

# **KILLING WITH KEYSTROKES**

**An Investigation of the Illegal Wildlife Trade on the World Wide Web**

## **PORTUGAL UPDATE**

**A report by:**  
*Francisco Gonçalves*



## Abstract:

The rise of the Internet has revolutionized the way we exchange ideas, information and merchandise. This is largely due to the medium's ability to facilitate communications and new commercial and social connections around the globe. However, as a result, the Internet is also facilitating the illegal trade in wildlife, which is having a devastating effect on animals, ecosystems and the communities that rely on them worldwide, making it one of the major wildlife conservation challenges of our generation.

This International Fund for Animal Welfare (IFAW) report includes an update on the Portuguese situation with regard to the potentially illegal trade in endangered species on the Internet.

The investigation spanned one month, involved a one-week snapshot investigation on 13 publicly accessible websites, and looked at both the wildlife product and live animal trade in primates, birds, reptiles, big cats, bears, elephants, rhinoceros, sharks, and whale.

In a one-week period, the IFAW investigator tracked 144 online auctions, advertisements and communiqués offering trade in Convention on International Trade in Endangered Species (CITES) *Appendix I* listed wildlife. The results clearly point to an even greater potential problem in Portugal given that the investigator focused on a limited number of species and only publicly available Web sites.

## Introduction:

After arms and drugs, animals and plants are the most trafficked commodity worldwide. Every year, this trade involves more than 350 million specimens from around the world, which brings in millions of Euros<sup>1</sup>; a true luxury for extinction, given that most of these animals are exotic, rare, endangered, and very coveted.

The Convention on International Trade in Endangered Species (CITES) has three levels of protection for threatened species<sup>2</sup>.

The highest level of protection is afforded to the more than 800 Appendix I species designated as being in immediate danger of extinction<sup>3</sup>. With very few exceptions, commercial trade in Appendix I species is banned. These species include the highly vulnerable species like elephant, tiger, gorilla and marine turtle, along with a large number of additional wild cats, parrots, parakeets, cockatoos and macaws.

Species listed on CITES Appendix II are recognized to require protection from trade, but not to the point of a ban. While trade may be allowed in Appendix II species, any international trade or transfer of such an animal or its derivative products requires an export permit issued by the authorities of the nation where the animal product is located and in some instances an import permit issued by the country where the animal product will be received. In theory, these restrictions on trade in Appendix II species are designed to regulate trade in order to ensure that these species are not exploited to the point where they require Appendix I protections.

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<sup>1</sup> <http://ecosfera.publico.clx.pt/noticia.aspx?id=1399243&idCanal=2101>

<sup>2</sup> CITES Secretariat. (2008). *The CITES Species*, from <http://www.cites.org/eng/disc/species.shtml>

<sup>3</sup> CITES Secretariat. (2008). *How CITES Works*. from <http://www.cites.org/eng/disc/how.shtml>

Appendix III species, while not facing specific global threats, are listed by individual countries wishing to enlist assistance in protecting species located within the borders of their countries<sup>4</sup>.

The rise of the Internet has revolutionized the way we exchange ideas, information and merchandise. This success is largely due to its ability to facilitate communications and new commercial and social connections around the globe. No wonder this pervasive and powerful technology has become the world's largest "shop window." Some of the characteristics of this virtual store – always open, unregulated and anonymous – have also made it a conduit for the illicit trade in wildlife, a trade that officials estimate may be worth in excess of US\$20 billion annually.

The rapid rise in global Internet usership, the diverse interests and activities of Internet users and the introduction of new technologies and applications are just three of the developments that challenge the ability of national and international law enforcement to keep up with the innovations of Internet-savvy criminals.

Currently, national laws aimed at regulating wildlife trade to ecologically sustainable levels are poorly developed and insufficient to deal with the nature of Internet trade. Even where laws exist, enforcement is often inadequate or simply not focused on trafficking in wildlife. Meanwhile, the Internet provides an unprecedented platform for a burgeoning, undocumented trade in endangered animals, alive and dead. This new global marketplace distances the consumer from the trail of bloodshed that winds through the World Wide Web back to our most cherished wild places.

Since 2004, the International Fund for Animal Welfare (IFAW) has investigated the Internet wildlife trade. These studies have revealed high numbers of wildlife products exchanged on a daily basis. In 2004, IFAW uncovered a brisk ivory trade on the internet in the United Kingdom. In a 2007 follow-up report, IFAW focused specifically on the ivory trade on eBay, and found 2.275 ivory items for sale on eight national eBay websites in a single week. As a result of this study and ongoing consultations with IFAW, eBay Inc. announced a global ban on cross-border trade in ivory products in June 2007 for all eBay national sites.

In 2008, IFAW undertook the largest investigation into the wildlife trade on the Internet the organization has ever attempted. The results of the investigation were published in a report entitled *Killing with Keystrokes: An Investigation of the Illegal Wildlife Trade on the World Wide Web* (KWK), and available at [www.ifaw.org](http://www.ifaw.org). The purposes of this investigation were to understand the volume and geographic scope of the global Internet wildlife trade, to identify key Internet wildlife trade markets, to determine the species most affected by the trade, and to identify significant issues and trends related to the online trade in the CITES-listed species.<sup>5</sup>

This report is aimed at furthering the 2008 investigation by providing an update from Portugal on this matter. Little is known about the dimension and seriousness of the wildlife trade on the Portuguese World Wide Web. This report is the first attempt to find out how large is the E-Commerce on in endangered species of fauna and flora is in Portugal.

In spite of the patchwork of laws and policies designed to address the problem of unregulated wildlife trade on the Internet, the vastness and adaptability of the World Wide Web (WWW), the anonymity afforded to traders, a lack of public awareness about regulations, and inadequate enforcement of existing national laws all continue to threaten wildlife around the

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<sup>4</sup> CITES Secretariat. (2008). The CITES Appendices, from <http://www.cites.org/eng/app/index.shtml>

<sup>5</sup> IFAW, 2008. *Killing with Keystrokes: An Investigation of the Illegal Wildlife Trade on the World Wide Web*. 38pp

globe. This investigation is aimed at providing information to the Portuguese Government, enforcement officials and Internet platforms in order to give them greater understanding of the situation, suggest methods in which to counter illegal wildlife trade, and aid further enforcement.

## Methods:

This report is the product of a two-phase investigation. Phase I was a scoping exercise to determine the specific search words and marketplaces to be used in Phase II. The second phase was conducted via a one-week snapshot from February 8 to February 12, 2010, during which a country investigator identified and tracked advertisements for live animals and wildlife products protected by the CITES.

Because of time restrictions, this investigation, unlike the others conducted by IFAW and included in the *Killing with Keystrokes* report that included 6 one-week survey snapshots over three months, was limited to a one-week snapshot only, over a one month period.

During Phase II, in order to have a systematic method to achieve steadier and better results, an inventory of keywords was carefully drafted, and used on the surveyed Web sites. These are stated below.

The findings are a result of monitoring only Web sites readily accessible to the public, of Portuguese language and operated in Portugal.

### GLOBAL KEYWORDS

Primate – Monkey – Baboon – Chimpanzee – Gorilla – Bird of Prey – Falcon – Eagle – Parrot – Parrot Eggs – Skin Rug – Sea Turtle – Reptile – Crocodile – Caiman – Snake – Asian Big Cat – Wild Cat – Lion – Tiger – Ocelot – Puma – Panther – Cheetah – Leopard – Pangolin – Seahorse – Ivory – Elephant – Tusk – Bear Bile – Bear – Seal Products – Saiga Horn – Shatoosh – Shark – Caviar – Taxidermy – Whale – Scrimshaw – Rhino

All key words were combined with “trophy”, “product”, “skin”, “oil”, “fur”, “horn”, “meat” or “claw”.

IFAW’s investigation attempts to assess the nature and scale of illegal wildlife trade on the Portuguese Internet by answering the following questions:

- ❖ Is the Internet a conduit for trade in illegal wildlife?
- ❖ What is the value and scope of this trade?
- ❖ Which species of protected animals are falling victim to e-commerce?
- ❖ Who is involved in the trading?
- ❖ On which sites is the majority of this trade occurring?

The investigator recorded a number of data points for each individual advertisement including list price, shipping range, Web site policy, and final sale status. An actual assessment of the legality of each product was beyond the scope of the research, so IFAW employed a three-tiered system categorizing listings based on the information presented as Likely Compliant, Potential Violation or Likely Violation.

It was used a conservative approach in assigning a violation category to a listing: in cases of uncertainty, listings were given the “benefit of the doubt.” If a cursory attempt was made by a seller to provide documentation (*Likely Compliant*), the investigator accepted the permit or

other documentation as valid. Further, while *Possible Violations* were found to be the most common, it is highly possible that many of these were actually more serious *Likely Violations*. By utilizing this conservative approach, IFAW investigators were able to minimize the risk of reporting false positives and produced consistently conservative data throughout the investigation.

Categories of potential violations:

- ❖ **Likely Compliant:** listings claiming legality (either under national or international law) and offering some form of supporting proof or documentation were classified as Likely Compliant so long as they were also in compliance with Web site policy. There was no further investigation into these claims, despite the ease with which documentation can be altered or counterfeited.
- ❖ **Possible Violation:** this category refers to advertisements that made a claim of legality (either under national or international law), but failed to provide any supporting proof or documentation and therefore had a greater potential for being in violation of law and/or Web site policy.
- ❖ **Likely Violation:** advertisements containing no reference at all to legality (either under national or international law) and/or clearly contravening Web site policy were classified as the most serious Likely Violations.

## Results:

During the on-week snapshot investigation, IFAW’s investigator tracked 144 online auctions, advertisements and communiqués offering wildlife and wildlife products for sale domestically and internationally in Portugal. The results point to a problem more significant than originally suspected.

Only species under the Appendix I of CITES were accounted for the results.

From the 13 websites surveyed, 11 displayed species under the *Appendix I* of CITES, and 144 Ads were recorded and analysed. There was a careful crosschecking to make sure no repeated ads were registered, thus some websites have more sales than others. However the research was not aimed at the websites *per se* but at the volume of the trade on the WWW. This was made also applying the conservative approach taken throughout the investigation; hence preventing the annotation of repeated items over and over, giving an inaccurate and biased dimension of the issue at hand.

Table 1 – Surveyed websites and number of sales found.

Websites	Sales	Percent
leiloes.net	39	27,1%
cml.pt	39	27,1%
olx.pt	38	26,4%
custojusto.pt	9	6,3%
grandemercado.pt	4	2,8%
miau.pt	3	2,1%
coisas.com	3	2,1%
ocasio.pt	3	2,1%
animais.jcle.pt	3	2,1%
avesexoticasoliveira.blogspot.com	2	1,4%
classificadosmais.com	1	0,7%

From the 41 terms used on the survey, 12 gave out result of species protected under *Appendix I* of CITES.

From the total of 144 sales, 100 (69.5% of all sales recorded) were of elephant products and from these, 98 (98% of all elephant products) were pieces of Ivory.

From the total ivory items up for sale 74 (75.5%) we classified as *Possible Violations*, and 24 (24.5%) were marked as *Likely Violations*.

During following communications with Dr. Pedro Alvim, major partner and executive from Cabral Moncada Leilões (cml.pt), he assured that all pieces on their website have a CITES certification. However, no reference is made to CITES on his website, and none of the certifications is shown online, for any of the items auctioned. As this website accounted for 27.1% (all items on ivory) from all monitored sales, it is worry the total lack of care and transparency on this matter. Nevertheless, Dr. Pedro Alvim is willing to collaborate with IFAW sending the respective CITES certifications, and also asked what are the aims of IFAW with the elaboration of the current report; this channel is still open between IFAW and Cabral Moncada Leilões for further consulting.

The second term that turned out more results was *crocodile*, all coming from the same species, *Crocodylus siamensi*, and from the same seller. Upon further investigation, this seller was contacted and asked for a CITES permit, and he did send one. However, the permit stated that it was for 1 wallet only, the item requested by the investigator. Since the objective of the investigation was not to determine the legality of the trade, no further exchanges were made with the seller. However, because he failed to provide the CITES permit for his products on sale, his listings were classified as *Possible Violation*.

Even though it was not an objective of the investigation, the survey revealed a great number of listings for exotic birds protected under the *Appendix II* of CITES. The great majority of the sellers did not provide any details on the origin of the animals and none were recorded providing any *online* documentation.

The live bird species recorded as species under *Appendix I* of CITES appeared to be scams, and if so, with no actual commerce being made (only people being tricked), however it shows the demand of such species on the *e-market*.

From the 144 sales, 131 (91%) were for wildlife products, and the remaining 13 (9%), were live animals.

Table 2 – Global terms used on the survey and correspondent number of sales recorded

Global Terms	Sales	Percent
Ivory	94	65,3%
Crocodile	20	13,9%
Parrot	7	4,9%
Leopard	5	3,5%
Elephant	6	4,2%
Reptile	3	2,1%
Falcon	2	1,4%
Rinho	2	1,4%
Whale	2	1,4%
Caiman	1	0,7%
Snake	1	0,7%
Wild Cat	1	0,7%

Calculating an accurate value of the trade in protected wildlife on the Portuguese Internet is challenging because very few sites confirm sales and publish the final sale price of an item. In fact, from our research, the only site that produces reliable information about final sales is <http://www.cml.pt> (CML). IFAW's calculation of the total trade is therefore extremely conservative, totalling 173.173,00 € in advertisements and 114,700.00 € in recorded final sales. Extrapolated to an annual figure, an alarming picture of e-trade in endangered species starts to emerge.

When a monetary interval was given but no sale recorded, the minimum value was recorded for data analysis.

Moreover, only 129 (89,6%) out of 144 sales provided any price tag, therefore, 10.4 % of sales are not included in the figures. The *total advertised prices* is an underestimate of the real total value, even so a very meaningful one, showing the high potential profits the trade of illegal species offers.

In order to remain transparent, this report publishes two monetary measures of Internet trade: advertised price and final sales. The wide disparity between the figures above has two sources. Without proof that money changed hands, it is impossible to state that a sale actually occurred. Throughout this investigation, a final sale was only recorded if it could be verified, a feature only available on CML. Therefore, a large amount of commerce is not represented in the final monetary tallies.

The most striking item was the selling of an artifact dated from the 17th century, made of ivory, which sold for 60.000,00€ (US\$ 81.499,59). The buyer professed the antiquity of the commodity; however he failed to provide any documentation supporting that claim. For this reason it was recorded as a *Possible Violation*. This was the highest-priced item tracked by IFAW investigations in any country.

Table 3 – Advertised monetary value

Value	
Total Advertised Prices	173.173,00 € - US\$ 235.225,49
Total Final Sales	114,700.00 € - US\$ 155.800,06

The results for Potential Violations revealed that none (0%) of the sales analysed fell into the category of *Likely Complaint*. From the 144 sales, 98 (68%) were classified as *Possible Violation* (advertisements that made a claim of compliance but failed to provide any supporting documentation), and 46 (32%), as *Likely Violation* (advertisements containing no reference to compliance or documentation).

Table 4 – Potential Violations results

Level of Violation	Sales	Percent
Likely Compliant	0	0%
Possible Violation	98	68%
Likely Violation	46	32%

Figure 1 – Graphic showing the Potential Violations and respective categories for all sales

## Level of Violation for All Sales

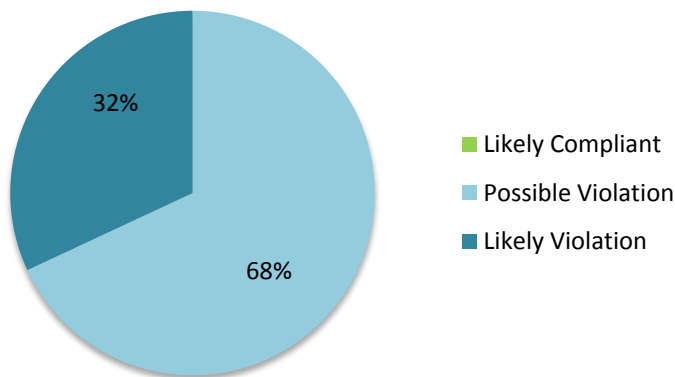
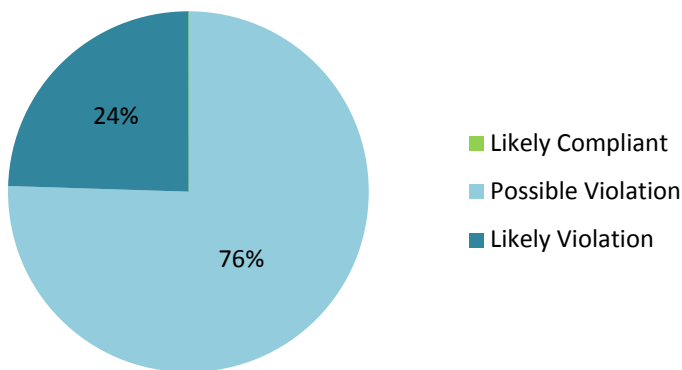


Figure 2 - Graphic showing the Potential Violations and respective categories for ivory products

## Levels of Violation for Ivory



### Discussion:

Portugal ratified CITES on the 11<sup>th</sup> of December 1980 and put the treaty into effect on the 11<sup>th</sup> of March 1981<sup>6</sup>.

This investigation sought not only to discover the volume and value of potentially illegal trade in a select number of species, but also to learn who was selling these items and on which sites. The disheartening result is that most Web sites do not require sellers to prove the legality of their items online nor do they monitor what is being posted or sold. Additionally, most do not enforce the rules by which they claim to operate. These factors, coupled with the anonymity of the Internet, make it a perfect marketplace to sell illegal wildlife items.

### Legality:

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<sup>6</sup> This date was made public by the Av 178/2003 from 10<sup>th</sup> of July.

The Convention on International Trade in Endangered Species (CITES), also known as the Washington Convention, in place since the 1<sup>st</sup> of July 1975, was approved for ratification by Portugal by the Decree n.º 50/80, from 23 of July.

The CITES Convention, which includes about 5,200 species of fauna and 28,500 species of flora, is an essential tool to protect and conserve species, and helps to mitigate the global crisis of biodiversity loss. The application of standards and criteria of CITES requires the licensing of trade in specimens of species listed in its annexes and can be processed only when their administrative and scientific authorities of each ratifying country have confirmed that this trade is not detrimental to the survival of wild populations of the species concerned .

Although the Convention and its annexes directly bind their parties, it is necessary to adopt national legislation to regulate and ensure its implementation. Since Portugal is a member state of the European Union, is also required to comply with the requirements stipulated in the various existing EU regulations relating to CITES<sup>7</sup>.

In Portugal the law was recently been updated last 3<sup>rd</sup> of September by the Decree Law 211/2009. This came to supplant the latter Decree Law 144/90 from 5<sup>th</sup> of April, which was considered very outdated and did not reflect a large number of changes and updates that have been made to the text of the Convention, nor the adoption of a series of EU regulations on this subject, for example, Regulation (EC) No 338/97 of the Council of 9<sup>th</sup> December 1996 the Regulation (EC) No 865/2006 , the Commission of 4<sup>th</sup> May, Regulation (EC) No 100/2008, the Commission of 4<sup>th</sup> February, the Council Regulation (EC) No 359/2009, the Commission of 30<sup>th</sup> April and Regulation (EC) No 407/2009, the Commission of 14<sup>th</sup> May.

According to this new law:

*“Possession is prohibited of any specimen of a species listed in Annexes A, B, C or D of the Regulation (EC) No 338/97 if it was acquired or imported in contravention of the provisions of this ordinance or communitarian regulations on this matter.”*

(Decree-Law 211/ 2009, from 3<sup>rd</sup> of September, Article 2º - 1)

*“The possession of specimens of the species listed in Annexes A, B, C and D of Regulation (EC) No 338/97 are titled by licenses or certificates provided and foreseen in Regulations (EC) Nos 338/97 and 865/2006.”*

(Decree-Law 211/ 2009, from 3<sup>rd</sup> of September, Article 2º - 3)

*“In cases of transfer of specimens of species included in Appendices B, C and D of Regulation (EC) No 338/97, to a new holder that does not involve the leaving of the specimen outside EU borders, the possession is titled by licenses or certificates provided and foreseen in Regulations (EC) Nos 338/97 and 865/2006.”*

(Decree-Law 211/ 2009, from 3<sup>rd</sup> of September, Article 2º - 4)

*“Even if the specimen is not under protection, it is compulsory the lodging of a declaration of non-inclusion in Annexes A, B, C or D to Regulation (EC) No. 338/97, issued by the chief administrative or regional level, referred to in Article No. 5. and 6, for the import, export and re-export of specimens of wild fauna and flora (...)”*

(Decree-Law 211/ 2009, from 3<sup>rd</sup> of September, Article 3º)

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<sup>7</sup> <http://www.portugal.gov.pt/pt/GC17/Governo/Ministerios/MAOTDR/Notas/Pages/20090903.aspx>

One of the new provisions of this law was the Portugal national CITES registration. Regulated by the Decree n.º 7/2010, of January 5<sup>th</sup>, as foreseen on the Article 4<sup>th</sup> of the Decree-Law n.º 211/2009 from September 3<sup>rd</sup>.

*“The relevant Register is run and managed by the Institute for the Conservation of Nature and Biodiversity (ICNB). The Article 4<sup>th</sup> of the Decree-Law 211/2009, requires the registration of importers, exporters and re-exporters, scientific institutions, breeders, keepers, and taxidermists, and whoever detains species under the annexes A, B, C or D of the Regulation (EC) No 338/97.”*

(Decree-Law 211/ 2009, from 3<sup>rd</sup> of September, Article 4º - 2)

Licenses are usually valid for 12 months, after that period they need to be re-issued.

Monitoring and inspections are also foreseen under this new law and can be done by a series of different entities. Three new enforcement agencies are now in place with the new law; Customs, law enforcement agencies (such as SEPNA) and the ICNB - which remains as coordinator – and are now joined by the ASAE (Food Safety Authority and Economic Affairs) General Direction of Veterinary and the Attorney General's Office (PGR).

Fines are applied using the Decree-Law 50/2006 of August 29<sup>th</sup>, and revised under the Law n.º 8/2009 from August 31<sup>st</sup>, and vary from a *light offense* category of 200€ for an individual in case of negligence to a *very serious offense* category of 2,500,000€ for a collective person in case of intent.

### ***E-Market and its Implications***

Even though the new Decree Law 211/2009 gives a never before strength to combat the trafficking of wildlife in Portugal, it does not foresee the unique conditions that the Internet offers for such trade to be conducted.

The singularity of the Internet trade allows many malpractices not anticipated in the law. This allows the manipulation and installation of loopholes to circumvent rules, regulations and the law. These include:

- ❖ **Self-Authentication/Certification:** in many cases, the seller need only claim that the item for sale is legal to comply with Web site policy.
- ❖ **Documentation:** When provided, it is often impossible to verify documentation online. Documents can be easily counterfeited or obscured, improperly completed or replicated repeatedly for multiple sales.
- ❖ **Off-line Networking:** Advertisements on Internet marketplaces serve as forums for social networking, putting potential buyers and sellers in contact so that they may complete transactions offline and undetected by any enforcement systems.
- ❖ **Unrecorded International Shipping:** Some sellers noted in to offer only domestic shipping of ivory, but buyers' feedback indicates that items have been sent to buyers in different parts of the world and outside the EU borders; like, for example, items sold on Portuguese websites and sent to Brazil.
- ❖ **International Access:** No system currently in place prevents a seller in one country from listing an item on a marketplace site in another. In some cases, the advertisement provides telephone contact details (rather than e-mail or online communications) thus avoiding an electronic “paper trail”.
- ❖ **Immediacy:** The speed with which online sales take place presents logistical hurdles for monitoring and enforcement, where they exist. In a system that relies on user reporting and a sluggish review process, these speedy sales can go largely undetected and thereby circumvent regulations.

- ❖ **Anonymity:** The absence of user IDs probably accounts for what the investigator found to be some of the more brazen activities encountered in our investigation.
- ❖ **Relisting:** Without adequate enforcement, sellers can easily re-list items that have been taken down by marketplaces, sometimes using new names for their items.
- ❖ **Scams:** The proliferation of Web sites offering live animals for sale or providing opportunities for potential illegal wildlife sales is also facilitating other crimes commonly known as “scams.” Scams are fake advertisements that most commonly offer birds, reptiles and bird eggs, particularly on Web sites that run free classifieds. Money is solicited from an unsuspecting buyer who receives no animal or product in return. Such advertisements waste the effort and limited resources of enforcement officers by distracting them from looking at genuine illegal wildlife trade.

### *The Survey and its examples*

#### ***Ivory:***

During our investigation the biggest commodity on sale in Portugal was ivory; and the sad reality is that ivory trade anywhere is a threat to elephants everywhere. Thousands of elephants are being poached every year to supply the illegal ivory markets. The killings will not stop until the trade does.

Another legal loophole arising from the “split-listing” of protected populations is that while all Asian and most African elephants are listed on Appendix I, elephant populations in Botswana, Namibia, South Africa and Zimbabwe are listed on Appendix II. A seller can therefore, simply claim an item to be a product of, for example, a Namibian elephant and offer fraudulent documentation.

And even worse, the trade that has been witnessed in this investigation is predominantly undocumented – just another prime example of the need for a complete ban on all elephant ivory. Only one seller provided the actual species of elephant, but failed to state the origin, and was also the only one on the investigation to claim having an “international certification”; the commodity was a complete skull of a *Loxodonta africana* (a species that is “split-listed”), with the tusks still attached. Because it failed to provide online documentation it was classified as *Possible Violation*.

Because of the complications, bans must be thorough and reinforced by solid, cooperative, effective and proactive enforcement measures among authorities, site operators and law enforcement. In 1989, CITES banned the trade in ivory as it was widely recognized to be pushing elephants to extinction – during the 1980s African elephant numbers plummeted from an estimated 1.3 million to 450,000 because of ivory poaching. Today again thousands of elephants are killed annually for their ivory. This ivory is in turn sold as trinkets, much of which clearly ends up on the WWW. A complete ban of all ivory items on the Web is therefore the only way to prevent further detriment to this endangered species.

#### ***Birds***

Portugal has made some improvements on the trade of wildlife in recent years and proof of it are the exotic birds. Portugal used to be the 3<sup>rd</sup> biggest importer of wild birds in the EU. No wonder IFAW found hundreds of exotic birds on sale throughout the websites surveys. Most corresponded to Psittaciformes species, currently under the *Appendix II* of CITES. In view of the fact that only species under the *Appendix I* of CITES were the core focus of the investigation these findings were not recorded.

However, species under Appendix II are designated as requiring protection from trade, but not to the point of the ban. This also shows the lack of regulations reigning on the E-Commerce,

the disarticulation to monitor and enforce the current law. Many of the sales found on the survey did not even mention the legality of the animals.

A number of Blue Macaws (*Anodorhynchus hyacinthinus*) were found on sale on different Web sites, however these appeared to be scams, some so obvious that they were not even recorded. There were also a couple of users asking for parrot eggs to make a special remedy, to cure an affliction they had.

Another example was a breeding facility, that in between other animals, has two species of pheasants under the Appendix I of CITES, namely *Lophura edwardsi* and *Lophura swinhoii*, in contact with the proprietary, information was received that specimens of those species were not for sale at the moment, however, it was assured that in case of selling the animals would have a CITES permit. Nevertheless, no documentation was sent as requested (not even for the breeder animals), nor was it online, it was included in the *Likely Violation* category.

Bird trade in Portugal decreased due to a number of factors: law enforcement, being no longer in fashion, a flood of the market, a large number are now bred in Portugal, and also due to the EU ban on CITES Appendix I and regulation regarding Appendix II bird species. This however, does not exclude the proper control and monitoring of the WWW in this regard.

#### ***Other facts:***

One of the worrying trends found during the investigation was the lack of species names. Only with a given Family or Gender it is not possible to find out which actual species it is and conclude in which CITES Appendix, if in any, it is found. Many items comprising reptiles, birds, and even one selling prairie dogs did not mention what species they were, their origin, and legality. The only detail known was that it was online to make profit.

Some sales had descriptions such as “beautiful animal, green and yellow” or “beautiful fur rug, of unknown species”

Many scams, only allowed by the nature and unique features of the internet, were also found. Ads were characterized by a poor Portuguese (possible from using an online translator), lack of names or contact information, lack of details, and the only method of contact is the “ask the seller a question” button on the Web site. When the prices were shown they were much inferior to what would be expected for a species of the rarity and endangered status as proclaim by the seller. Normally comment would follow to the Ads saying it was a fraud or even “I’ve been hoaxed, don’t buy!”

The investigator looked on some of these ads. After sending a message saying he was interested in the commodity, an e-mail came as a reply in Spanish offering several species of turtles including *Testudo kleinmanni*, *Geochelone sulcata*, and *Chelonoidis nigra*, all in the Appendix I of CITES. The seller stated that he was in Cameroon and that after the order being place animals would be dispatched 24 hours later, via Air France, and would arrive via a contracted courier. Money was up front, to cover dispatch expenses. No order was placed and the contacts ended with the supposed seller.

Some users defended that “because the website cannot do anything about these swindlers, we shall send hundreds of e-mails asking for information and CITES permits. At least they will have a lot of work and no profit.”

During the survey at least 2 complete snake skins without any reference to origin, species, CITES permit or legality, or anything else were also found.

It was obviously a scam (and the description a yarn) but cheetahs (*Acinonyx jubatus*) were on sale for 10,000€, supposedly bred in the region of Alentejo.

The investigator also found several works on taxidermy without any certification or species name provided, between these was the head of an antelope and some birds of prey.

The results clearly demonstrate that Web sites do not have any control over what is posted and transacted on their platforms. There is no monitoring or enforcing of current law on the trade on wildlife proliferating on the Portuguese WWW.

### ***Saving face:***

When asking a particular seller for more information on its advert, an automatic message from the Web site arrived warning that it is forbidden to sell endangered animals, never to pay to the seller before having the commodity, never pay through western union, to be careful with scams, never to buy animals from abroad, and that the website was never involved in a money transaction.

These are fine and good warnings, but this is a mere “save face” for the Web site directors, diverting all responsibility of what is offered on their Web site, to the users. The same applies to the provided buttons “report abuse”.

Truth is the Web sites facilitate the transactions and provide a way for illegal trade, and the extinction of species, to occur, and they must also be held accountable.

## **Conclusions & Recommendations:**

The Internet clearly continues to facilitate significant trade in wildlife (especially ivory trade) and the unique characteristics of the global Internet marketplace make it almost impossible to determine whether the trade is occurring in compliance with or in contravention of international and domestic law governing trade in CITES-listed species.

For this reason, eBay Inc. announced on Oct. 19, 2008 that it was banning all trade in ivory products of its websites worldwide effective Jan. 1, 2009. That is an incredible change and certainly a model for other websites to change their terms on advertising on their site.

The rules, regulations and laws governing the trade in endangered species are complex and diverse and differ from country to country. This jumble of laws and policies, ranging from local to international, are not unified and are not simple. Furthermore, Web-based marketplace rules are not cohesive or necessarily reflective of these laws and policies. The end result is a virtually unregulated trade that could undermine the fundamental guidelines and mechanisms for trade regulation outlined in the Convention.

Through this investigation, IFAW has come to the same conclusion it did with its original report titled *Killing With Keystrokes*, that the only way to fully address the problem of illegal wildlife trade on the Internet is for Parties and Web-based marketplaces to work together to prohibit the online trade in Appendix I species in accordance with CITES rules.

Despite the fact that the commendable action by eBay Inc. is a good example of Internet control over the global illegal trade in ivory, such an example does not exist in Portugal and its

national Web sites. It is therefore imperative that Portuguese authorities and Web marketplaces work together to take action against the devastating illegal wildlife trade.

Portugal, as a CITES Party, can take important steps towards addressing this problem through its domestic wildlife trade legislation and policies that relate to the Internet trade in protected wildlife.

These include:

- ❖ Recognizing that trade via the Internet is inherently international;
- ❖ Ensuring that the online facilitation of the illegal trade in wildlife is treated as an offense against CITES-implementing legislation and penalized accordingly;
- ❖ Ensuring that potential purchasers of CITES-listed species for sale online have reasonable access to information regarding origin, legal status and documentation, if required, for the specimens offered in international commerce via the Internet, and;
- ❖ Resolving jurisdictional issues surrounding actions taken within the geographic boundaries of one Party but offering wildlife species in online commerce in contravention of the CITES-implementing legislation of another party.