wildlife crime linked to the Internet. In line with this Resolution, the Secretariat, in its comments on document CoP17 Doc. 49 on Illegal trade in cheetahs (*Acinonyx jubatus*), recommends that the draft Decision 17.C in the Annex to that document be broadened to cover all CITES-listed species.
- F. Should the Conference of the Parties adopt the changes proposed by the Secretariat, the decision would request the Secretariat to “subject to available resources and where appropriate, to 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 cheetahs CITES-listed species affected by illegal trade, in particular cheetah, when appropriate”.
- G. The draft decisions in the present document seem to a large extent to duplicate existing provisions in Resolution Conf. 11.3 (Rev. CoP16) and Decision 15.57, and could place an unnecessary additional burden on the limited resources of Parties and the Secretariat. The lack of information submitted by Parties to Decision 15.57³, as reported in document CoP16 Doc. 45 on E-commerce of specimens of CITES-listed species, suggests that effective implementation might not be achieved by adopting the suggested draft decisions, and that careful consideration should be given to the benefits that the

² See document SC65 Doc. 38 on Asian big cats, prepared for the 65th meeting of the Standing Committee (SC65, July 2014)

³ See Notification to the Parties No. 2012/019 of 6 March 2012, <https://cites.org/sites/default/files/eng/notif/2012/E019.pdf>

proposed activities would have. Although the activities described could be useful, the Secretariat is not convinced that their benefit would outweigh the additional call on resources, and, given the other complementary initiatives and efforts underway, resources may better be deployed elsewhere.

- H. In view of the recent developments described above, the Secretariat agrees that wildlife crime linked to the Internet is an issue that deserves greater attention. In this context, the Conference of the Parties may wish to request all Parties to review their implementation of the provisions of Resolution Conf. 11.3 (Rev. CoP16), under Regarding e-commerce of specimens of CITES-listed species, to ensure that measures are in place to prevent and combat cybercrime involving wildlife specimens. The approach to online advertising of the sale of specimens from protected species products in China, highlighted as a best practice in Annex 1⁴ to document SC65 Doc. 38 on Asian big cats, could be considered as a possible model that could be drawn upon by Parties to develop national level measures to combat wildlife crime linked to the Internet.
- I. The Secretariat would like to draw the attention of Parties to the establishment of the INTERPOL Global Complex for Innovation (IGCI)⁵ in Singapore. The IGCI is a research and development facility for the identification of crimes and criminals, innovative training, operational support and partnerships. The Secretariat considers that it would be appropriate to invite INTERPOL, noting that INTERPOL might need external funding, to support the efforts of Parties to combat wildlife crime linked to the Internet, and to develop guidelines for Parties on how to combat such crimes more effectively.
- J. In the light of the above considerations, the Secretariat proposes the following draft decision:

Directed to the Secretariat

- 17.XX. The Secretariat shall 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.*
- K. Implementation of decision 17.XX would be a core part of the Secretariat's work, and accommodated within its regular work programme.
- L. The Secretariat considers that with the proposed revisions to draft decision 17.C in the Annex to document CoP17 Doc. 49 on Illegal trade in cheetahs (*Acinonyx jubatus*), the current provisions of Resolution Conf. 11.3 (Rev. CoP16), and the decision proposed above, this matter will be adequately addressed, and that the draft decisions proposed in the present document may not be needed. Furthermore, the Secretariat recommends Decision 15.57 be deleted.

⁴ https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-38-A01_0.pdf

⁵ <http://www.interpol.int/About-INTERPOL/The-INTERPOL-Global-Complex-for-Innovation>

Decision xxx: Combating Wildlife Cybercrime

Directed to the Secretariat:

The Secretariat shall:

- a) Liaise with the International Consortium on Combating Wildlife Crime regarding best practices and model domestic measures for addressing illegal e-commerce and wildlife cybercrime. The Secretariat should report back to the Standing Committee at its 69th meeting;
- 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, ICCWC, 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.XX.

Directed to Parties:

Recommends that Parties:

- 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;
- 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 Standing Committee:

- a) The Standing Committee, at its 69th meeting, shall establish a working group 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;
- b) The working group 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.