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WILDLIFE CYBERCRIME: THE NEW WILD WEST

INTRODUCTION

Every life on earth matters, be it humans or animals. One of the most significant threats to wildlife is Illegal wildlife trade, and it has now started to spread its wings across cyberspace. This has been a major concern and also a gap in wildlife law enforcement in the country considering that the internet users are increasing every day resulting in a growing expanse of a network of poachers, traders, and consumers on this platform. The term "wild life" (written in two words) was first used by the famous Zoologist William Temple Hornaday in his book "Our Vanishing Wild Life (Its Extermination and Preservation)"published in 1913. Fauna means the native wild flora and fauna of a region. In accordance with section 2 (37) of the Wildlife Protection Act 1972, the term "fauna" includes any animal, aquatic or terrestrial vegetation that is part of any habitat. Cybercrime is not defined in any code, it can be disguised as a criminal activity that either targets or uses a computer, a computer network, or a networked device. The phenomenon of monitoring wildlife cybercrime has been fairly naive in India with agencies employing traditional monitoring protocols. The demand for wildlife commodities on such growing platforms has further led to

a surge in poaching and illegal wildlife trade. It is imperative to understand and devise effective methods to monitor virtual markets to check illegal wildlife trade.[1]

Traditionally, illegal wildlife trade has taken place in traditional offline mode markets but the internet has provided new opportunities for wildlife traffickers to reach a vast virtual market where the chances of revealing are low and the profits from the sale vanishing wildlife is extremely high.

On 26-27 December 2018, TRAFFIC India in partnership with WWF-India, National Tiger Conservation Authority (NTCA) and Police Radio Training School (PRTS), Indore, organized a first of its kind training to build the capacity of the forest officials of Uttarakhand and Uttar Pradesh for dealing with wildlife-related cybercrime. The training workshop was conducted in Corbett, by specialist and experts within the field of monitoring cybercrime through important sessions on intelligence, investigation, techniques for search and seizure; investigation of communication device; social media investigation; cybercrime scene management; digital intelligence collection; wildlife forensics; telecom surveillance and CDR analysis and IPDR – (CDR of IP address) analysis.[2]

The workshop was the first in the series being organized by TRAFFIC India in collaboration with WWF-India, NTCA, and PRTS under a new flagship programme called 'Cyber CLAW'[3] According to Dr. Saket Badola Head of TRAFFIC's India, "Cyberspace is fast emerging as a major platform for trading

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[1] Cyber monitoring to curb illegal wildlife trade on virtual markets: Wildlife officials learn new skills, (15 July 2020 at 12:00),
https://www.wwfindia.org/news_facts/?uNewsID=18021#:~:text=The%20phenomenon%20of%20monitoring%20wildlife,poaching%20and%20illegal%20wildlife%20trade.
[2] *Id*
[3] *Id*

in illegal wildlife parts and derivatives. With an estimated 281 million internet users in India, several platforms of social media have turned into virtual markets where illegal wildlife trade is being carried out. Commonly trafficked protected wildlife species on virtual space in India include Red Sand Boa; pangolin; turtles and tortoises; Tokay Geckos; parakeets and owls; corals and shells; timber species; cobra venom; monitor lizards' parts and derivatives among other wildlife."[4]

Globally, many organisations, including IFAW, TRAFFIC, INTERPOL, and CITES have been working to conduct research, identify trends, and develop tools for law enforcement investigating wildlife cybercrime. In 2016, parties at the CITES COP-17 in South Africa adopted several Decisions on combating wildlife cybercrime for Parties to submit information and best practices in this area. At the CITES Standing Committee held in 2017 in Geneva, a working group was developed to have a coordinated approach to tackling this issue.[5]

International Fund for Animal Welfare - The International Fund for Animal Welfare (IFAW) is one among the leading animal welfare and conservation charities around the world. The organization is working to protect animals, preserve habitat, safeguard populations, and advocate for greater protections. It is a global non-profit organization helping animals and people thrive together[6]. They rescue, rehabilitate, and release animals, and restore and protect their natural habitats. They are partner with local communities, governments, non-governmental organizations, and businesses to pioneer new and innovative ways to help all species flourish. Across six continents and the ocean, they have rescued more than 200,000 animals.

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[4] *Id*

[5] Jessica Graham, Inside Ecology, (15 July 2020 at 17:00), https://insideecology.com/
[6] IFAW, About us, (15 July 2020 at 20:00)https://www.ifaw.org/international/about

WILDLIFE CYBERCRIME – REGULATION IN INDIA

TRAFFIC INDIA

TRAFFIC[7] has a covetable reputation, being a reliable and impartial organization, a pacesetter within the area of conservation because it relates to wildlife trade. It was established in 1976 and subsequently developed into a worldwide network, committed to delivering innovative and practical conservation solutions relying on the newest information. It is governed by the TRAFFIC Committee, a steering group composed of members of TRAFFIC's partner organizations, WWF and IUCN. A central aim of TRAFFIC's activities is to contribute to the wildlife trade-related priorities of such partners. The organization also works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Wild Life (Protection) Act, 1972[8]

The Wildlife Protection Act was enacted for the protection of plants, birds, and animal species. The Wildlife Protection Act is an umbrella Act to safeguard wild animals and plants.

This Act includes provisions which cover the protection of plants and animals, hunting, harvesting, and various other ancillary matters connected thereto. It has various kinds of penalties are also laid down for the violation of the laws contained therein. This Act is the first legislation which provides such a

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[7] About TRAFFFIC, (16 July 2020 at 16:02)https://www.wwfindia.org/about_wwf/enablers/traffic/about_traffic/

[8] Ayush Verma, The Wild Life (Protection) Act, 1972: An overview, (16 July 2020 at 19:00), https://blog.ipleaders.in/wild-life-protection-act-1972-an-overview/

comprehensive list of endangered wildlife species and which prohibited hunting of wild animals for the protection of the wildlife.

Constitutional Provisions

Part 4 of the Indian Constitution contains the Directive Principles of State Policy. *Article 48-A* of the Indian Constitution states that the State shall try hard to achieve a clean environment, protect and improve the environment, and safeguard the wildlife and forest of the country.

Part 4-A of the constitution contains the Fundamental Duties. *Article 51A(g)* of the Indian Constitution states that it is the duty of every citizen to protect the natural resources like lakes, rivers, and also the wildlife. It also says that every citizen should have compassion for living creatures.

Wildlife Crime Control Bureau

It is a statutory multi-disciplinary body established by the Government of India under the Ministry of Environment and Forests. The primary goal of this body is to combat organized wildlife crime within the country. Under Section 38 (Z) of the Wild Life (Protection) Act, 1972, it's mandated to gather and collate intelligence associated with organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so to apprehend the criminals; to create a centralized wildlife crime data bank; co-ordinate actions by various agencies in connection with the enforcement of the provisions of the Act; assist foreign authorities and international organization concerned to facilitate co-ordination and universal action for wildlife crime control; capacity building of the wildlife crime enforcement agencies for scientific and professional investigation into wildlife crimes and assist State Governments to make sure that there's success in

prosecutions associated with wildlife crimes; and advise the Government of India on issues concerning wildlife crimes having national and international ramifications, relevant policy and laws. It also assists and advises the Customs authorities in inspection of the consignments of flora & fauna as per the provisions of Wild Life Protection Act, CITES, and EXIM Policy governing such an item.[9]

Wildlife cybercrime on the rise in ASEAN

With social media already playing a major role in human trafficking, arms trading, and drug smuggling, it is conceivably no surprise that the illegal wildlife trade is the latest cross-border crime to go online. Long referred to as a hub for wildlife trafficking, Southeast Asia's unsavory reputation has been enhanced by social media – with copious cases of buyers and sellers conducting deals while hiding behind a cloak of anonymity. The region's high mobile penetration rate offers buyers quick access to black market traders and the other way around, and therefore the lack of effective monitoring combined with the recognition of social media platforms means wildlife cybercrime is a growing concern.[10]

Traffickers unfazed

In 2016, CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) agreed to engage with relevant social media platforms, search engines, and e-commerce platforms to address illegal international trade

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[9] About Us, (17 July 2020 at 10:50), http://wccb.gov.in/Content/AboutUs.aspx
[10] The ASEAN Post Team, Wildlife cybercrime on the rise in ASEAN, (17 July 2020 at 11:00), https://theaseanpost.com/article/wildlife-cybercrime-rise-asean

in CITES-listed species. However, it seems that the international wildlife trade treaty has done little to discourage Southeast Asian offenders. In 2019, a man in Indonesia was arrested when his alleged involvement in illegal poaching surfaced after he posted a video of himself chopping an endangered hornbill on social media before eating it. A Malaysian was also arrested after using social media to sell a live pangolin. In Thailand, a total of 1,521 live animals for sale online on 12 Facebook groups were found in 2016, according to a report by wildlife trade monitoring network TRAFFIC. A follow-up research on the same 12 groups in 2018 showed that only 10 remained – but total membership had almost doubled from 106,111 to 203,445. Among the 200 species offered for sale in the Thai report included two were critically endangered; the Helmeted Hornbill and Siamese Crocodile. However, approximately half of the species found in the report don't receive protection under Thailand's primary wildlife law as they're not native to the country and have no legal protection or regulation.[11]

Formed two years ago in partnership with TRAFFIC, World Wide Fund for Nature (WWF), and International Fund for Animal Welfare (IFAW), it was realized by the 21-company coalition that the traffickers were shifting platforms once they were detected – therefore creating the necessity for industry-wide cooperation. The coalition also counts Microsoft and Google and e-commerce giants Alibaba and eBay in its ranks to scale back online trafficking. "Advances in technology and connectivity across the world, combined with rising buying power and demand for illegal wildlife products, have increased the ease of

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[11] *Id*

exchange from poacher to consumer," said WWF when announcing the coalition.[12]

Combating wildlife cyber crime

India has addressed illicit internet trade, the website advertised dhaariwala chaddar, which is Hindi for "striped bedsheet." It is also code for tiger skin, the sale of which is illegal under the Convention on the International Trade of Endangered Species (CITES), a treaty signed by 183 countries that protect 5,000 species of animals and 29,000 species of plants. In foreign markets, a tiger rug can sell for more than U.S. $160,000, and investigators have seen a stuffed tiger priced at the U.S. $728,000. Although the internet has facilitated trade in rare and endangered species for decades and contributed to the decline of many species worldwide, such trafficking has become more prevalent in recent years in India, a country rich with diverse and extraordinary creatures. Poaching and wildlife crimes increased 92 percent in India, from 15,800 to 30,382 between 2014 and 2016, according to a book by New Delhi's nonprofit Centre for Science and Environment titled State of India's Environment 2017. The number of species poached or illegally traded also increased from 400 in 2014 to 465 in 2016, data from the Wildlife Protection Society of India has revealed.[13]

WCCB has arrested at least 129 people involved in poaching of the pangolins and trading of their scales, sought for their medicinal and aphrodisiacal qualities, since March 2015 when the Madhya Pradesh forest department created a special task force to tackle the issue. Demand from China for the

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[12] *Id*

[13] IPDForum, Combating wildlife cyber crime, (16 July 2020 at 21:55)https://ipdefenseforum.com/2018/04/combating-wildlife-cyber-crime/

endangered mammals is driving the illicit trade and has led poachers to establish three main smuggling routes from central India to China, the Hindustan Times newspaper reported in February 2017. The first moves goods through Nepal and Tibet, the second through Burma to Laos and Thailand, and a third through Uttarakhand to Tibet.[14]

Indian authorities seized around 5,900 kilograms of scales between 2009 and 2014, meaning that around 2,000 pangolins were killed during that time, according to the Hindustan Times. In China, scales sell for US $ 2,500 per kilogram. Likewise, in the country's largest turtle ban to date, a special task force led by Uttar Pradesh police seized 6,430 endangered soft-shelled and endangered softshell turtles from a home in Amethi district. in January 2017, reported the Times of India newspaper. According to the Center for Science and Environment, 37,267 turtles were rescued in India between 2015 and 2016, or around 100 turtles per day.

Today, most species in India are threatened by poaching, shrinking habitats, haphazard development, and by hunters looking for a game. Despite the enforcement successes, much work remains. Wildlife trafficking, deforestation, and loss of habitat are no longer localized problems but global ones. Sharing information internally and regionally is key for strengthening enforcement networks and increasing understanding and commitments to counter cyber criminals who engage in illegal trade in animals, plants, and wildlife, trafficking enforcement experts advise. Many Indian officials point out that the foreign demand drives poaching and the often-needless slaughter of endangered animals. To curb cyber trafficking, factors driving demand must also be addressed.

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[14] *Id*

CONCLUSION

To conclude, every life matters. As there is a continuous evolution of the society, and thus, the tendencies to commit crime are also changing. Furthermore, as there are no strict laws on it and hence it has to some extent resulted to motivate the surge in illegal wildlife trade and poaching. Illegal wildlife trade is determined mainly by the huge profits earned by the traders. Low risk makes the trade highly lucrative to the traders. Wildlife crimes do not affect the general public and, therefore, usually, public does not come forward to give information about offenders, the law enforcement agencies must find ways to motivate members of the public to on information about these offenders as it is essential to cultivate a set of reliable informants. India, in partnership with the world's largest online businesses, is now battling wildlife cybercriminals who seek to exploit web platforms to profit from endangered wildlife. The participating internet companies have shown their interest in learning more about online illegal wildlife trade on various digital platforms and explore ways to work together to find solutions. In today's techno-savvy environment, the planet is becoming more and more digitally sophisticated where we are dependent more and more on technology, crime supported by electronic law-breaking are bound to increase and the law makers have to make tenacious efforts to keep them at bay.