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Chairman Huffman, Ranking Member Bentz, and Members of the Subcommittee, on behalf of the International Fund for Animal Welfare (IFAW), thank you for the opportunity to provide testimony concerning wildlife cybercrime.

IFAW is a global nonprofit organization that protects animals and the places they call home. With offices in 17 countries and projects in more than 40, we rescue and advocate on behalf of species across regions facing a diverse range of threats. We have long worked to engage consumers and advance policies to protect wildlife that is threatened by trafficking and trade, including through online commerce, and we applaud the Subcommittee's commitment to addressing wildlife cybercrime.

Online wildlife crime has emerged alongside the whirlwind expansion of the internet and global species decline as a challenge with serious and far-reaching implications. Over the past 17 years, IFAW's research has uncovered a growing online trade in live wildlife and wildlife products, with tens of thousands of online advertisements and posts identified across platforms and across continents offering imperiled animals for sale. Research findings have been used to sound the alarm about this ever-expanding, ecologically devastating stream of commerce, collaborating with governments, communities, enforcement entities, academics and corporations to identify and implement solutions. Much work has been done, but significant national and international action is needed to effectively disrupt wildlife cybercrime long-term.

Online traffickers target some of the world's most iconic and imperiled species, taking advantage of the global marketplace made easily accessible through the internet, and benefitting from the enforcement and jurisdictional challenges that accompany e-commerce and related crime. Despite concerted efforts across regions to protect elephants and rhinoceroses, for instance, these animals continue to be killed in staggering numbers to satisfy demand for ivory and rhino horn products, including through online markets. A 2017 report¹ that examined online advertisements for imperiled wildlife in four European nations found that ivory and suspected ivory were the subjects of nearly a fifth of all advertisements for illicit wildlife products. In addition to ivory, the same report found large numbers of furs and skins from big cats including cheetahs, leopards, African lions and tigers offered for sale online, despite these species' protected status. Worse yet, the greatest number of listings included in this analysis featured *live* animals, underscoring the connection between wildlife cybercrime and animal suffering.

¹ IFAW, *Disrupt: Wildlife Cybercrime – Uncovering the scale of online wildlife trade* (2017), https://d1jyxxz9imt9yb.cloudfront.net/resource/210/attachment/original/IFAW_-_Disrupt_Wildlife_Cybercrime_-_FINAL_English_-_new_logo.pdf.

Here in the U.S., research reveals similarly commonplace wildlife trafficking online. IFAW recently concluded a six-week monitoring effort to better understand the current scope and scale of online wildlife trade nationwide. While the data is still under review,² a preliminary analysis shows that 48% of all collected advertisements were for ivory or suspected ivory products. Bears and felines accounted for the second and third most common animals offered for sale, respectively. As with the 2017 study of European nations, this U.S. study revealed a significant market for live animals, including protected species of iguanas, tortoises, turtles, parrots, cockatoos and primates. Similar analyses conducted in various regions over the past two decades lead, in broad terms, to the same alarming conclusion: online trafficking is a glaring and growing threat to Earth's disappearing species.

This loss of wildlife is lamentable in its own right, but it also carries far-reaching implications for entire ecosystems, as well as for human wellbeing and public health. The loss of a species disrupts its ecosystem, and humans rely on healthy and functioning ecosystems for our most basic needs including oxygen and clean water. Healthy ecosystems are also essential for mitigating the effects of climate change; intact habitats are best equipped to store excess carbon and reduce the impacts of flooding, storms and pollution.

Wildlife trade and biodiversity loss raise significant public health concerns as well. The COVID-19 pandemic is a tragic demonstration of the ways in which wildlife trade can facilitate zoonotic disease transmission. In addition to incentivizing human-wildlife contact, wildlife trafficking as it operates today places animals into extremely unsanitary and stressful conditions, making them more likely to shed pathogens and spread disease. Biodiversity loss exacerbates zoonotic disease spill-over risks, and enabling wildlife trafficking through online commerce intensifies this already-serious threat.

Unfortunately, despite these risks, wildlife cybercrime has become ubiquitous. Wildlife trafficking generally is one of the largest illegal trades after crimes such as drug and human trafficking, and is estimated to be worth between \$7-23 billion per year, according to the United Nations Environment Programme (UNEP).³ Online wildlife trade has been rapid in its spread to the far corners of the globe, and is particularly pervasive in North America (specifically the U.S.), Europe and Asia.⁴

The internet provides wildlife traffickers with access to a vast international marketplace—one without borders that is subject to minimal oversight and is open 24 hours per day, 365 days per year. This structure offers many advantages to traffickers, including an expansive range of consumers. As with any enterprise, a virtual platform allows the product's accessibility to transcend geographical limitations. People who would not have otherwise been able to acquire

² A full report is anticipated for publication during summer 2021, and findings will be made available to the Subcommittee.

³ UNEP, *The rise of environmental crime: A growing threat to natural resources peace, development and security* (2016), https://wedocs.unep.org/bitstream/handle/20.500.11822/7662/-The_rise_of_environmental_crime_A_growing_threat_to_natural_resources_peace%2c_development_and_security-2016environmental_crimes.pdf.pdf?sequence=3&isAllowed=y.

⁴ Global Initiative against Transnational Organized Crime, *Catch me if you can: Legal challenges to illicit wildlife trafficking over the internet* (2018), <https://globalinitiative.net/wp-content/uploads/2018/07/Wingard-and-Pascual-Digital-Dangers-Catch-me-if-you-can-July-2018.pdf>.

illicit wildlife without great effort are now able to do so with ease, which drives up demand. Greater connectivity also creates opportunities for new markets to emerge, particularly for pet and collector markets, where niche collectors become aware of new species.⁵

Since 2004, IFAW has conducted research that reveals the enormous scale of online wildlife trade. A 2008 report identified 7,122 advertisements offering endangered wildlife across 8 countries over a six-week period, with the U.S. accounting for a substantial majority of those advertisements. Research and reports completed since that time have revealed that online wildlife trafficking remains a significant and growing problem across continents, and a forthcoming 2020 analysis focused specifically on the U.S. makes clear that our nation remains a key player in this deadly marketplace.⁶

Notably, the data that IFAW has gathered over the years, while worrisome on its own, provides only a partial view of online wildlife trafficking and its reach because our findings were limited to posts made accessible through public platforms. The data does not reflect or account for trade facilitated by private social media exchanges, closed groups, encrypted platforms, and other, more clandestine virtual channels—which are increasingly favored by wildlife traders for this very reason.⁷

Given the scale and accessibility of the online trade in imperiled wildlife, it is perhaps unsurprising that effective regulation is difficult. The rise in online wildlife trade is a symptom of the general growth in internet commerce, but it is also a response to increased regulation in the offline world. In 2006, the Brazilian organization RENCITAS noticed that as law enforcement agencies and activists had become more adept at shutting down illegal trade in the real world, traffickers were moving online; the difficulty of policing digital marketplaces makes them particularly appealing.¹

The challenge of regulating online trafficking is especially pronounced in the context of wildlife, as wildlife law tends to be highly localized, with different jurisdictions establishing laws pertinent to the animals native to and/or common within a region. Cybercrime is complicated by jurisdictional issues, with parties spread across the globe and therefore subject to different laws.⁸ Indeed, “for wildlife, the internet takes what is primarily a locally regulated resource and converts it into the object of a borderless crime.”⁹

⁵ Global Initiative against Transnational Organized Crime, *Digitally enhanced responses: New horizons for combating online illegal wildlife trade* (2018), <https://globalinitiative.net/wp-content/uploads/2018/06/TGIATOC-Digital-Responses-Report-WEB.pdf>.

⁶ This analysis identified 1,173 advertisements with 2,327 total species for sale with an estimated value of \$1.6 million in the U.S. alone over a six-week period.

⁷ See Global Initiative against Transnational Organized Crime, *Digitally Enhanced Responses: New horizons for combating online illegal wildlife trade* (2018), <https://globalinitiative.net/wp-content/uploads/2018/06/TGIATOC-Digital-Responses-Report-WEB.pdf>.

⁸ IFAW, *Out of Africa: Biting Down on Wildlife Cybercrime* (2017), https://s3.amazonaws.com/ifaw-pantheon/sites/default/files/legacy/%28Pixelated%20Webversion%29SAInvestigationReport_lores.pdf.

⁹ Global Initiative against Transnational Organized Crime, *Catch me if you can: Legal challenges to illicit wildlife trafficking over the internet* (2018), <https://globalinitiative.net/wp-content/uploads/2018/07/Wingard-and-Pascual-Digital-Dangers-Catch-me-if-you-can-July-2018.pdf>.

In addition, just as the transition from real world to internet created a host of new regulatory and enforcement challenges, an ongoing transition from easily accessible online marketplaces to more closely guarded virtual communication and commerce channels has introduced additional complexity. In the face of mounting scrutiny, traffickers increasingly favor private online forums and social media platforms. Trade over social media is difficult to monitor because sellers may communicate with friends or via closed groups. As the Global Initiative against Transnational Organized Crime points out, "the internet...rather than being a 24/7, borderless supermarket, is in fact a bazaar whose stalls are a maze, obstructing researchers with language barriers, passwords and gatekeepers that vet entry into closed social-media groups—a problem that has become much more acute in the last few years."¹⁰

Yet another obstacle to effective regulation and enforcement is the difficulty of distinguishing legal from illegal trade over the internet. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) restricts international wildlife trade by way of a system of permits for species listed on the Convention's appendices based on their level of endangerment in the wild. CITES does not regulate domestic trade, although countries may do so through their own national legislation. Items sold over the internet often lack any CITES documentation, and jurisdictional issues can complicate the question of whether CITES restrictions apply to a particular sale.¹¹ The fact that these sales take place virtually rather than in person contributes to the difficulty in distinguishing legal from illegal in a more fundamental way as well. Because items listed for sale online are not examined in person, sellers can disguise a product as a different item, post blurry photos, or label a product "antique" or "pre-ban" to avoid legal interference. The lack of information, or the presence of misinformation, also makes the distinction difficult from the consumer perspective, and many consumers mistake accessibility for legality.

Even where regulatory structures and enforcement mechanisms have been established, traffickers often do not face appropriate legal consequences. In part because of its status as an environmental issue, wildlife cybercrime has been in some instances deprioritized, with limited enforcement resources diverted elsewhere. Wildlife traffickers may know this, and operate without concerns about interference from law enforcement. In fact, much online wildlife trafficking is decidedly overt. A study of the reptile trade in the Malaysian peninsula found that many traders did little to hide the illegality of their actions, and rarely made any reference to the law or to permits in their postings.¹² One need only search headlines to see that similarly brazen approaches have been adopted elsewhere, including in the U.S.

Although wildlife cybercrime may not always be treated as an enforcement priority, it is intertwined with other criminal activity that has traditionally received more attention from authorities. The United Nations Office on Drugs and Crime (UNODC) found that corruption

¹⁰ Global Initiative against Transnational Organized Crime, *Digitally enhanced responses: New horizons for combating online illegal wildlife trade* (2018), <https://globalinitiative.net/wp-content/uploads/2018/06/TGIATOC-Digital-Responses-Report-WEB.pdf>.

¹¹ IFAW, *Out of Africa: Biting Down on Wildlife Cybercrime* (2017), https://s3.amazonaws.com/ifaw-pantheon/sites/default/files/legacy/%28Pixelated%20Webversion%29SAInvestigationReport_lores.pdf.

¹² Global Initiative against Transnational Organized Crime, *Digitally enhanced responses: New horizons for combating online illegal wildlife trade* (2018), <https://globalinitiative.net/wp-content/uploads/2018/06/TGIATOC-Digital-Responses-Report-WEB.pdf>.

exists throughout wildlife supply chains, and “manifests itself in various ways, ranging from officials receiving bribes and colluding with criminals, to abuse of office and embezzlement of resources allocated to wildlife management and protection.”¹³ In addition to these financial crimes, wildlife cybercrime is tied to poaching and related wildlife offenses, and analysts have even noted its relationship to terrorism financing and drug trafficking.¹⁴

Despite jurisdictional, logistical and enforcement challenges, international and cross-sectoral efforts to rein in online wildlife trafficking provide reason for hope. In 2016, for instance, after nearly a decade of advocacy by IFAW and other groups, the CITES Conference of the Parties (COP) adopted Decision 17.92 on Combatting Wildlife Cybercrime with the goal of bringing together governments, enforcers and online technology companies in a common mission to save wildlife from illegal online trade.¹⁵

In addition to supporting action to address wildlife cybercrime through CITES, IFAW has collaborated with the technology sector to ensure the removal of tens of thousands of online wildlife advertisements and to educate the public on the consequences of wildlife cybercrime. In 2018, conservation advocates launched the Coalition to End Wildlife Trafficking Online with some of the world’s largest online communications and commerce companies. The Coalition currently includes more than 40 companies including Microsoft, Google, eBay and Instagram. As of March 2020, Coalition members reported having removed or blocked 3,335,381 endangered species listings from their platforms since launching the partnership two years earlier.¹⁶ The Coalition also works to raise awareness among website users, educating the public about the threat that online trade poses to wildlife populations and the potential consequences of engaging in wildlife crime. Initial reports suggest that these efforts are paying off; eBay reported declining trade in wildlife on European sites with significantly reduced ivory postings on eBay France and UK, and French site Leboncoin reported a large drop in African grey parrots for sale, while three European sites reported having eliminated ivory from their platforms altogether.

Partnerships involving enforcement entities have also proven productive. IFAW, along with the International Criminal Police Organization (INTERPOL), UNODC, the Oxford Martin School, other conservation-oriented nongovernmental organizations and the Durrell Institute of Conservation and Ecology (DICE), launched the Global Wildlife Cybercrime Action Plan. The plan calls for collaborative efforts from government, inter-governmental organizations, enforcement agencies, private companies, non-governmental organizations and academics to address the threat of wildlife cybercrime.¹⁷ In addition, in 2019, INTERPOL, Belgian Customs

¹³ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species* (2020), https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf.

¹⁴ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species* (2020), https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf.

¹⁵ CITES, *Notification to the Parties No. 2017/036* (2017), <https://cites.org/sites/default/files/notif/E-Notif-2017-036.pdf>; IFAW, *Out of Africa: Bying Down on Wildlife Cybercrime* (2017), https://s3.amazonaws.com/ifaw-pantheon/sites/default/files/legacy/%28Pixelated%20Webversion%29SAInvestigationReport_lores.pdf.

¹⁶ IFAW, *Offline and in the Wild: A Progress Report of the Coalition to End Wildlife Trafficking Online* (2020), <https://static1.squarespace.com/static/5b53e9789772ae59ffa267ee/t/5e5c32496b59fb4dac1baf55/1583100496539/Offline+and+In+the+Wild+-+Coalition+2020+Progress+Report.pdf>.

¹⁷ *Global Wildlife Cybercrime Action Plan* (2018), https://d1jyxxz9imt9yb.cloudfront.net/resource/35/attachment/regular/Global_Wildlife_Cybercrime_Action_Plan.pdf.

and wildlife advocacy groups developed a project to train enforcement officers as well as delivery and online technology companies across the EU to detect and deter wildlife trafficking.¹⁸ International collaboration in the fight against wildlife trafficking online continues to grow, and trans-boundary strategies will surely be critical to safeguarding species around the world.

Despite the growth of wildlife cybercrime, international, cross-sectoral efforts to shut down online markets for imperiled animals suggest that there is cause for optimism about the future of wildlife species threatened by cybercrime.

While this testimony does not propose or endorse a specific piece of legislation or legislative language, I respectfully encourage Members of the Subcommittee to consider the following recommendations while evaluating next steps.

1. Most importantly, as Members of Congress consider revising or introducing legislation related to online commerce and communications, ensure that wildlife trafficking remains a part of the conversation and is clearly incorporated into any relevant legislative reform.
2. Ensure that enforcement entities, including the U.S. Fish and Wildlife Service's Office of Law Enforcement, be provided with funding and resources sufficient to develop, implement and expand tools and techniques for disrupting wildlife cybercrime.
3. Invest in innovation and expand digital forensics capabilities within enforcement agencies.
4. Avoid removing resources from traditional enforcement operations to fund digital operations, as both remain critically important.
5. Establish and reinforce international/cross-boundary partnerships with enforcement entities and organizations.
6. Incorporate wildlife trafficking considerations, including online trade, into policy reforms aimed at protecting public health while reducing pandemic risks.
7. Expand technical capacity of enforcement agencies and officials, and ensure that enforcement operations can operate flexibly and nimbly, as wildlife traffickers can shift among online platforms, rely on evolving and code terms, and otherwise seek to evade enforcers through rapid adaptation.¹⁹
8. Incentivize reporting and protect whistle-blowers who expose online wildlife trafficking.

¹⁸ *EU Wildlife Cybercrime Project* (2019), <https://cites.org/sites/default/files/EU%20WWF%20PROJECT%20-%20Wildlife%20Cybercrime%20project%20factsheet.pdf/>.

¹⁹ See UNODC, *World Wildlife Crime Report: Trafficking in Protected Species* (2020), https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf (“These efforts must be flexible to enable law enforcement to react quickly when...traders switch to other online platforms after one platform cracks down on illegal trade.”)

9. Where appropriate, approach online wildlife trafficking as organized crime. The United Nations Office in Drugs and Crime (UNODC) recommends that national laws “allow the use of alternate offences to pursue wildlife crime, such as money-laundering, corruption, [and] fraud” and “enable wildlife crime to be considered a predicate offence for such crimes, to allow the use of the various tools to address these.”²⁰
10. Implement measures outlined in the Global Wildlife Cybercrime Action Plan²¹ and engage INTERPOL²² as appropriate.
11. Provide for science-driven and humane management of live wild animals intercepted or seized by enforcement entities.

Thank you for the opportunity to provide testimony on this important matter. I look forward to working with the Subcommittee to advance wildlife cybercrime policy and protect imperiled species around the world.

²⁰ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species* (2020), https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf.

²¹ *Global Wildlife Cybercrime Action Plan* (2018), https://d1jyxxz9imt9yb.cloudfront.net/resource/35/attachment/regular/Global_Wildlife_Cybercrime_Action_Plan.pdf.

²² CITES, *Notification to the Parties: Wildlife crime linked to the Internet* (2019), <https://cites.org/sites/default/files/notif/E-Notif-2019-042.pdf>.