

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

General compliance and enforcement

Combating wildlife cybercrime

REPORT OF THE STANDING COMMITTEE

1. This document has been prepared by the Standing Committee.*
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.*

* *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.*

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 17.94, 17.95 and 17.96

3. The Standing Committee, at its 69th meeting (SC69, Geneva, November 2017), in accordance with Decision 17.94, established an intersessional working group on combating wildlife cybercrime. In accordance with its mandate, the working group conducted its work by email and considered the reports of the Secretariat and Parties, and other relevant information shared with the group, including the outcomes of a *Cyber-enabled Wildlife Crime Workshop* jointly hosted by INTERPOL and the International Fund for Animal Welfare (IFAW), in Lyon, France, in June 2018, in which both the Secretariat and the Chair of the intersessional working group participated.
4. The report of the intersessional working group on combating wildlife cybercrime, chaired by Kenya, was presented to the Committee at its 70th meeting (SC70, Sochi, October 2018).² Based on the report, the Committee agreed to propose to the Conference of the Parties revisions to paragraphs 11 and 12 in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement under Regarding ecommerce of*

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/70/E-SC70-30-03-01.pdf>

specimens of CITES-listed species. These proposed revisions are presented in Annex 1 to the present document, for consideration by the Conference of the Parties.

5. The Standing Committee further agreed to submit a draft decision to the Conference of the Parties for consideration. This draft decision is presented as draft decision 18.XX, in Annex 2 to the present document.
6. To facilitate the consistent use of terminology in the context of CITES, the Standing Committee also considered in its implementation of Decision 17.96, the most appropriate terminology to use with regards to combating wildlife cybercrime. As reported by the Secretariat in document [SC70 Doc. 30.3.2](#), at CoP17, Parties discussed addressing wildlife crime linked to the Internet, under the agenda item titled *Combating wildlife cybercrime*. At the time, some Parties suggested that the term cybercrime was not sufficiently specific and that they would prefer 'illegal online trade in wildlife'.³ 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'. At SC69, some speakers suggested the term 'wildlife cybercrime' should be used instead of 'e-commerce'.⁴ The Secretariat noted in its document to SC70 that 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.
7. The Standing Committee considered this matter and concluded that 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*. The Committee agreed to, in its report to CoP18, include 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 by the Conference of the Parties. The recommendation of the Standing Committee is in paragraph 9, sub-paragraph c) below for consideration by the Conference of the Parties.
8. The Standing Committee at SC70, also agreed to propose to the Conference of the Parties that Decisions 17.92 and 17.93 be renewed, with the necessary changes to the reporting requirements.

Recommendations

9. The Conference of the Parties is invited to:
 - a) adopt the proposed revisions to paragraphs 11 and 12 in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* under *Regarding illegal online trade in specimens of CITES-listed species*, as presented in Annex 1 to the present document;
 - b) adopt draft decision 18.XX and renew Decisions 17.92 and 17.93 as presented in Annex 2 to the present document;
 - c) agree 'wildlife crime linked to the Internet', as per Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, as the terminology to use in the context of CITES for combating wildlife cybercrime, and direct the Secretariat to amend all references in relevant Resolutions and Decisions with this terminology; and
 - d) agree to the deletion of Decisions 17.94, 17.95 and 17.96, as these Decisions have been implemented.

³ https://cites.org/sites/default/files/eng/cop/17/Com_II/SR/E-CoP17-Com-II-Rec-07-R1.pdf

⁴ <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-SR.pdf>

PROPOSED AMENDMENTS TO PARAGRAPHS 11 AND 12 IN RESOLUTION CONF. 11.3 (REV. COP17~~8~~)*

NB: 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 enquiries from other Parties and intergovernmental organizations;
- 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) require the national points of contact under paragraph d) to identify key contacts at online technology and data companies that can facilitate the provision of information upon request from Parties in support of investigations;
- 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; and
 - ii) conducting 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;

DRAFT DECISION TO BE CONSIDERED AT CoP18

Directed to the Secretariat

18.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.

Directed to the Parties

17.92 (Rev. CoP18) 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 (Rev. CoP18) 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 (rev. CoP18);*
- 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 ~~73rd~~^{69th} and ~~74th~~^{70th} meetings of the Standing Committee, and subsequently at the ~~194th~~^{191st} meeting of the Conference of the Parties.*

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The tasks allocated to the Secretariat and the Standing Committee in the proposed draft decisions can be accommodated within their regular work programmes.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends that the Conference of the Parties adopt the proposed revisions to Resolution Conf. 11.3 (Rev CoP17) on *Compliance and enforcement*, paragraphs 11 and 12, as presented in Annex 1 to the present document, noting that some minor editorial changes will be needed, should the Conference of the Parties agree to recommendation c) in paragraph 9 of the present document.
- B. The Secretariat notes that draft decision 18.XX, as presented in Annex 2 to the present document is not needed, as both the CITES Glossary and the CITES website are managed and updated by the Secretariat and the Secretariat will include any new or revised terminology adopted by Parties at CoP18 in its tools and outreach work.
- C. Regarding the proposal of the Standing Committee that Decision 17.92 be renewed, the Secretariat draws to the attention of the Conference of the Parties that it notes, in the document on *Combating wildlife cybercrime* prepared by the Secretariat for the present meeting, that the instructions in Decisions 17.92 and 15.57 partially overlap. This led to a degree of duplication in some of the responses the Secretariat received from Parties to Notification to the Parties No. 2017/036 of 4 May 2017, which invited Parties to submit to the Secretariat information in accordance with Decisions 17.92 and 15.57. The Secretariat further notes that Parties that responded to the Notification, also noted the overlap between these two Decisions. For this reason, the Secretariat believes that it would be appropriate to adopt a new decision, incorporating the provisions of both Decisions 17.92 and 15.57, amended as appropriate to avoid duplication. The Secretariat therefore propose that Decisions 17.92 and 15.57 be deleted and replaced with draft decision 18.CC proposed in paragraph E below.
- D. Regarding the proposal of the Standing Committee that Decision 17.93 be renewed, the Secretariat notes that:
- i) A number of the matters outlined in the Decision have been addressed, as reported in the document on *Combating wildlife cybercrime* prepared by the Secretariat for the present meeting.
 - ii) A number of developments that have taken place since CoP17 have also positively contributed to achieving the objectives of Decision 17.93, as highlighted in the documents prepared by the Secretariat for SC69, SC70, and the present meeting.
 - iii) Some of the proposed revisions to Resolution Conf. 11.3 (Rev. CoP17), as presented in Annex 1 to the present document, will also indirectly contribute to addressing some of the matters currently outlined in the Decision.

For this reason, the Secretariat believes that it will be appropriate for Decision 17.93 to be deleted and replaced with draft decision 18.DD proposed in paragraph E below.

- E. In summary, the Secretariat recommends that Decisions 15.57 and 17.92 to 17.96 are deleted and replaced by:

Directed to Parties

18.CC Parties should:

- a) inform the Secretariat in the event that any changes that pertain to wildlife crime linked to the Internet are made to their national legislation, as well as of any other relevant domestic measures;
- b) submit information to the Secretariat on websites adhering to codes of conduct to address and prevent illegal trade in wildlife;
- c) inform the Secretariat of any best practice models that pertain to regulation of online marketplaces and social media platforms;
- d) publish the results of scientific research on the correlations between use of the Internet and the rate of wildlife crime, and communicate these results to the Secretariat; and

- e) inform the Secretariat of any trends in wildlife crime linked to the Internet identified, including any changes in trade routes and methods of shipment that have been observed.

Directed to the Secretariat

18.DD The Secretariat shall:

- a) continue the engagement with its partners in the International Consortium on Combating Wildlife Crime (ICCWC), regarding best practices and model domestic measures for addressing wildlife crime linked to the Internet; and
 - b) share on the *Wildlife crime linked to the Internet* webpage on the CITES website, as appropriate, information received from Parties in accordance with Decision 18.BB, ICCWC partner agencies in accordance with Decision 18.CC, paragraph a), and other relevant organizations or experts, regarding measures and activities implemented to address wildlife crime linked to the Internet.
- 18.EE The Secretariat shall report on the implementation of decisions 18.AA and 18.CC to the Standing Committee, and subsequently to the Conference of the Parties at its 19th meeting.