



EMBEDDING HUMAN RIGHTS IN NATURE CONSERVATION: FROM INTENT TO ACTION

Report of the Independent Panel of Experts of the
Independent Review of allegations raised in the
media regarding human rights violations in the
context of WWF's conservation work

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EXECUTIVE SUMMARY

In April 2019, the World Wide Fund For Nature (WWF) appointed an Independent Panel of Experts consisting of Judge Navi Pillay (Chair), Professor John H. Knox, and Dr Kathy MacKinnon to lead an Independent Review into WWF's role in connection with alleged human rights abuses in and around protected areas supported by WWF in Cameroon, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Nepal and India. The alleged abuses included instances of murder, rape, torture and physical beatings committed by rangers¹ and other law-enforcement agents acting under the authority of governments, which were described in a series of articles published in BuzzFeed News and the Kathmandu Post in March and April 2019.

The Panel's mandate, as set out in its terms of reference, was to:

- review, examine and assess WWF's role in connection with the allegations;
- propose to WWF suitable measures, procedures and processes to prevent similar allegations and occurrences in the future, including a review and examination of the presence and effectiveness of WWF's broader policies and procedures, project governance, and assurance and risk management processes in the context of the allegations; and
- advise on future approaches to spatial conservation, based on the Panel's recognised collective expertise in human rights, development and conservation.

The focus of the inquiry was therefore not on whether the rangers and other law-enforcement agents had committed the specific alleged abuses. Rather, the Panel's focus was on the allegations against WWF, including in particular that WWF knew about the alleged abuses by rangers and other agents but nevertheless continued to support and collaborate with them, and that WWF failed to take effective steps to prevent, respond to and remedy the alleged abuses. There were no allegations that WWF staff directed or participated in any of these alleged abuses, and the Panel saw no evidence that they had done so. In some cases, WWF was also accused of not respecting the rights of indigenous peoples in its activities in support of existing and proposed protected areas.

This report provides the Panel's factual findings in relation to the allegations against WWF, its assessment of whether WWF's actions were appropriate and consistent with its responsibility to respect human rights, and the Panel's recommendations on the actions WWF should take going forward.

Background

At the outset, it is necessary to understand WWF's complex organisational structure, its social policies and commitments, and its human rights responsibilities.

¹ The term 'rangers' includes 'ecoguards', which is the term used in the Congo Basin countries – Cameroon, the Central African Republic, the Democratic Republic of Congo and the Republic of Congo.

WWF as an organisation

The WWF Network is the collective term used to describe all organisations around the world operating under the WWF name and panda symbol. The WWF Network comprises WWF International and 36 legally independent WWF National Organisations.

Each WWF National Organisation is governed by its own independent national board, which has ultimate responsibility for its policies, management and finances. National Organisations can fundraise for work in their own countries and for international projects that may come under the management authority of WWF International or another WWF National Organisation.

WWF International, which is based in Switzerland, operates as the Secretariat for the entire Network. WWF International is also the Home Office that is legally responsible for 31 Programme Offices, four of which are the subject of chapters of this report: WWF Cameroon, WWF Central African Republic, WWF Democratic Republic of Congo, and WWF Gabon (which managed WWF's activities in Republic of Congo during the period covered by this report). Programme Offices are responsible for carrying out WWF programmes and projects in the countries where they are located. Similarly, WWF US, a National Organisation, is the Home Office for 17 Programme Offices, including WWF Nepal. WWF India is a National Organisation operating under Indian laws and regulations, but able to receive funds from other National Organisations for its projects.

The highest governing body of the WWF Network is the International Board. The Board's function is to set overall strategy and priorities that can be supported by the whole Network. It is ultimately responsible for the conduct, administration and representation of WWF International.

Neither the International Board nor the WWF International Secretariat has the authority to instruct the National Organisations. To be effective, the strategies and priorities set by the International Board must be supported by the Network and adopted by the National Organisations.

WWF human rights and other social policies

Beginning with its 1996 *Statement of Principles on Indigenous Peoples and Conservation*, WWF has adopted a range of social policies at the International and Network levels that incorporate human rights commitments, including to recognise and protect the rights of indigenous peoples and local communities.

In 2009, WWF and other conservation organisations founded the Conservation Initiative for Human Rights and adopted the *Conservation and Human Rights Framework*. In the *Framework*, WWF and the other organisations made ten commitments, the first of which is:

“Respect internationally proclaimed human rights; and make sure that we do not contribute to infringements of human rights while pursuing our mission.”

The other commitments in the *Conservation and Human Rights Framework* elaborate and supplement this overarching commitment to respect human rights.

WWF reaffirmed its *Statement of Principles on Indigenous Peoples and Conservation* in 2008, and in 2018 it adopted *Network Guidelines on Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities*.

Those *Guidelines* state that all WWF offices, programmes and initiatives must take into consideration the respect of human rights in the design, implementation and monitoring of programmes, which extends to addressing actual and potential infringement of and/or restrictions on the rights of indigenous peoples and local communities. This includes customary rights to lands and resources and interventions requiring the free, prior and informed consent of affected communities.

The commitments in the *Conservation and Human Rights Framework*, the *Statement of Principles*, the *Network Guidelines* and WWF's other social policies are consistent with universal and regional instruments on the responsibility to respect human rights.

International human rights law

The alleged abuses by rangers and other government employees described in this report would violate many provisions of human rights law governing the rights to life, liberty, property, security of person, and effective remedies, as well as the rights to freedom from violence against women, arbitrary detention, torture, and arbitrary interference with home and family life. Those standards are set out in United Nations human rights treaties and other instruments and in African regional treaties applicable to the Congo Basin countries.

Allegations of abuses against indigenous peoples also implicate their rights under international law. The two most important international instruments on the rights of indigenous peoples are the International Labour Organization (ILO) *Convention No. 169 on Indigenous and Tribal Peoples* and the 2007 United Nations *Declaration on the Rights of Indigenous Peoples (UNDRIP)*, which although not a treaty has been generally accepted by states as setting benchmark standards in relation to indigenous rights. *UNDRIP* makes clear that the free, prior and informed consent (FPIC) of indigenous peoples is necessary before the adoption or implementation of any laws, policies or measures that may affect them, and in particular before the approval of any project affecting their lands, territories or resources, including the extraction or exploitation of mineral, water or other resources.

WWF's responsibility to respect human rights

The United Nations *Guiding Principles on Business and Human Rights* (the *UN Guiding Principles*) are not legally binding but provide valuable guidance for the implementation of WWF's human rights commitments. Although the *UN Guiding Principles* were developed in the context of business enterprises, they are also applicable to WWF and other international conservation organisations.

The foundational principle of the responsibility to respect human rights, as set out in the *UN Guiding Principles*, is that enterprises "should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved." The responsibility to respect human rights requires international conservation organisations:

- (a) to avoid causing or contributing to adverse human rights impacts through their own activities, and to address such impacts when they occur; and
- (b) to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their relationships, even if they have not contributed to those impacts.

The rights to be respected include those set out in the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*, but the scope of the *UN Guiding Principles* extends to

all internationally recognised human rights, including the rights of indigenous peoples and local communities.

The actions that WWF should take in response to potential or actual human rights impacts depend on whether it causes, contributes to, or is directly linked to those impacts. If WWF causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. If WWF contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution, and use its leverage to mitigate any remaining impact to the greatest extent possible. If WWF has not contributed to an adverse human rights impact, but its relationship with another entity directly links its operations to the impact, the appropriate response will depend on a number of factors, including the severity of the adverse impacts.

WWF's overarching responsibility to respect human rights requires WWF to:

- (a) adopt a high-level policy commitment to meet its responsibility to respect human rights and to reflect this commitment in operational policies and procedures;
- (b) establish and implement a human rights due-diligence process;
- (c) provide for processes to enable the remediation of any adverse human rights impacts that WWF causes or to which it contributes; and
- (d) ensure that WWF safeguards the rights of the most vulnerable, including indigenous peoples and local communities, in relation to activities it carries out or supports.

WWF's human rights commitments often set higher standards than the laws and practices of countries in which it works. In such situations, WWF must nevertheless comply with its own commitments to respect human rights.

Protecting the rights of those who live closest to nature is not just required by human rights law; it is also often essential to ensure the protection of biodiversity. As WWF has recognised, respect for human rights is complementary, not contradictory, to the conservation of nature.

Country-specific Findings

The Panel examined the allegations in respect of each of the six countries covered by this report, and it has set out its findings in country-specific chapters (Chapters 4 to 9). Differences in the detail of the analyses conducted for each country reflect differences in the nature and complexity of the country situations. The Panel has made country-specific recommendations in each country chapter and recommendations directed to the WWF Network as a whole in Chapter 11.

Cameroon – Boumba Bek, Nki, and Lobéké National Parks

WWF Cameroon staff heard allegations of beatings and physical violence carried out by ecoguards in the parks in south-eastern Cameroon as early as 2008. WWF does not have a role in appointing or directing ecoguards, but it has continued to fund, support and collaborate with ecoguards in a variety of ways, including by providing equipment and material support, paying bonuses, and deciding whether to approve proposals for funded operations, including ecoguard patrols. Knowledge of allegations of abuse and continuing support for ecoguards are not by themselves necessarily contrary to human rights standards. The key issue is whether WWF has taken sufficient actions to prevent, respond to, and remedy alleged abuses in order to fulfil its responsibility to respect human rights.

Until recent years, WWF had not taken adequate steps to fulfil that responsibility. Before it developed an action plan in 2016, WWF Cameroon had not operationalised its human rights commitments in its work and ensured that it had the necessary capacity to implement them and to address any adverse impacts of its support for patrols. WWF Cameroon has taken positive steps since 2016 to address human rights issues, including by: commissioning independent reviews of human rights allegations; hiring a community coordinator with a mandate to focus on relations with indigenous peoples and local communities; building closer ties with local civil society organisations, the Ministry of Social Affairs and the National Commission on Human Rights and Freedoms in order to support indigenous rights; supporting efforts to negotiate and conclude Memorandums of Understanding (MOUs) on access rights for the Baka people to the protected areas in south-eastern Cameroon; and supporting a local complaint mechanism.

However, WWF still needs to do more to safeguard the human rights of indigenous peoples and local communities in and around the three national parks in that region, including by:

- (a) making clear to the government that adopting an ecoguard code of conduct and implementing it through a rapid response structure that incorporates appropriate sanctions are requirements for WWF continuing to provide support to the ecoguards;
- (b) making greater efforts to influence the government to recognise and protect the access rights of the Baka in the protected areas; and
- (c) regularly assessing and reporting on its progress towards implementation of the measures it is taking to address human rights.

WWF Cameroon states that it is developing a strategy to guide implementation of its social policies in conservation projects. It is critical that this strategy is developed and implemented in consultation with the indigenous peoples and local communities themselves.

Democratic Republic of Congo – Salonga National Park

WWF has worked in Salonga National Park since 2005. In August 2015, it entered into a co-management agreement with the Institut Congolais pour la Conservation de la Nature – ICCN, which has authority over national parks in the Democratic Republic of Congo (DRC). Under the co-management MOU, WWF DRC appointed the park director but ICCN has had direction of the ecoguards. WWF provided substantial technical and financial support to the ecoguards. Before WWF entered into the MOU, it was aware of the potential for human rights abuses by ecoguards, but it did not carefully assess the human rights risks or develop an effective plan to prevent and respond to abuses. In December 2016, WWF field staff reported allegations of human rights abuses to senior WWF DRC officials. WWF could and should have developed and implemented an appropriate response as quickly as possible after the allegations arose. Unfortunately, a decision by the WWF DRC Senior Management Team in March 2017 to investigate the allegations, and to initiate a study with a national NGO to investigate the relationship of the park with the local communities, was never implemented, apparently out of concern that doing so would meet with resistance from ICCN. A desire to avoid conflicts with the government cannot excuse WWF from complying with its responsibility to respect human rights.

The WWF donor National Organisations that were also engaged in the DRC through funding for Salonga, including WWF Germany and WWF US, should have shared responsibility with WWF DRC (and by extension WWF International) for ensuring that WWF human rights commitments were met in relation to the ecoguard and other park operations that they were supporting. The WWF Network, and WWF International in particular, had not embedded the

necessary institutional capacity or established clear lines of communication and responsibility on these issues, and WWF International did not have effective oversight of its Programme Office (WWF DRC).

After detailed allegations of abuse were raised by civil society organisations in 2018, WWF International took the lead in developing response measures, including by commissioning two investigations in 2019 that identified widespread allegations of extremely grave abuses by ecoguards and army personnel, including allegations of multiple murders, rapes, torture and beatings. WWF International adopted an action plan in April 2019, which included urging ICCN to approve and implement a code of conduct for ecoguards; ensuring that each ecoguard receives human rights training; improving measures for monitoring patrol missions; agreeing with ICCN on Standard Operational Procedures for investigating allegations and imposing disciplinary measures; referring identified cases to the authorities for prosecution; and setting up a complaint mechanism for local residents. As of July 2020, the training had been partially implemented, and some cases had been referred to the relevant military authorities but had not resulted in prosecution. The code of conduct had not been approved and the other listed elements of the plan had not been implemented.

WWF has not fulfilled its human rights commitments in relation to activities it supports in Salonga National Park. There are systemic problems in relation to the National Park and its ecoguards that are not easy to solve, some of which are beyond WWF's control. Nevertheless, to meet its responsibility to respect human rights, WWF must address these issues more consistently and effectively, including by:

- (a) establishing a monitoring system for ecoguard patrols;
- (b) introducing an effective complaint mechanism; and
- (c) ensuring that the park management institutes a procedure that provides for: suspension of ecoguards against whom credible allegations are raised; independent investigation of allegations; remedies to victims; and disciplinary punishments by the park management itself, including, as appropriate, suspension, termination and referral for criminal prosecution.

An underlying problem relates to restrictions on community access to the park for subsistence hunting, fishing, and gathering of non-timber forest products. Through its role in management of Salonga National Park and its engagement with ICCN, WWF should influence the planning and zoning of the area to clarify boundaries and establish zones of community access and use in and around the park, in order to reflect customary rights and to accommodate local needs.

A new MOU for Salonga National Park should clearly set out the respective roles and responsibilities of WWF and ICCN, including WWF's conditions and 'red lines' for continued provision of financial and technical support. WWF should make clear that it cannot continue to provide support for the ecoguards without effective mechanisms in place to monitor their behaviour, investigate allegations of abuse, and ensure appropriate disciplinary measures for confirmed cases of abuse.

Central African Republic – Dzanga Sangha Protected Area

Since the inception of the Dzanga Sangha Protected Area (DSPA) in 1989, it has been co-managed by WWF and the government of the Central African Republic (CAR). The ecoguards who operate in the DSPA are employed and managed by the government. WWF manages the logistics, financing and training needs of the ecoguards but does not exercise

any control over their daily activities. The allegations in respect of CAR were distinct from those made in respect of the other countries in that they did not relate to specific incidents of alleged abuse against particular persons.

It was alleged that WWF CAR helped ecoguards purchase weapons from the army and concealed the purchase from donors. The Panel found no evidence that WWF CAR provided or procured arms for the ecoguards. It was clear that WWF's policies prohibit the organisation from providing arms to ecoguards but it may have engaged in lobbying the Ministry of Water, Forests, Hunting and Fishing to ensure that ecoguards were properly equipped for anti-poaching activities.

In addition, it was alleged that WWF hired a private security firm, Maisha Consulting, to engage with the Seleka, a rebel group that was alleged to have committed human rights abuses. The Panel found that WWF CAR engaged Maisha Consulting for the purpose of protecting DSPA in 2013, during a period of civil conflict, when the region was under the control of the Seleka. The Panel assesses that WWF's instruction of Maisha Consulting to safeguard the protected area was necessary in the circumstances. It was perfectly reasonable for WWF to arrange with a private security firm, able and willing to undertake this high-risk engagement, to enter the protected area and engage directly with the Seleka. This timely intervention by WWF CAR contributed to preserving the protected area and its wildlife, as well as saving the lives of WWF staff within DSPA. There were no human rights abuses for which WWF bears responsibility.

WWF's support for, and cooperation with, the independent Human Rights Centre (HRC) located in Bayanga is a positive example of a local mechanism to respond to grievances involving the DSPA, and more generally to provide access to justice and civic empowerment for members of marginalised communities living in and close to the DSPA. Between April 2016 and December 2019, the HRC handled some 40 grievances, of which five concerned ecoguards and one a DSPA driver. The Panel believes that the HRC makes a valuable contribution to inclusive conservation and offers potential lessons for WWF offices in other countries.

Republic of Congo – Messok Dja

The eight WWF staff members in the Republic of Congo (ROC) have operated as an extension of the Gabon Programme Office, under the management authority of WWF International. In 2005, WWF began working with the ROC government on a joint conservation programme known as Espace TRIDOM Interzone Congo (ETIC), which is managed jointly by a government official and a WWF technical advisor. ETIC ecoguards are directed by the government coordinator, and WWF provides support through salaries, bonuses and equipment. ETIC ecoguards operate in the vicinity of Messok Dja, a forested area on the border with Cameroon that is currently covered by two long-term commercial logging concessions. The government recognised Messok Dja as a potential site for a protected area in 2011, and WWF has supported that proposal.

From at least 2016, WWF has heard of allegations of human rights abuses by ecoguards in the ETIC/Messok Dja area. WWF should have carefully considered and addressed human rights issues, including through local consultation, before it signed a new ETIC agreement in February 2016. Doing so would have enabled WWF to include provisions in the agreement making clear its standards on human rights, including the expected standards for ecoguards and the consequences for failure to comply with those standards.

WWF ROC has taken steps since 2018 to try to prevent and address alleged abuses, including by: hiring a community conservation advisor; supporting human rights training; drafting a code of conduct for ecoguards; instituting a system of observers on ecoguard patrols; and developing a complaint mechanism. For the most part, these steps have been initiated and carried out by the local WWF staff and ETIC without clear guidance from WWF International or donor offices on how to comply with WWF's human rights commitments. WWF International and the WWF National Organisations working in Messok Dja need to provide greater support to the WWF staff in ROC in order to take a number of additional steps, including:

- (a) making clear that adoption and effective implementation of the code of conduct are prerequisites for WWF's continuing support to the ecoguards;
- (b) ensuring appropriate investigation of allegations and sanctions for misconduct;
- (c) working towards a revised MOU that fully reflects WWF's human rights commitments as a prerequisite for continuing its partnership with the government;
- (d) improving the complaint mechanism by providing for independent review of allegations; and
- (e) doing more to involve local communities in the development and implementation of conservation strategies.

An FPIC process with indigenous peoples and local communities should have begun as soon as the proposal for a protected area in Messok Dja was first raised, but WWF did not start to engage with the affected communities until 2017. At this point, local staff tried with some creativity to develop a meaningful FPIC process. Nevertheless, because they misunderstood basic aspects of indigenous rights and the FPIC process, the effort did not comply with international human rights norms or WWF's own commitments. The responsibility for this must rest with WWF International, which had given insufficient guidance to WWF ROC on how to carry out a proper FPIC process. The Panel emphasises that Messok Dja is currently subject to logging concessions and mining exploration permits that place the indigenous people and local communities, as well as ecosystems, at risk. While WWF will no longer be responsible for the FPIC process, the Panel strongly encourages WWF to work together with indigenous peoples and local communities in this challenging environment, in order to protect both biodiversity and human rights.

Nepal – Chitwan National Park

Most of WWF's work in Nepal takes place outside protected areas, working with the Forestry Department and communities in the buffer zones around national parks. Park rangers are government employees. Army personnel are also employed for law enforcement within Chitwan and Bardiya National Parks. WWF Nepal has no management authority or responsibility for national park rangers or army personnel. Nor does it provide them salaries or bonuses, which are paid by the government. WWF provides technical and financial support to rangers, through the government, in the form of training, food, bicycles, jeeps, cameras and a real-time monitoring system.

WWF Nepal does not appear to have been aware of the majority of human rights abuses alleged to have been committed in and around Chitwan and Bardiya National Parks between 2006 and 2016. There is no formal mechanism in place for WWF to be informed of alleged abuses during anti-poaching missions. Where it became aware of alleged incidents, WWF Nepal adopted the attitude that any allegation relating to the government or the armed forces was a matter for the government to address, and it does not appear to have referred concerns to WWF US (the Home Office for WWF Nepal).

WWF US should have provided additional guidance and support. For example, there is a need to ensure that WWF US and WWF Nepal staff are clear about how to identify incidents of alleged human rights abuse and how best to respond to them. It was unclear where WWF US or WWF Nepal's 'red lines' were in terms of the support WWF provides to the government. Steps should be taken to ensure that compliance with social policies is audited, both at WWF country office level and in respect of work with its partners. In addition, WWF Nepal should put in place a formal mechanism to ensure that allegations of human rights abuses made against rangers and/or the armed forces in areas where WWF works are brought to its attention. WWF should take such steps as are necessary to satisfy itself that the complaints have been adequately addressed.

WWF Nepal is committed to working with local communities and indigenous peoples to help mitigate the restrictions on livelihoods that result from the designation and management of protected areas through the provision of alternative livelihood options. WWF Nepal should advocate for reforms to end exclusion of marginalised communities and groups from buffer zone management bodies, and use its best efforts to ensure that current conservation actions and institutions represent and benefit all members of the communities. WWF Nepal should have an independent mechanism for reviewing and considering all complaints, including those against park rangers and army personnel and those in respect of indigenous peoples' rights and their access to local resources. It is encouraging that WWF Nepal raised concerns with the government and has suspended funding to Chitwan National Park for ranger training and field equipment pending the outcomes of ongoing investigations into the beating and death of a Chepang youth and the forced removal of Chepang families in July 2020.

India – Kaziranga National Park

With regard to assessing WWF's responsibility in connection with alleged human rights abuses in and around Kaziranga National Park, the Panel notes that: WWF India has no role in managing the Park; it has limited access to the park and does not participate in law enforcement patrols; and it does not provide salaries or bonuses to park rangers. It has provided equipment such as boots, winter jackets, evidence kits for testing of animal DNA, vehicles and night-vision monoculars for monitoring animals. The Panel finds that in the overall context of WWF India's mandate, its support for the State Forest Departments has been measured and appropriate for conservation work.

The Panel does not adopt a position on the circumstances of the shootings of alleged poachers in Kaziranga, whether unjustified or not, or whether the subsequent responses and investigations by the government were adequate or not. That is well beyond the scope of this Review, which is focused on WWF. Indian law should not be construed as authorising a 'shoot on sight' policy, and WWF has never taken a position in favour of such a policy. However, where WWF's commitment to the rule of law is assailed by association or implication, it should assert its own principled position of respect for human rights and the rule of law by making clear that it would oppose any such policy.

WWF India has recognised the need to have clear internal guidelines on what staff should do when they learn about alleged incidents of human rights abuse. They are to follow up with the government and ensure that the allegations are being properly addressed. The WWF India Grievance Redressal and Complaints Resolution Process is a good start. It includes, for the first time, a commitment to assist affected persons to access relevant grievance redressal systems in order to get their complaints addressed. While WWF India considers that, as a non-governmental conservation organisation, its mandate, capacity and

expertise to address and redress human rights abuses committed by Forest Departments are limited, the Panel encourages WWF India to do more both to empower local communities and to make them more aware of their rights.

WWF International and the WWF Network

The Panel found that WWF's implementation of its social policies and human rights commitments has been inconsistent in the countries of concern to this report, and especially weak in the Congo Basin countries. From the country reviews it is apparent that some WWF Programme Offices have been more successful than others in implementing WWF's social policies, responding to alleged abuses committed by state partners, and establishing practices and mechanisms to address and prevent further abuses.

The responsibility for ensuring that WWF Programme Offices implement social policies and human rights commitments rests primarily with the Home Offices responsible for the Programme Offices, and ultimately with WWF as a whole. For the four Congo Basin countries, the responsible office is WWF International, whilst for WWF Nepal the responsible office is WWF US. In practice, however, the responsibility for implementation and monitoring of the social policies is shared between WWF International, the National Organisations and Programme Offices implementing WWF projects, and the donor National Organisations transferring funds to support those projects. These distributed obligations have tended to obscure clear lines of responsibility and accountability so that implementation of social policies – including human rights commitments – has been inconsistent and, in many respects, ineffective during the period covered by this report. The situation also has been characterised by lack of sufficient funding and appropriate expertise.

In 2010, WWF adopted a document entitled *Social Dimensions of Conservation and Natural Resource Management: WWF's Principles, Policies and Implementation Framework*, which summarised WWF social policies and set out principles that WWF considered fundamental to successful integration of social dimensions in WWF's projects and programmes. These included the establishment of accountability measures, including audits, complaint mechanisms, and the monitoring of compliance with social policies by third parties implementing activities under WWF's responsibility.

The *Framework* set out five elements that together were intended to provide the basis for effective social policy implementation. These were:

- involvement of the WWF Social Development for Conservation (SD4C) network;
- recognition of the need to strengthen capacity, skills and knowledge within the WWF Network to implement and monitor the implementation of social policies;
- integration of social policy principles in the design, implementation and monitoring of WWF programmes;
- establishment of accountability measures, including processes to monitor and evaluate compliance with the social policies, and procedures to receive and resolve complaints; and
- effective communication, both internally and externally, and the application of policy principles in partnerships with governments, donors and the private sector.

While on paper this was, and is, an effective framework and plan for the implementation of WWF's social policies, in practice more needed to be done to implement it. SD4C may have

been effective in some country programmes but, as far as the Panel can judge, support for SD4C has been patchy and inconsistent. The SD4C network is comprised of WWF staff who have taken on this role in addition to their regular work and responsibilities at the country level, but without authority (or resources) to enforce implementation of social policies in national programmes. The Programme Offices in the Central African Republic and the Democratic Republic of Congo had no SD4C focal point. Moreover, WWF staff have widely varying degrees of awareness and understanding of the WWF social policies, and Programme Offices often did not have the appropriate staff expertise to adequately implement social policies.

In addition to committing greater resources to capacity building and implementation through its own offices, another mechanism to promote more effective implementation of social policies would have been to ensure that the partners with whom WWF worked were also committed to their application. While this is true of some of the organisations that WWF collaborated with on community development projects, the picture with state partners is more complex. In many of the states where WWF works, WWF's policies on human rights and the rights of indigenous peoples and local communities embody higher standards than those applied in national practice. In respect of those jurisdictions relevant to this review, WWF International has agreements and MOUs with state partners to support conservation work in national parks and other protected areas. None of the agreements and MOUs established in the period covered by this report contain provisions relating to the state agencies' responsibilities in relation to human rights or the rights of indigenous people, or to WWF's own human rights commitments.

Prior to 2018 the practice around risk assessments for new initiatives or renewals of project agreements and MOUs seems to have been inconsistent and highly variable across both WWF International and the Network as a whole. Some risk assessments were undertaken for new projects, but there was no uniformity around this issue. What steps, if any, were taken to mitigate risks depended on the individual project.

Responsibility for implementation

The complex inter-relationships between WWF International, WWF donor National Organisations, the Programme Offices, and the government entities with which they dealt created difficulties and confusion when it came to accountability for monitoring implementation of social policies and commitments.

The main WWF drivers behind many of the Congo Basin projects were WWF National Organisations, particularly WWF Germany, WWF US and the other members of the country-specific WWF stakeholder groups that were mobilising project funding from major bilateral and multilateral donors. Given the key role that these WWF donor National Organisations were playing, they clearly had a responsibility, along with the WWF Regional Office for Africa and the country Programme Offices, to ensure compliance with Network social policies in project design, implementation, monitoring and reporting. Yet none of the reviewed project agreements between a WWF donor National Organisation and the WWF country offices prior to 2019 imposed any requirement for human rights due diligence.

Neither WWF International and WWF US as Home Offices nor the WWF Network as a whole provided clear guidance to Programme Offices on how they should implement WWF's human rights commitments. For example, there were no Network-wide norms on law enforcement and rangers. As a result, each Programme Office was left on its own to develop – or not – codes of conduct, training materials, conditions for supporting rangers, and procedures for responding to allegations of abuse. Similarly, the Network did not provide

Programme Offices with clear guidance on how to implement WWF policies on FPIC, again leaving it to each Programme Office to develop FPIC procedures on its own. Challenges, good practices and lessons learned at each Programme Office were not effectively shared within the Network or monitored by WWF International.

It is also worth noting that where project funding comes originally from a major bilateral or multilateral donor through a WWF National Organisation, the project must also comply with the safeguard requirements of those donors, and those partners may also play a role in monitoring project implementation. It is surprising, therefore, that major donors were also slow to respond to complaints about human rights abuses in projects that they were supporting, especially since in some cases those donors were represented on project steering committees or received information about allegations of abuse directly from Programme Offices. It appears that major multilateral and bilateral donors cascaded their responsibilities and accountability for effective safeguards through the National Organisation down to the level of the Programme Office, even though there may not have been adequate resources in the project budget for achieving compliance with best-practice standards.

Lack of structure to ensure effective implementation of ongoing projects

The Panel's review suggests that there has been a consistent pattern within WWF of identifying a problem, developing a policy, initiating a review and obtaining useful recommendations but then failing to follow up adequately. Even where local WWF initiatives have been put in place, they would have benefited from more support and guidance from WWF International and the Network. Moreover, more could have been done to share experiences and good practices so that Programme Offices could learn from one another.

WWF's main mechanism for communicating and embedding WWF social policy at a country level was supposed to be through the work of the SD4C community. The voluntary nature of SD4C, lack of training, and the absence of an SD4C focal point in some Programme Offices have meant that there has been insufficient attention to, and weak implementation of, social policies in some countries. The lack of authority of SD4C focal points has also meant that compliance with social policies in a country depends very much on the commitment and support of individual WWF Country Directors. It is clear that WWF needs to build better social policy expertise into its programmes and to strengthen mechanisms to ensure compliance and accountability for its social policies.

Another mechanism to ensure compliance with social policy is high-level attention to implementation. In 2017 WWF's International Board began to pay greater attention to the risks associated with failure to adequately implement WWF social policies. As part of a new Assurance Framework, WWF International developed two risk registers – one for WWF International and one for the Network. The WWF International Risk Register was intended to capture all risk areas, and the Network Risk Register was to identify risks arising from allegations of human rights abuses.

In January 2018, the Audit Committee of the International Board became the Audit, Risk and Compliance Committee (ARCC). Also in January 2018, the ARCC first expressly considered allegations of WWF association with human rights abuses. Subsequently at its quarterly meetings, ARCC has received a confidential annex setting out all complaints received and action taken. The internal audit function of the Programme Offices is also being strengthened. However, there is still no effective structure to enable the audit function to monitor implementation and compliance with social policies. It is clear that at ground level in Programme Offices, and within WWF International, there continues to be a serious lack

of expertise and capacity to monitor and ensure compliance with social policies. This needs to be remedied going forward.

Implementation of complaint systems

The 2010 *Social Dimensions Framework* document stated that the successful integration of social policy commitments in WWF programmes would depend, amongst other matters, on the establishment of “effective, accessible and transparent procedures to receive and solve complaints”.

The Project Complaints Resolution Process (PCRP) launched in January 2016 was intended to be applicable across the Network and to function separately from any domestic grievance mechanisms. However, there was little progress in uptake and implementation of the PCRP on the ground, and by the end of 2017 it had received no complaints.

In 2017, the commercial Expolink whistleblower hotline, originally established as an internal mechanism to monitor WWF staff conduct, was extended to accept complaints from external parties about human rights abuses and failures to respect indigenous peoples’ rights associated with WWF activities. In practice, most indigenous people and local communities were unable to access the Expolink hotline as it required telephone or email contact and was not widely publicised. Complaints made through Expolink appear to have been from international NGOs acting on behalf of people close to protected areas where WWF was active.

With regard to investigating complaints, it is worth noting that the UN *Guiding Principles on Business and Human Rights* indicate that it is not appropriate for organisations to self-investigate complaints of human rights allegations made against them, or in relation to their activities. In the absence of an effective global complaint mechanism, WWF Programme Offices have developed functioning local complaint mechanisms for the Dzanga-Sangha Protected Area in the Central African Republic, the Lobéké and Boumba-Bek National Parks in Cameroon and the Messok Dja area of the Republic of Congo. The Panel noted the value of local mechanisms operated by independent civil society organisations – a model that could be replicated elsewhere. While these mechanisms are well-established, sustainable funding is a challenge for each of them. WWF Nepal’s Projects Complaints Resolution Mechanism, which has been in place since February 2018, is an online system not easily accessible to most local communities. WWF India has a *Grievance and Redressal and Complaints Resolution Process* which is being updated to include a commitment to assist affected persons to approach the relevant government grievance redressal system. In the DRC, WWF has yet to establish a local complaint mechanism for Salonga National Park.

Use of informants

The BuzzFeed News articles alleged that WWF organises, finances and sometimes runs informant networks within indigenous and local communities to provide protected area officials with intelligence.

Support for the use of informants does not seem to be regular practice across all WWF programmes, but was provided in some of the countries covered in this report. Indeed, it would be surprising if government agencies engaged in law enforcement and anti-poaching activities did not rely on information networks to improve the effectiveness of their operations. Nonetheless, the Panel has found no evidence that WWF offices have taken on the role of establishing or running informant networks.

WWF communications

WWF publishes a wealth of material on conservation success stories, including its activities that benefit local communities as well as protect endangered wildlife. In doing so, WWF needs to be careful not to create unrealistic expectations about what it should and can do in relation to supporting the livelihoods of communities living in and around protected areas. It should also be more forthcoming about the challenges it faces working in landscapes in fragile or conflict or violence affected regions with weak governance and rule of law and be more transparent about how it responds when faced with allegations of human rights abuses associated with activities that it supports.

Internally, WWF's focus on promoting 'good news' seems to have led to a culture in which Programme Offices have been unwilling to share or escalate the full extent of their knowledge about allegations of human rights abuses because of concern about scaring off donors or offending state partners. WWF at all levels should be more transparent both internally and externally about the challenges it faces in promoting conservation and respecting human rights. Equally important, it must be more forthright about the effectiveness, or lack of effectiveness, of its efforts to overcome those challenges.

Actions Taken by WWF Since 2019

Since 2019, WWF has made a concerted effort and substantial investment to put in place more consistent and rigorous safeguards and quality assurance measures across the Network to strengthen the implementation of social policies and attention to human rights. This involves a stronger oversight role and increased responsibilities for WWF International in supporting compliance with new safeguards, and a more consistent project review process across the Network. If these new measures are to succeed, it is critical that WWF ensures that there is the necessary expertise and capacity within WWF International, WWF US and other National Organisations and Programme Offices, as well as adequate sustainable funding to deliver effective implementation and monitoring on the ground, including through training for partner organisations.

WWF Environmental and Social Safeguards Framework (2019)

In June 2019, WWF adopted the *Environmental and Social Safeguards Framework* (ESSF), to be applied across the Network to make WWF's social and environmental policies fully operational and to provide an institutional mechanism to manage the social and environmental risks of projects. The core components of the ESSF are ten safeguard standards, a safeguards screening tool (SST), a planned multi-tiered grievance mechanism, and a new protocol to escalate complaints from field level to WWF senior management and relevant boards. The ESSF is managed by WWF International, thereby giving it greater oversight responsibility for safeguards across the Network. WWF Programme Offices and National Organisations are responsible for applying in-country safeguards in the landscapes and seascapes where WWF investments are made.

The SST is designed to help identify likely risks associated with proposed activities at the landscape or seascape level where WWF works. Screening criteria relate to environmental and social impacts, including human rights considerations, effects on indigenous peoples and local communities, as well as gender and labour criteria. Where risks are identified, a mitigation framework must be developed at the landscape or seascape level against which new projects in those areas can be assessed and mitigation measures applied to address any identified risk. The SST provides a snapshot in time. The mitigation framework is meant to be a living document responding to risks and changing situations.

The introduction of the ESSF is a major step forward in ensuring a consistent and coordinated approach on safeguards across the Network, thereby ensuring better compliance with human rights and other social policy commitments. With the ESSF, all National Organisations, including WWF US, and WWF International are now obliged to screen their projects against the same safeguard standards. Most importantly, there are now clearer roles and responsibilities at all levels of the organisation, with WWF International assuming an enhanced oversight role on safeguards standards and processes.

Since the ESSF is only now being put in place, it is premature to assess its effectiveness. It will be important to ensure that the ESSF is strengthened, on the basis of consultation with interested stakeholders, to incorporate and be fully consistent with the sometimes higher standards set out in the social policies already adopted by WWF. Given that most allegations of human rights abuses happen during project implementation, the ESSF standards also need to be applied carefully to individual projects as well as landscapes.

WWF has already made a substantial investment in establishing a Safeguards Unit in WWF International and in rolling out the ESSF across the Network. Since responsibility and accountability remain at the Programme Office and National Organisation levels, it is clear that it will be essential for WWF to make a similar major investment in the skills base, capacity and support for country offices and in-country partners, and to convince donors of the need to allocate adequate resources for such support within project budgets.

Quality assurance

In addition to the ESSF, WWF has introduced additional quality assurance measures. In early 2020, WWF International introduced a new internal Quality Assurance Committee to review compliance with applicable policies of all concepts and project proposals put forward by Programme Offices overseen by WWF International that are over a certain monetary value or meet specified risk criteria. WWF US and other WWF National Organisations will similarly review projects under their authority. At the Network level, the Conservation Quality Committee (CQC) will review, advise on, and sign off on high-risk projects, and it will escalate urgent matters or cases of disagreement to the Network Executive Team, the Audit, Risk and Compliance Committee, or the International Board for further review.

A *Network Risk Management and Quality Assurance Standard*, approved by the International Board in July 2020, provides a common framework to address all risks including social, financial, legal and partnership.

Accountability and grievance mechanisms

WWF has committed to establishing an integrated complaint system, incorporating both country-level and landscape- or seascape-level grievance mechanisms, as well as an escalation process so that serious complaints at field level can be escalated to the most senior levels of WWF management and governance. WWF is in the process of setting up an independent monitoring and review function through a new Ombudsperson Office to complement, but not replace, existing WWF grievance mechanisms at the country office or landscape, seascape or project level. The Ombudsperson Office will be independent of WWF International line management and will report directly to the WWF International Board. It is foreseen that resolution of grievances that cannot be addressed at the project or country level may be escalated to the Ombudsperson Office.

It is expected that once the Ombudsperson is appointed, he or she will have the licence to evolve the scope and remit of the Office. The new independent monitoring and review function led by the Ombudsperson is seen as a key feature of the new ESSF system.

Other initiatives to improve respect for human rights

Addressing human rights issues in projects where WWF supports law enforcement and anti-poaching activities through state agencies in situations of weak governance and even civil conflict remains a particular challenge for the organisation. WWF International, donor National Organisations and Programme Offices have all individually attempted to address human rights concerns through measures such as training for ecoguards, development of codes of conduct, and local grievance mechanisms. Welcome though they are, these efforts have been *ad hoc* and uncoordinated and would have benefited from greater guidance and financial and expert support.

WWF is currently developing operational guidance for its support for law enforcement and anti-poaching activities in government-managed protected areas. It is complementary to other WWF initiatives for ranger capacity development, including WWF's work through the Universal Ranger Support Alliance, which calls for the development of a new global code of ethics and conduct for rangers.

Conclusions and Recommendations

Many of the landscapes in which WWF works pose enormous challenges in terms of governance and the rule of law. They include important ecosystems and some of the most marginalised human populations. Many projects come with high risk but also the potential for high conservation gain. WWF's social policies have long recognised that respect for the human rights of indigenous peoples and local communities is key to sustainable conservation of biodiversity. Sustainable conservation of biodiversity is also integral to the welfare of indigenous peoples and local communities.

Through its social policies, WWF has made strong commitments to human rights. Although these commitments have some gaps in respect of rangers and law enforcement, they generally provide a sturdy framework for fulfilling WWF's overarching responsibility to respect human rights. However, implementation of the commitments has often been weak, at least in part because of lack of adequate resources and expertise. It is encouraging that since 2019 WWF has made a serious effort to address some of these shortcomings with new safeguards and quality assurance processes. Since many of these measures are new – or still to be put in place – it will be important to monitor and assess how effective they are in addressing and mitigating human rights concerns. WWF will continue to be judged on how well it lives up to the high standards it has set for itself.

The Panel's recommendations are aimed at embedding human rights commitments throughout the WWF Network, in particular by building WWF's capacity to implement its responsibility to respect human rights. Recommendations specific to the individual country reviews are included at the end of Chapters 4 to 9. Detailed recommendations directed to the WWF Network as a whole are contained in Chapter 11. The following summarises the principal elements of these Network-wide recommendations.

1. Integrate WWF's human rights commitments

WWF should integrate all of its human rights commitments into a single, easily accessible document. WWF's stated commitments to human rights are generally strong, but they have been adopted in different social policies at different times, in different formats. The proliferation of statements makes it difficult for WWF staff, partners and others to understand exactly what WWF's human rights commitments are.

The new document would not supersede all existing social policies, many of which do more than state human rights commitments, and it should certainly not weaken any of WWF's commitments. The new statement should reflect the current state of human rights norms and best practices, including the UN *Guiding Principles on Business and Human Rights*.

WWF should ensure that its human rights commitments are embedded throughout the Network.

2. Incorporate human rights commitments in WWF's agreements with governments and other partners

Through the *Conservation and Human Rights Framework*, WWF committed to applying its human rights policies and principles in its agreements with its partners, including by incorporating appropriate provisions on compliance with the policies and principles in subcontracts and partnership agreements. WWF should include clear statements of its human rights commitments in all of its country and management agreements with governments and other partners.

3. Adopt and embed WWF's human rights commitments in relation to law enforcement

Many human rights allegations have arisen because of WWF support for law enforcement and anti-poaching activities in and around protected areas. Agreements with governments contemplating support for law enforcement should reflect WWF's commitments and conditions regarding such support and clearly set out the corresponding commitments of the government.

Agreements between WWF and governments should establish human rights standards for rangers and other law enforcement agents that are at least as stringent as international norms.

WWF should develop a standard Code of Conduct for rangers, which should be consistent across all WWF programmes. WWF support to rangers should be tied to compliance with the Code of Conduct, which should be public and disseminated to indigenous peoples and local communities in their own languages.

When providing support for law enforcement activities in protected areas, WWF should ensure that there are effective systems of monitoring and enforcing human rights standards in place, including due diligence procedures for hiring, training and disciplining rangers.

4. Increase WWF's institutional expertise and capacity on human rights compliance

To fulfil its obligations to human rights WWF will require a substantial investment in building capacity at headquarters, home office and country level to effectively implement its human rights commitments.

The International Board should review its membership and ensure that at least one member is a representative of indigenous peoples, and at least one member has expertise in human rights. This may require recruitment of additional external members.

WWF International should appoint a Director of Human Rights Commitments and Compliance (HRCC), who would be part of the Senior Management Team and report directly to the Director General. The HRCC Director would have the direct responsibility for ensuring that Programme Offices under the authority of WWF International understand and implement

WWF human rights commitments, as well as the overall responsibility for ensuring that other offices throughout the Network understand and implement WWF human rights commitments.

WWF National Organisations and Programme Offices should each appoint or designate an individual with responsibility to ensure that the office fulfils its due diligence and other human rights commitments, and who has the necessary expertise and support.

5. Establish and implement human rights due diligence processes

WWF should clarify and institutionalise the steps required for its human rights due diligence process, including: (a) assessing all actual and potential human rights impacts of its proposed initiatives; (b) consulting with those who may be affected and taking into account their views; (c) ensuring action plans effectively address the human rights impacts identified; and (d) monitoring and evaluating implementation of the plans. WWF should encourage dissemination of lessons learned and good practice across the Network.

6. Ensure compliance with commitments relating to indigenous peoples and local communities (IPLCs)

WWF must take more concrete steps to fulfil the commitments in its 2008 *Statement of Principles on Indigenous Peoples and Conservation* and its 2018 *Network Guidelines on Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities* in each landscape or seascape where its activities may affect the rights of indigenous peoples and/or local communities (IPLCs).

WWF National Organisations and Programme Offices should engage with, and where possible employ, indigenous people and members of local communities, especially in relation to conservation and protected area management.

In relation to protected areas in which customary rights of access and use existed historically but are not currently respected in law or practice, WWF should work with the authorities, the IPLCs and other stakeholders to promote and support mitigation measures and develop a plan of action that describes the measures and the arrangements for implementation.

WWF International should identify an IPLC Coordinator, who has a mandate to develop and disseminate detailed guidance to all WWF offices on free, prior and informed consent (FPIC) procedures, implementation of WWF commitments on IPLCs, and mainstreaming IPLC issues into the human rights due diligence process.

7. Establish effective complaint mechanisms

WWF should provide for complaint mechanisms at the level of individual countries and at the level of the Network.

Financing for complaint mechanisms, including those serviced by independent civil society organisations, should routinely be sought as part of the financing for WWF landscape and seascape programmes and built into regular project budgets.

The Panel supports the creation of the Ombudsperson Office as long as: (a) it has the authority to monitor the effectiveness of the country-level complaint mechanisms, to receive and investigate complaints that are not resolved by those mechanisms, and to provide redress or recommend other appropriate remedies; and (b) it is given sufficient resources to fulfil its mandate. WWF should commit to implementing the recommendations of the Ombudsperson that are directed to it.

8. Be more transparent

An important aspect of the human rights due diligence process is communicating how potential and actual human rights impacts are being addressed. Such communications should not be seen as an exercise in public relations or an effort to insulate WWF from criticism. WWF must report honestly and transparently not only its progress in achieving compliance with its commitments, but also the challenges it faces and where it has not been able to meet its goals.

9. Mainstream costs of effective human rights compliance into funding

The failure of WWF to fully implement its human rights commitments in the past has been due in large part to a lack of resources within programme and project budgets to engage appropriate expertise, and build capacity to implement and monitor human rights compliance. Donors must recognise that it is no longer acceptable to fund conservation programmes without including adequate and sustainable funding for implementation and monitoring of corresponding human rights commitments.

For WWF to meet its human rights commitments, it is often necessary for it to try to persuade governments to do more to fulfil their own international obligations. WWF International, National Organisations, and especially major external bilateral and multilateral donors, have much greater leverage than local WWF offices to promote governmental compliance with human rights obligations. These actors have a responsibility to use their leverage to support the local WWF offices by raising concerns over human rights issues directly with the governments themselves and providing political as well as financial support for implementation of WWF's human rights commitments.

10. Follow up in two years

The WWF International Board should commit now to appointing an independent expert or body (other than the members of this Panel) to review, and report publicly on, the implementation of these recommendations by the end of 2022.

governance responses. The review team was guided by and accountable solely to the Panel. The Panel and the review team examined a large volume of documents and other material, and conducted numerous interviews with current and former WWF staff from WWF Programme Offices, WWF International's headquarters and Regional Office for Africa, and WWF National Organisations associated with WWF's activities in the places where incidents of abuse were alleged to have taken place.

The Panel publicly invited submissions of information for consideration as part of the Independent Review. It had aimed to travel to locations where the abuses were alleged to have taken place and to meet with interested parties, but the Covid-19 pandemic prevented that. The Panel was nonetheless able to speak with many individuals and organisations by video-conference or telephone. The Panel wishes to thank the civil society organisations and others who made informative and helpful submissions, or otherwise contributed to the Independent Review.

WWF provided the Panel with access to all documentation that was requested either by the Panel or the review team. The Panel expresses its appreciation to WWF staff and former staff for their cooperation and readiness to respond to enquiries. The Panel also acknowledges the support that it received from the Chair and members of the *ad hoc* Subcommittee of WWF's International Board designated as the Panel's primary point of contact with the organisation.

The allegations of human rights abuses examined in this report include murder, rape, torture, physical beatings, unlawful arrest and detention, invasion of homes, and destruction and theft of personal property, all allegedly committed by protected area rangers and other law enforcement agents acting under the authority of governments in anti-poaching activities. In its review, the Panel did not seek to determine independently whether the alleged abuses by rangers and other law enforcement agents occurred. There were no allegations that WWF staff directed or participated in any of these alleged abuses, and the Panel saw no evidence that they had done so.

The Panel's focus has been on the allegations against WWF, including in particular that it knew about the alleged abuses but continued to support and collaborate with rangers and other law enforcement agents, and that it failed to take effective steps to prevent, respond to and remedy the alleged abuses. In some cases, WWF was also accused of not respecting the rights of indigenous peoples in their traditional lands, territories and resources. This report provides the Panel's factual findings in relation to the allegations against WWF and the Panel's assessment of whether WWF's actions were appropriate and consistent with its responsibility to respect human rights and its own human rights commitments.

A key challenge when dealing with the allegations against WWF is understanding in each case which WWF office or offices were involved. In Chapter 2, the Panel describes WWF's complex organisational structure. Chapter 3 sets out the relevant human rights norms and WWF commitments. Chapters 4 through 9 address the allegations relating to each of the six countries: Cameroon, the Democratic Republic of Congo, Central African Republic, the Republic of the Congo, Nepal, and India. The degree of detail in each of the country chapters reflects the complexity of the situation in the country. Chapter 10 addresses the actions of WWF International and the Network as a whole. Chapter 11 provides the Panel's recommendations to WWF International and the Network; country-specific recommendations are included in each country chapter.



CHAPTER 2

WWF STRUCTURE AND GOVERNANCE

WWF is one of the world's leading conservation organisations. It comprises a global network of organisations working under one brand. The diverse and complex structure and relationships within the WWF Network are relevant to understanding how WWF received and responded to allegations of human rights abuses committed by state agencies in and around protected areas that were supported by WWF.

2.1 Structure of the WWF Network

The WWF Network is the collective term used to describe all organisations around the world sharing the WWF name and symbol. The WWF Network comprises WWF International and 36 independent WWF National Organisations.

WWF International is based in Gland, Switzerland and operates as the coordinating office or Secretariat for the entire WWF Network.¹ WWF National Organisations are governed by their own independent National Boards and are able to raise funds and carry out work autonomously.² National Boards have ultimate responsibility for the policies, management and finances of each National Organisation. Each National Organisation has a CEO and a management team who are responsible for managing the business of the organisation, including strategy and policy implementation.³ National Organisations contribute to the costs of Network Services provided by the international Secretariat.⁴ The National Organisations of greatest relevance to this report are WWF US, WWF India and WWF Germany.

In addition, WWF International and WWF US are the legally responsible Home Offices for a number of Programme Offices, also known as Country Offices. WWF International acts as the Home Office for 31 Programme Offices, four of which are the subject of chapters of this report: WWF Cameroon, WWF Central African Republic (CAR), WWF Democratic Republic of Congo (DRC), and WWF Gabon – which managed WWF's activities in Republic of Congo (ROC) until 2020.⁵ WWF US is the Home Office for WWF Nepal, which is the subject of Chapter 8 of this report. Within each country, Field Offices are set up close to project sites. They report to the various Programme Offices and coordinate site conservation activities and programmes.

Relationships within the WWF Network are complex, with National Organisations existing as legally separate organisations, operating independently and responsible to their own boards. National Organisations can fundraise both for work in their own countries and for international projects that may come under the management authority of WWF International, WWF US or another WWF National Organisation. For instance, WWF Germany funds projects in Congo Basin countries through WWF International Programme Offices, and WWF UK supports work undertaken by WWF Nepal. Programme Offices can raise funds for their

¹ https://wwf.panda.org/wwf_offices/wwf_international/

² <https://wwf.panda.org/organization/>

³ Green Book (2017) [p.15].

⁴ WWF Network Governance and Decision Making, Working Document, May 2018.

⁵ The Panel will use the term Programme Office in this report.

own programmes but may also receive funding through WWF International or from donor National Organisations.

In order to operate a programme within a given state, WWF International and WWF US are required to come to an agreement with the national government. The agreement may be a 'country agreement' that applies to the whole country, or it may be specific to individual protected areas or other conservation initiatives. Currently there is no typical agreement, with arrangements varying from country to country. In respect of those jurisdictions relevant to this review, WWF has concluded Memorandums of Understanding (MOUs) in Cameroon, CAR, DRC, ROC and Nepal to operate as an international non-governmental organisation (NGO). WWF India is a National Organisation subject to national laws.

2.1.1 WWF International Board

The highest governing body of the WWF Network is the WWF International Board. The Board consists of 12 members and the International President, at least six of whom must be on the Boards of National Organisations, and at least three of whom must be external representatives. Currently the International Board includes the Presidents of the National Organisations in the USA, UK, Germany and The Netherlands – i.e. representatives of the main WWF donor National Organisations. The International Board's function is to set overall strategy and priorities that can be supported by the whole Network. The International Board establishes the management structure of WWF International, including the appointment of the Director General. It is ultimately responsible for the conduct, administration and representation of WWF International.

Neither the International Board nor the Secretariat has the authority to instruct the National Organisations, which are separate legal entities. Therefore, to be effective, the strategies and priorities set by the International Board have to be supported by the Network. The only legal sanction the International Board has over National Organisations is to remove the licence to use the Panda brand, but this has never happened. As a result, the adoption and implementation of Network-wide policies depend on mutual goodwill and shared vision.

One of the standing subcommittees of the International Board has been the International Audit Committee, which was renamed the Audit, Risk and Compliance Committee (ARCC) in January 2018. Over time, this Committee has assumed increasing responsibility for risk management and compliance, in addition to its traditional role concerning matters of financial governance. The ARCC meets quarterly and comprises a Chairperson and three standing Members. High-level Secretariat officers also attend its meetings.

2.1.2 The Network Executive Team

The Network Executive Team (NET) is a key governance body for the WWF Network and is composed of ten members: the Director General of WWF International, representatives of the top four National Organisation financial contributors to the Network, three members nominated by the regions, and two members elected by the Assembly (see below). Its role is to engage with CEOs across the Network and to act on behalf of the Network, including by making recommendations to the WWF International Board. It has responsibility, among other things, for developing proposals relating to strategy and policy, including Network Standards.

Two additional entities that sit at the top of WWF's structure are the WWF International Council and the Assembly. The Council consists of all Chairs or Presidents of the Boards of National Organisations and Associate Organisations. It is responsible for nominating

International Board members and for providing advice to the International Board. The Assembly consists of Network leaders and, like the Council, has an advisory function. The NET is advised by the Assembly, which raises emerging issues and opportunities, focusing on delivery against Network conservation goals and strategies. The Assembly informs and shapes the long-term agenda for the NET and elects two NET members.

2.2 WWF International Governance of its Programme Offices in Africa

The allegations reviewed in this report in relation to the Congo Basin span a period of approximately ten years from 2009 to 2019. During that time there were significant changes in the governance of WWF International in relation to management of its Programme Offices in Africa.

Since 2011 there have been two key shifts in governance that affected WWF International's level of oversight and supervision of the country programmes in Africa. First, the Truly Global agenda initiated by the then Director General in 2011 had as its cornerstone the empowerment of the Programme Offices in Africa and a move towards increasing their independence, with a view to their eventually becoming National Organisations in their own right. This ultimately did not come to pass, resulting in the second key shift in 2018, a renewed and enhanced level of oversight by WWF International as the Home Office.

2.2.1 Truly Global (2011–2015)

Prior to late 2014 and early 2015, WWF International activities in Africa were coordinated by two different regional bodies. The Central Africa Regional Programme Office (CARPO) had responsibility for managing the WWF International Programme Offices in Cameroon, Central African Republic (CAR), Democratic Republic of Congo (DRC), and Gabon which managed activities in Republic of Congo. The East and South Africa Regional Programme Office (ESARPO) had responsibility for managing the WWF International Programme Offices in Kenya, Uganda, Tanzania, Mozambique, Zambia, Zimbabwe, and other countries. These two regional bodies were considered Programme Offices in their own right and were responsible for managing the country-level Programme Offices that fell within their geographical remit. CARPO and ESARPO each reported to the Programme Office Management Unit (POMU) in WWF International, which in turn reported to the Executive Director for Conservation, who was the member of the WWF International Senior Management Team with overall responsibility for supervising the performance of all WWF International Programme Offices, including their financial performance.

The Programme Office Management Unit of WWF International was dissolved on 31 March 2014 and in July 2014 the two regional bodies (CARPO and ESARPO) were unified to become the new Regional Office for Africa (ROA) based in Nairobi, Kenya. Under the new arrangement, all the African Programme Offices reported to ROA, which in turn reported to WWF International. The Director of ROA from October 2013 until October 2019 was based in Nairobi. Within ROA, the Director Central Africa from April 2016 to September 2019 was based in Yaoundé, Cameroon with particular responsibility for the Congo Basin countries. WWF International maintained oversight for financial matters but other management aspects were delegated to the ROA team. One consequence of the reorganisation and changes to project funding was a reduction in the number of WWF technical support staff working regionally across the Congo Basin countries.

2.2.2 Change Agenda (2015–2017)

In April 2014 a new Director General took over at WWF International. Between late 2015 and 2017 he introduced a major reorganisation of WWF – the Change Agenda – with the aim of reducing complexity and making the organisation more efficient. The Change Agenda called for the WWF Network to transition to a ‘Practice’ based model focused on six major goals – forests, oceans, wildlife, food, climate and energy, and water – and three key drivers of environmental problems – markets, finance and governance. Each Practice was composed of WWF specialists and external partners. The new approach was designed to foster greater collaboration and innovation and to focus efforts across the Network towards achievement of the six global goals. By April 2017, all Practice Leaders had been appointed and by January 2018, all Practices were fully staffed. The reorganisation simplified lines of accountability through the Practices, a NET Executive Committee and a more empowered WWF International Board.

The Change Agenda involved a redesign of the International Secretariat with the intent to ensure stronger accountability, transparency and performance. The 2017 recruitment of a Chief Operating Officer (COO) was against this background. From 2017 the ROA Director reported to the COO.

2.2.3 Return to WWF International as the Home Office for Congo Basin Programme Offices (2019)

Part of the Change Agenda involved redesign of the Network’s governance structure and, from November 2016, the phasing in of the new Network Development Strategy. The intended effect of the roll-out of the strategy was originally to include reducing WWF International’s responsibilities as Home Office to its Regional Offices in Africa and Asia. However, by late 2018 it was realised that the Programme Offices, other than Kenya, were not in a position to become independent National Organisations, and the move towards autonomy that had been a cornerstone of Truly Global had not come to fruition. WWF International decided to resume a Home Office function and put the required operational management structure in place.

It is evident that the renewed need for WWF International to assume closer oversight and management of the Programme Offices presented challenges. There were immediate capacity needs as resources for staffing at WWF International had not been allocated, other than in a holding capacity whilst it was believed that the Programme Offices were on a pathway to becoming autonomous entities.

In order to increase capacity and to enhance oversight of the Programme Offices in Africa WWF International took the following steps:

- the establishment of a Country Leadership Group in February 2019 to help better manage and support the Programme Offices;
- collaboration with Programme Offices managed by WWF US “to bring better coherence and consistency over the Programme Office management function”; and
- from October 2019 the ROA was brought more directly under WWF International supervision and no longer had the status of an autonomous office able to sign contracts independently.

2.3 The Role of the Audit Committee in Risk Management and Compliance across the Network

The function and scope of the Audit Committee of the WWF International Board expanded from 2010 onwards in two major areas: risk management and compliance. In January 2018, the Audit Committee was renamed the Audit, Risk and Compliance Committee (ARCC).

2.3.1 Risk Management

In May 2011, the Audit Committee considered its first register of strategic risks, identifying the top institutional risks to the WWF Network. This register contained no risks associated with allegations of human rights abuses, failures to implement WWF social policies, or risks around the conduct of WWF partners or stakeholders in the regions in which it operates. Whilst reputational risk was identified as a factor, consideration was limited to inappropriate brand association.

It was not until 2017 that more attention was paid to the risks associated with failure to adequately implement WWF social policies. In April of that year, WWF International recognised that there were critical gaps in auditing implementation of WWF's social policies and accordingly presented a new Assurance Framework to the Audit Committee. Two risk registers – one for WWF International and one for the Network – were developed to capture key risks to achievement of WWF's strategic objectives. The revised WWF International Risk Register after August 2017 was intended to capture all risk areas, including strategic, operational, financial and compliance risks. One of the compliance risks identified on the WWF International Risk Register was the failure to design and implement adequate social policies, giving rise to both reputational risks and potential legal risks.

A Network Risk Register was slower to materialise. A draft Network Risk Register presented to the Audit Committee in January 2018 identified risks arising from allegations of human rights abuses as reflected in a failure to design and implement adequate social policy guidelines, and poor awareness and communication of social policy risks to Programme Offices. To avoid confusion between the two Risk Registers, the WWF International Senior Management Team (SMT) would be the owners of the WWF International Risk Register and the NET would own the Network Risk Register. Maintenance of the two risk registers was considered as one of the cornerstones of the Assurance Framework.

The focus on risk management was consolidated into a Risk Management Framework presented to the ARCC in April 2018. The Framework adopted the 'Three Lines of Defence' model, which distinguished between three functional groups within WWF that are involved in effective internal control and risk management: the functions that own and manage risk; the functions that exercise oversight over risk; and the functions that provide independent assurance. As of September 2020, there was no effective structure to provide an audit function that monitors implementation of social policies in practice.

Since 2018 WWF International and the Network have instituted a number of other operational measures to improve quality assurance and compliance, and ensure better attention to social policy implementation, including with regard to human rights matters. Additionally, two committees for quality assurance were also established in late 2019 and early 2020: an internal Quality Assurance Committee to review WWF International projects, and a Conservation Quality Committee (CQC), which is a WWF Network committee reporting to the NET on all high-risk projects. The CQC terms of reference require it to review, advise on, and sign off high-risk projects and to escalate urgent matters or cases of disagreement to the NET for further review and action. These measures are considered in more detail in Chapter 10.

2.3.2 Compliance with Policies and Standards

The issue of ethics and compliance (as distinct from financial compliance) was first considered by the then Audit Committee at its meeting in October 2014. It considered proposals to strengthen WWF International's efforts in compliance and ethics, and to demonstrate consistent and strong enforcement and zero lenience towards any wrongdoing. A programme of short- and medium-term deliverables was set out. This included improving the whistleblower hotline for internal complaints, raising awareness in relation to fraud and corruption, enhancing training, and finalising a Code of Conduct for WWF staff. The Code of Conduct was launched in August 2015. The development of the whistleblower hotline and its operation is considered in greater detail in Chapter 10. The initial emphasis of the hotline complaint mechanism was clearly on addressing fraud and corruption rather than consideration of complaints about human rights allegations or implementation of WWF's social policies.

It was only in April 2016 – after human rights complaints by Survival International in relation to WWF programmes – that the Audit Committee identified for the first time “human rights and related social policies” as an additional area of focus for awareness raising, and training as part of compliance and ethics. Thenceforth, compliance updates on areas other than fraud and corruption became a standing agenda item for the Audit Committee, along with an increasing focus on human rights issues. By early 2018, WWF International was dealing with a series of complaints about alleged human rights abuses in the Congo Basin. The ARCC considered that a key consideration for WWF's International Board was its risk appetite relating to human rights issues and its tolerance of residual risk exposure in areas where risks cannot be mitigated further.

Subsequently, at both International and Network levels, WWF began a process to put in place mechanisms to escalate human rights issues, and to design and implement better complaints, investigation and response processes to ensure that all issues are appropriately addressed in line with WWF's commitments. The Environmental and Social Safeguards Framework (ESSF), developed and rolled out in 2019 together with associated grievance mechanisms, are expected to be key elements for ensuring better consideration of human rights issues, including mitigation and redress. WWF is also in the process of establishing an Ombudsperson Office, answerable to the International Board and responsible for dealing with complaints from external stakeholders impacted by WWF projects, including allegations concerning human rights. It will form part of an independent monitoring and review function. Development and implementation of these safeguards and grievance processes are considered in greater detail in Chapter 10.

2.4 WWF Social Policies

Most of the human rights allegations levelled against WWF stem from the organisation's provision of support to state agencies employed in law enforcement and antipoaching in and around protected areas. Although WWF is perceived as a conservation organisation, with a primary interest in protecting wildlife, in fact this is only a small part of its activities and more than 60% of programme funding goes to support local community development as part of wider conservation initiatives designed to reconcile the needs of nature and communities. As a result, WWF is often delivering projects for health care, schools and livelihoods as part of an overall package for people and nature in places where government infrastructure and investment are weak or lacking.

In respect of its conservation activities, WWF has adopted, at both International and Network levels, a series of social policies designed to acknowledge and protect the rights of local

communities. These relate to a number of areas relevant to WWF's work and, in particular, to human rights and the rights of indigenous people. In addition, there are a number of internal WWF documents, standards and action frameworks that are also relevant to these issues.

The Network Executive Team is responsible for the development of the WWF Network Standards applicable to all WWF entities once approved by the WWF International Board. Some Network Standards are adopted as policies by the National Boards without amendment; others may be amended into national policies that reflect the local situation prior to approval. In addition to Network Standards, there are also WWF International policies, National Organisation policies and policies at Programme Office level. Any WWF International policy is automatically applicable to Programme Offices managed by WWF International and there is a similar obligation between WWF US and the Programme Offices it oversees. National Organisations and Programme Offices are free to develop their own policies provided that they do not contradict a Network Standard. The WWF policies and standards most relevant to this review are discussed in Chapter 3.

While WWF put considerable effort into development of a range of well-intentioned social policies, the mechanisms and accountability to ensure implementation have been less clear. WWF has stated that the work of the Social Development for Conservation (SD4C) community was critical to the communication and embedding of WWF social policies at a country level. The SD4C community was established in 2009 as a voluntary community to embed social policies across the Network. All offices were encouraged to appoint a SD4C focal point. In each case this would be an individual already working for WWF, who voluntarily took on the additional responsibility to focus on the embedding and implementing of WWF social policies in their country of work. Globally, there are about 50 SD4C focal points, based in different offices around the world, together with a core team made up of representatives from Asia, Africa, Latin America, Europe, and the Americas, and reporting to a steering group. SD4C has been a useful support mechanism in some countries but not all WWF offices have appointed SD4C focal points. In any case the focal points have had no real mandate, authority or resources to require or ensure compliance. Accordingly, in 2017 the Social Policy Roadmap transferred accountability for social policy implementation from the focal points to Country Directors, thereby placing responsibility at a senior level with appropriate authority. The weakness and lack of resources and support for SD4C are discussed further in Chapter 10.

Since 1996 when it first adopted a *Statement of Principles on Indigenous Peoples and Conservation*, WWF has developed many social policies and plans. In 2009, for example, WWF became a founding member of the Conservation and Human Rights Initiative and signed the *Conservation and Human Rights Framework*. All of these policies were good and many go well beyond the standards set by national legislation in some of the countries where WWF works. Unfortunately, although intentions were good, implementation of these social policies has often been weak. Since 2019, WWF International and the Network have made significant steps to strengthen social safeguards and to address human rights issues in relation to WWF projects and partnerships. In August 2019, the Environmental and Social Safeguards Framework was adopted for application in all landscapes and seascapes in which WWF works (see Chapter 10 for further detail). The ESSF is complemented by a Safeguards Unit, established by WWF International within its Global Operations Department, which gives WWF International greater oversight responsibility for safeguards across the Network. While these new procedures will be important for assuring quality at the project design stage, the key challenge will be how to ensure effective implementation and monitoring of social policies and human rights standards at country and field levels.



CHAPTER 3

RELEVANT HUMAN RIGHTS NORMS AND WWF COMMITMENTS

The allegations against WWF examined in this report are that it knew about alleged human rights abuses committed by government rangers and military personnel engaged in anti-poaching activities, that it nevertheless continued to support and collaborate with them, and that it failed to take effective steps to prevent, respond to, and remedy the alleged abuses. The alleged abuses by rangers and soldiers included incidents of murder, rape, torture, physical beatings, unlawful arrest and detention, invasion of homes and destruction of personal property. In some cases, WWF was also accused of failing to respect the rights of indigenous peoples with regard to their traditional lands, territories and resources.

Section 3.1 provides an overview of the international human rights law relevant to the allegations. Section 3.2 describes WWF's specific responsibilities to respect human rights, as it has committed to do in the *Conservation and Human Rights Framework* and its social policies. WWF's human rights commitments often set higher standards than the laws and practices of states in which it works, which may fall short of those states' obligations under international human rights law. In such situations, WWF must nevertheless comply with its own responsibilities and commitments to respect human rights.

3.1 International Law on Human Rights and Environmental Protection

The alleged abuses by rangers and other government employees described in this report would violate many provisions of human rights law, including the rights to life, liberty, property, security of person, and effective remedies, as well as the rights to freedom from violence against women, arbitrary detention, torture and arbitrary interference with home and family life. Applicable instruments include the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* (ICCPR), the *Convention against Torture*, the *UN Declaration on the Elimination of Violence Against Women*, the *African Charter on Human and Peoples' Rights*, and the *Maputo Protocol to the African Charter on the Rights of Women in Africa*.¹

Allegations of abuses perpetrated against indigenous peoples also implicate their rights under international law. The two most important international instruments on the rights of indigenous peoples are the International Labour Organization (ILO) *Convention No. 169 on Indigenous and Tribal Peoples*² and the 2007 *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP).³ Although it is not a treaty, UNDRIP has been generally accepted by states as setting benchmark standards in relation to indigenous rights, and it has influenced

¹ Cameroon, the Central African Republic, the Democratic Republic of the Congo, the Republic of the Congo, India, and Nepal are all parties to the ICCPR, and all but India are parties to the *Convention Against Torture*. The four African countries all belong to the African Charter, and all of them have joined the *Maputo Protocol* with the exception of the Central African Republic, which has signed but not ratified it.

² Most of the parties to ILO *Convention No. 169* are in Latin America, but the Central African Republic has been a party since 2010 and Nepal has been a party since 2007.

³ UNGA Res 61/295 (2 October 2007). The resolution adopting UNDRIP received only four negative votes, from Australia, Canada, New Zealand and the United States, each of which later reversed its position and indicated support for the Declaration.

human rights tribunals in their application of other treaties with respect to indigenous and tribal peoples.

The global human rights treaties place obligations primarily on states. The duty of states to respect human rights requires, at a minimum, that they do not violate human rights directly. As a result, murder, torture, rape and the other alleged abuses by rangers and soldiers, if committed in the course of their conduct as agents of a state, would violate that state's obligations under international human rights law. In addition, human rights law requires states to undertake due diligence to protect the enjoyment of human rights from interference by non-state actors.⁴ The duty of states to protect against human rights abuses by business enterprises is one of the pillars of the *Guiding Principles on Business and Human Rights (UN Guiding Principles)*,⁵ which the UN Human Rights Council endorsed by consensus in 2011.⁶

The duty of states to protect human rights encompasses the duty to protect a safe, clean, healthy and sustainable environment, on which the full enjoyment of a wide range of human rights depends.⁷ The obligation to protect against environmental harm to human rights includes the duty to protect natural ecosystems and biological diversity, which are necessary for a healthy environment and for the enjoyment of the rights that depend upon it.⁸

All six countries considered in this report have ratified the *Convention on Biological Diversity (CBD)* and the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*. As Parties to the CBD, these countries committed in 2003 to implementing the CBD Programme of Work on Protected Areas and subsequently adopted the Strategic Plan for Biodiversity in 2010 and the 20 Aichi Targets to be implemented by 2020. Aichi Target 11, on establishing well-connected networks of protected areas and other effective area-based conservation measures, and Target 12, which relates to actions to reduce threats to endangered species, are especially relevant to WWF's support for protected areas and anti-poaching activities.

Over the last two decades these conservation efforts have been undermined by increasing pressure to exploit natural resources, including through mining, logging, land conversion and both poaching and trafficking of rare and endangered species. In recent years, wildlife crime has grown into a transnational network of organised crime, generating billions of dollars and often linked to other criminal activities, including drugs and human trafficking. In the places considered in the current report, civil conflict and wildlife crime have supported the proliferation of arms, violence and corruption, and taken the lives of rangers and local community members. To combat poaching and protect biodiversity, multilateral and bilateral donors and conservation organisations have invested in supporting protected area agencies and rangers in law enforcement efforts.

⁴ Human Rights Committee, *General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, UN Doc CCPR/C/21/Rev.1/Add.13 (2004); African Commission on Human and Peoples' Rights, *Commission Nationale de Droits d'Homme et des Libertés v. Chad*, Comm. No. 74/92 (1995).

⁵ UN Doc. A/HRC/17/31 (21 March 2011).

⁶ Human Rights Council Res. 17/4 (2011).

⁷ See Human Rights Committee, *General Comment No. 36 on article 6 of the ICCPR, on the right to life*, UN Doc CCPR/C/GC/36 (2018), paras. 26, 62; *Framework Principles on Human Rights and the Environment*, UN Doc. A/HRC/37/59, annex (2018).

⁸ See Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc. A/HRC/34/49 (2017).

Although the failure to protect biodiversity ultimately affects everyone, it is particularly devastating for indigenous peoples and others who depend directly on natural ecosystems for their material and cultural well-being. States must therefore protect their rights from actions that adversely affect the ecosystems on which they depend or their ability to have access to those ecosystems.

ILO *Convention No. 169* and UNDRIP both provide that states must recognise and protect the rights of indigenous peoples to the lands, territories and resources that they have traditionally owned, occupied or used, including those to which they have had access for their subsistence and traditional activities.⁹ The ILO Convention provides that states have obligations to consult with indigenous and tribal peoples when considering measures that may affect them directly, before undertaking or permitting any programmes for the exploration or exploitation of resources pertaining to their lands or territories, and when considering their capacity to alienate their lands or territories, or otherwise transfer their rights outside their own community.¹⁰ UNDRIP makes clear that the free, prior and informed consent (FPIC) of indigenous peoples is necessary before the adoption or implementation of any laws, policies, or measures that may affect them, and in particular before the approval of any project affecting their lands, territories or resources, including the extraction or exploitation of mineral, water or other resources, or the storage or disposal of hazardous materials.¹¹

The human right to liberty of movement and freedom to choose one's residence, recognised in article 12 of the ICCPR, protects against all forms of forced internal displacement.¹² Both the ILO Convention and UNDRIP state that indigenous peoples shall not be forcibly removed from their lands without their free, prior and informed consent.¹³ Should violations of this right occur, they have the right to fair reparation, including restitution and compensation and, where possible, the option of returning to their lands.

UNDRIP states that indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, territories and resources, and to receive assistance from states for such conservation and protection.¹⁴ ILO *Convention No. 169* requires states to safeguard the rights of the peoples concerned to the natural resources pertaining to their lands, including their right to participate in the use, management and conservation of these resources.¹⁵ UNDRIP indicates that states must provide for just and fair redress for harm resulting from any activities affecting their lands, territories or resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources, and states that "appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact".¹⁶ Indigenous peoples have the right to restitution or, if this is not possible, compensation for their lands, territories and resources that have been taken, used or damaged without their consent.¹⁷

Many people who do not self-identify as indigenous also have close relationships to the territory that they have traditionally occupied, and depend directly on nature for their material

⁹ ILO *Convention No. 169*, arts 14-15; UNDRIP, arts 26-27.

¹⁰ ILO *Convention No. 169*, arts. 6, 15, 17.

¹¹ UNDRIP, arts 19, 29.2, 32.2.

¹² Human Rights Committee, *General Comment No. 27, Freedom of Movement (article 12)* (1999), para. 7.

¹³ ILO *Convention No. 169*, art. 16; UNDRIP, art. 10.

¹⁴ UNDRIP, art 29.1.

¹⁵ *Ibid.*, art. 15.1.

¹⁶ UNDRIP, art. 32.3

¹⁷ *Ibid.*, art. 28.

needs and cultural life.¹⁸ The members of such communities have rights similar to those of indigenous peoples in relation to the use and enjoyment of their land, territory and resources.¹⁹ The *Guiding Principles on Internal Displacement* provide that “states are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands”.²⁰

The rights of indigenous peoples and of local communities that have similar relationships to their traditional lands, territories and resources apply not only in relation to measures aimed at exploitation of resources, but also to those aimed at conservation. The UN Special Rapporteur on the rights of indigenous peoples has described ways that measures aimed at conservation have violated the rights of indigenous peoples, including through expropriation of land, forced displacement, denial of self-governance, denial of access to natural resources vital to their livelihoods and to sacred places necessary to their culture, and denial of access to justice and reparation, including restitution and compensation.²¹ The consequences of displacement in many countries have included increased marginalisation, poverty, food insecurity, conflict and extrajudicial killings.²²

Human rights tribunals have held that prohibitions on displacing indigenous peoples from their traditional territories and lands and denying them access to their traditional resources without their free, prior and informed consent applies in the context of protected areas. For example, in 2017 the African Court on Human and Peoples’ Rights held that ejecting the Ogiek people from the Mau Forest in Kenya violated their rights under the African Charter, including their rights to land, to participate in their culture, and to freedom of worship.²³

International environmental institutions have recognised the importance of respecting the rights of indigenous peoples and local communities who closely depend on natural resources, and of supporting their efforts to conserve and sustainably use biodiversity. The CBD requires each Party, as far as possible and as appropriate, to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity”, and to protect and encourage the customary use of biological resources

¹⁸ UNDRIP does not define the line between indigenous peoples and non-indigenous communities. ILO *Convention No. 169*, art. 1, identifies as a key consideration whether the people themselves self-identify as indigenous. In 2017, the African Court of Human Rights stated that the relevant factors for the identification of indigenous populations are: “...the presence of priority in time with respect to the occupation and use of a specific territory; a voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions; self-identification as well as recognition by other groups, or by State authorities that they are a distinct collectivity; and an experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist.” African Commission on Human and Peoples’ Rights v. Kenya, No. 006/2012, Judgment (2017).

¹⁹ See Human Rights Committee, *General Comment No. 23 on the rights of minorities* (1994), para. 7; Human Rights Committee, *Poma Poma v. Peru*, No. 1457/2006 (2009), paras. 7.3-7.6; Inter-American Court of Human Rights, *Saramaka People v. Suriname*, Judgment of 28 November 2007, para. 85.

²⁰ UN Doc. E/CN.4/1998/53/Add.2 (1998), principle 9.

²¹ Report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, UN Doc. A/71/229 (29 July 2016).

²² See *ibid.*, para. 51.

²³ African Commission on Human and Peoples’ Rights v Kenya, No. 006/2012 (2017). See also African Commission on Human and Peoples’ Rights, *Endorois Welfare Council v Kenya*, No. 276/2003 (2009); Inter-American Court of Human Rights, *Kaliña and Lokono Peoples v Suriname* (2015).

in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.²⁴

Protecting the rights of those who live closest to nature is not just required by human rights law; it is also often the best way to ensure the protection of biodiversity. The knowledge and practices of the people who live in biodiversity-rich ecosystems are vital to the conservation and sustainable use of those ecosystems. It has been estimated that lands of indigenous peoples account for 37% of all remaining natural lands across the Earth, and that indigenous peoples' lands constitute at least 40% of all protected areas.²⁵ Protecting the human rights of indigenous peoples and local communities has been shown to result in improved protection for ecosystems and biodiversity. In short, respect for human rights should be recognised as complementary, not contradictory, to environmental protection.

3.2 WWF's Responsibility to Respect Human Rights

In 2009, WWF and other conservation organisations (including the International Union for the Conservation of Nature – IUCN, Conservation International, and Wetlands International) founded the Conservation Initiative for Human Rights and adopted the *Conservation and Human Rights Framework*. In the *Framework*, WWF and the other organisations made ten commitments, the first of which is: “Respect internationally proclaimed human rights; and make sure that we do not contribute to infringements of human rights while pursuing our mission.” The other commitments in the *Framework* elaborate and supplement this overarching responsibility to respect human rights.²⁶ WWF has also adopted social policies with additional human rights commitments, including:

- *Statement of Principles on Indigenous Peoples and Conservation* (issued in 1996, updated and reissued in 2008);
- *Policy on Poverty and Conservation* (2009);
- *Gender Policy Statement* (2011); and
- *Network Guidelines on Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities* (2018).

The commitments in the *Conservation and Human Rights Framework* and WWF's social policies are consistent with other instruments on the responsibility to respect human rights, including the UN *Guiding Principles on Business and Human Rights*.²⁷ The UN *Guiding Principles* are not a treaty and therefore not legally binding in themselves, but they have

²⁴ CBD, arts. 8(j), 10(c). See also *Nagoya Protocol*, arts. 5, 7. The Conference of the Parties to the CBD has taken a number of other decisions that recognise and support the role of indigenous peoples and local communities in the protection of biodiversity, including by adopting the Mo'otz Kuxtal Voluntary Guidelines on measures to ensure the free, prior and informed consent, or approval and involvement, of indigenous peoples and local communities, for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge; and the Akwé: Kon Voluntary Guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities. COP Decisions XIII/18, VI/16.

²⁵ Stephen T. Garnett *et al.*, “A spatial overview of the global importance of Indigenous lands for conservation”, *Nature Sustainability* 1:369–374 (2018).

²⁶ For example, the second commitment in the *Framework* states that its signatories also commit to “[s]upport and promote the protection and realization of human rights within the scope of our conservation programmes”.

²⁷ See also OECD *Guidelines for Multinational Enterprises* (2011), ch. II (General Policies), para. A.2; ILO *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, para. 8.

been widely accepted as reflecting societal expectations. Although the *Guiding Principles* were developed in the context of business enterprises, they have been applied to other types of multinational enterprises,²⁸ and to WWF in particular.²⁹ The expectation of respect for human rights cannot be lower for multinational conservation organisations than it is for multinational business enterprises. Although non-profit organisations play significantly different societal roles than business enterprises in many respects, they often have similar structures that give rise to similar issues in implementing the responsibility to respect human rights. Most importantly, their institutional activities are capable of causing or contributing to adverse human rights impacts.

The foundational principle of the responsibility to respect human rights is that enterprises “should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved”.³⁰ More specifically, the responsibility to respect human rights requires multinational conservation organisations, no less than business enterprises, to:

- avoid causing or contributing to adverse human rights impacts through their own activities, and to address such impacts when they occur; and
- seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their relationships, even if they have not contributed to those impacts.³¹

The rights to be respected include those set out in the *Universal Declaration of Human Rights* and the two *International Covenants*, but the scope extends to all internationally recognised human rights, including the rights of indigenous peoples and local communities.³²

The following sections describe four critical aspects of WWF’s overarching responsibility to respect human rights:

- adopting a high-level policy commitment to meet the responsibility to respect human rights and reflecting it in operational policies and procedures;
- establishing and implementing a human rights due-diligence process that: (i) assesses potential and actual human rights impacts of WWF’s policies, programmes, projects and activities before they are initiated, including by consulting with those who may be affected; (ii) ensures that such initiatives reflect the prior assessments and effectively address any potential and actual human rights impacts identified; (iii) monitors the implementation of the initiatives; and (iv) communicates how human rights impacts are being addressed;

²⁸ See, e.g., John G. Ruggie, “For the Game, For the World: FIFA & Human Rights” (2016), https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/crj/files/Ruggie_humanrightsFIFA_reportApril2016.pdf.

²⁹ The OECD National Contact Point of Switzerland held in 2016 that the OECD *Guidelines for Multinational Enterprises*, which incorporated core elements of the UN *Guiding Principles*, applied to WWF. See Initial Assessment in the Specific Instance regarding the World Wide Fund For Nature International (WWF) submitted by Survival International Charitable Trust (2016). The report of Markus Löning on WWF Germany also applied the UN *Guiding Principles*. See Löning, *Assessment of Human Rights Due Diligence Processes for WWF Germany* (2019). In a statement to the Committee on Economic Cooperation and Development of the German Bundestag in April 2019, WWF Germany stated that it accepted that it bears “even greater responsibility for compliance with the UN *Guiding Principles on Business and Human Rights* under the problematic circumstances of fragile states with weak rule of law”.

³⁰ UN *Guiding Principles on Business and Human Rights*, principle 11.

³¹ *Ibid.*, principle 13.

³² *Conservation and Human Rights Framework*, n. 1; UN *Guiding Principles*, pp. 13-14.

- providing for processes to enable the remediation of any adverse human rights impacts that WWF causes or to which it contributes; and
- ensuring that WWF safeguards the rights of the most vulnerable, including indigenous peoples and local communities, in relation to activities it carries out or supports.

Each of these is considered in greater detail in the following sub-sections.

3.2.1 High-level Policy Commitment and Operational Policies and Procedures

Commitments to meet the responsibility to respect human rights should be approved at the most senior level of the institution,³³ as was the *Conservation and Human Rights Framework*. Further development and implementation of human rights commitments should be informed by relevant experience and expertise, including that of WWF's constituencies.³⁴ The commitments should be periodically reviewed and revised as needed.³⁵

In addition to being publicly available, human rights commitments should clearly state the human rights expectations that apply to the personnel, partners and others who are directly linked to the institution and its activities, and should be communicated to them accordingly.³⁶ These commitments and expectations should also be communicated to potentially affected stakeholders, particularly in the case of operations that carry significant human rights risks.³⁷

Finally, the high-level commitments must be embedded in the institution's operational policies and procedures.³⁸ Through the *Conservation and Human Rights Framework*, WWF committed to: establishing the institutional policies to ensure that the principles are fulfilled; determining the competencies it needed to implement the principles and implementing policies; ensuring that the necessary capacity is in place; establishing processes to monitor and evaluate compliance with the principles and policies on a regular basis; and applying the principles and policies in its agreements with its partners.³⁹ Internal communication of policies and procedures to employees should make clear the lines of accountability and be supported by appropriate training.⁴⁰

3.2.2 Human Rights Due Diligence

To identify, prevent, mitigate and account for adverse human rights impacts, WWF should carry out human rights due diligence. To be effective, the due diligence process should include four main components, as set out below.

First, the organisation should assess the potential human rights impacts of proposals. WWF committed in the *Conservation and Human Rights Framework* to undertake assessment and consultation in advance of proposed conservation interventions, and specifically to conduct prior evaluation of the scope of proposed conservation "policies, programmes, projects, and activities" in order to identify "the links between human rights and conservation".⁴¹ While the nature of the due diligence required may vary according to each proposal and its broader

³³ UN *Guiding Principles*, principle 16(a).

³⁴ *Conservation and Human Rights Framework*, principle 5; UN *Guiding Principles*, principle 16(b).

³⁵ *Conservation and Human Rights Framework*, principle 6.

³⁶ *Conservation and Human Rights Framework*, principle 6; UN *Guiding Principles*, principle 16(c), (d).

³⁷ UN *Guiding Principles*, p. 15 (commentary on principle 16).

³⁸ UN *Guiding Principles*, principle 16(e).

³⁹ *Conservation and Human Rights Framework*, principles 6, 7, 9, 10.

⁴⁰ UN *Guiding Principles*, p. 16 (commentary).

⁴¹ *Conservation and Human Rights Framework*, principle 8.

context, the assessment should include all adverse human rights impacts that WWF may cause or contribute to through its own activities, or which may be directly linked to it through its relationships.⁴² The process should be initiated as early as possible in the development of a new activity or relationship, and repeated if there are significant changes in the initiative or in the context around it.⁴³

The assessment process must include appropriate consultation with those who may be affected. WWF has committed to ensuring that potentially affected persons are informed, properly consulted and able to participate in decision-making about proposed interventions.⁴⁴ One of the main purposes of the assessment should be to understand the potential impacts of a given proposal on specific people, within a specific context of operations.⁴⁵ In particular, the process should direct attention to potential effects on individuals from populations that may be at heightened risk of vulnerability or marginalisation, and take into account the different risks that may be faced by women and men.⁴⁶ As the *Conservation and Human Rights Framework* notes, the assessment must include respect for the right of indigenous peoples and local communities with customary rights to lands and resources to free, prior and informed consent to interventions directly affecting their lands, territories or resources.⁴⁷

The second component of the due diligence process is to address the human rights impacts that have been identified by the human rights assessment. The assessment of human rights impacts should inform how WWF addresses the impacts of the proposal. Once identified, potential adverse human rights impacts should be prevented or mitigated. Adverse impacts that have already occurred should be remediated. In the *Conservation and Human Rights Framework*, WWF further committed to ensuring that the design and implementation of its conservation interventions reflect the prior evaluation and the participatory decisions that were made.⁴⁸ The responsibilities for implementing the elements of the plan of action must be assigned to the appropriate offices within the organisation.⁴⁹

The actions that WWF should take in response to potential or actual adverse human rights impacts depend on whether it causes, contributes to, or is directly linked to those impacts.⁵⁰ If it causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. If it contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible. If it has not contributed to an adverse human rights impact, but its relationship with another entity directly links its operations to the impact, the appropriate response will depend on a number of factors, including the severity of the human rights impact. An important factor is the degree to which WWF has the ability to exercise leverage over the other entity (or entities) concerned – that is, whether it has the ability to change or significantly influence the behaviour of others in a way that would eliminate or reduce the harm. If WWF has the leverage to prevent or mitigate harm, it should exercise such leverage. If, however, the

⁴² UN *Guiding Principles*, principle 17.

⁴³ *Ibid.*, p. 21 (commentary on principle 18).

⁴⁴ *Conservation and Human Rights Framework*, principle 8; see also *Guiding Principles*, principle 18.

⁴⁵ UN *Guiding Principles*, p. 19 (commentary on principle 18).

⁴⁶ *Ibid.*, p. 20.

⁴⁷ *Conservation and Human Rights Framework*, principle 8.

⁴⁸ *Conservation and Human Rights Framework*, principle 8.

⁴⁹ UN *Guiding Principles*, principle 19(a).

⁵⁰ *Ibid.*, principle 19(b).

organisation lacks adequate leverage, it should consider increasing leverage by, for example, building capacity or offering other incentives.⁵¹ If WWF lacks current leverage and is unable to increase its leverage sufficiently to prevent or mitigate the harm, it should consider curtailing or ending the relationship(s) concerned. In deciding whether to end a relationship with an entity responsible for perpetrating human rights abuses, WWF should also take into account any adverse impacts on human rights that might occur as a result of that decision.

The third component of the human rights due diligence process is to monitor the ongoing effects of the programme, activity or other initiative to see whether changes are necessary. In the *Conservation and Human Rights Framework*, WWF committed to monitor and evaluate interventions and their implications for human rights as a basis for ongoing improvement.⁵² In doing so, the organisation must pay special attention to those who are most vulnerable and take into account feedback from affected stakeholders.⁵³

Finally, the human rights due diligence process should communicate how potential and actual human rights impacts are being addressed. Such communications should be accessible to all interested audiences, including those who may be most directly affected, and should provide enough information to enable others to evaluate the adequacy of the response to identified impacts. Doing so is necessary to demonstrate transparency and accountability to those who may be affected and to other interested stakeholders, including regulators and funders. Independent reporting helps to strengthen the credibility of such communications.⁵⁴

3.2.3 Remediation and Grievance Mechanisms

In the *Conservation and Human Rights Framework*, WWF committed to set up “effective, accessible and transparent procedures to receive and resolve complaints”.⁵⁵ The responsibility of multinational conservation organisations to remediate human rights abuses may vary according to whether they cause or contribute to the adverse human rights impacts, or whether such impacts are only linked directly to the organisation through its relationships.

Conservation organisations, like business organisations, are responsible for remediating the adverse human rights impacts that they have caused or contributed to.⁵⁶ To that end, they should establish effective mechanisms to hear and remediate grievances from adversely affected individuals and communities.⁵⁷ The responsibility to respect human rights does not require organisations to provide for the remediation of adverse impacts that they did not cause or contribute to, but that are directly linked to their operations by their business relationships. Nevertheless, the organisations may play a role in remediating such impacts.⁵⁸

The purpose of remediation is to counteract and make good any human rights harms that have occurred. Appropriate remedies will depend on the nature of the harm, but may include compensation, restitution, punitive sanctions, and actions to prevent the repetition or instances of harm in the future.⁵⁹ A grievance mechanism established by a conservation

⁵¹ See *ibid.* (commentary on principle 19).

⁵² *Conservation and Human Rights Framework*, principle 8.

⁵³ *Conservation and Human Rights Framework*, principle 3; *UN Guiding Principles*, principle 20.

⁵⁴ See *UN Guiding Principles*, principle 21.

⁵⁵ *Conservation and Human Rights Framework*, principle 9.

⁵⁶ See *UN Guiding Principles*, principle 22; *OECD Guidelines*, ch. IV (Human Rights), para. 6.

⁵⁷ *UN Guiding Principles*, principle 29.

⁵⁸ *UN Guiding Principles*, pp. 20-21 (commentary).

⁵⁹ *Ibid.*, p. 22.

organisation does not substitute for state-based criminal, judicial and administrative procedures, but it plays a critical role in bringing problems to the attention of the organisation for their early and effective resolution, ensuring accountability and identifying systemic problems that require changes in the organisation's operations.

The UN *Guiding Principles* identify a number of characteristics that a grievance mechanism should have in order to be effective, including that it should be accessible, transparent and trustworthy, and able to consider complaints fairly without interference from the individuals or entities against which the complaints are directed. Stakeholder groups should be consulted on its design and implementation, and provided with assistance where necessary to be able to access the grievance mechanism. Although organisations may establish their own avenues for people to raise issues in order to seek agreed solutions, any complaints that require determination of disputed points must be considered by an independent third party.⁶⁰

3.2.4 The Responsibility to Respect the Rights of the Vulnerable

As WWF and the other members of the Conservation Initiative for Human Rights recognised in the *Conservation and Human Rights Framework*, they must “make special efforts to avoid harm to those who are vulnerable to infringements of their rights and to support the protection and fulfilment of their rights within the scope of [their] conservation programmes”.⁶¹ WWF has made more detailed commitments with respect to gender, poverty and indigenous peoples and local communities, which reflect and are informed by international standards. These are considered further below.

(i) *Gender*. In its 2011 *Gender Policy Statement*, WWF committed to: incorporating a gender perspective into its programme and project development processes; assessing the potential impact of programmes and projects on gender equity (to the extent possible); and ensuring that potential negative impacts on women and men are addressed, as appropriate. It also committed, among other things, to applying a culturally sensitive approach that takes account of the different roles, responsibilities, entitlements, and knowledge among men and women involved in or affected by a given programme or project.⁶²

(ii) *Poverty*. WWF's 2009 *Policy on Poverty and Conservation* recognises that people living in poverty are often the stewards of globally important biodiversity and key actors in sustaining the capacity of these resources to provide critical environmental services. WWF committed to: assessing the poverty implications of its projects, programmes and policies; identifying opportunities for positive contributions to poverty reduction; and addressing potential conflicts and trade-offs between conservation and poverty-reduction goals. It stated that where there are trade-offs, it will support affected local people to ensure that equitable and sustainable solutions are in place. WWF committed to engaging with resource-dependent communities in its programme planning, implementation and monitoring, with the aim of identifying common interests, implementing collaboratively agreed activities, and producing outcomes that benefit both people and the environment. It stated that it would seek out and respond to the concerns, priorities and values of local people as they relate to natural resources (e.g. issues of access, control and management) and well-being. WWF committed to implement the policy by integrating its principles into its programme planning and implementation, strengthening the capacity of its offices, and being accountable to the policy through transparent monitoring and reporting processes.

⁶⁰ See UN *Guiding Principles*, principle 31 and commentary, pp. 26-27.

⁶¹ *Conservation and Human Rights Framework*, principle 3.

⁶² Global Network Policy: *Gender Policy Statement*, p. 2 (2011).

(iii) *Indigenous Peoples and Local Communities*. International standards for conservation organisations on indigenous peoples and local communities include the Durban Action Plan, which was adopted by the 2003 IUCN World Parks Congress.⁶³ The Action Plan set several targets, including that:

- all existing and future protected areas shall be managed and established in full compliance with the rights of indigenous peoples, mobile peoples and local communities;
- protected areas shall have representatives chosen by indigenous peoples and local communities in their management, proportionate to their rights and interests;
- participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented by 2010.⁶⁴

WWF first adopted a *Statement of Principles on Indigenous Peoples and Conservation* in 1996, well before the Durban Action Plan, and revised and reaffirmed the document in 2008. The current WWF *Statement of Principles* states:

“Since indigenous peoples are often discriminated against and politically marginalised, WWF is committed to make special efforts to respect, protect, and comply with their collective and individual rights, including customary as well as resource rights, in the context of conservation initiatives. This includes, but is not limited to, those set out in national and international law, and in other international instruments.

In particular, WWF fully endorses the provisions about indigenous peoples contained in... ILO Convention 169 [and the] UN Declaration on the Rights of Indigenous Peoples.”⁶⁵

The *Statement of Principles* also states that “WWF recognises that indigenous peoples have rights to the lands, territories, and resources that they have traditionally owned or otherwise occupied or used, and that those rights must be recognised and effectively protected, as laid out in the *ILO Convention 169* and the UN Declaration on the Rights of Indigenous Peoples” (principle 8). WWF recognises that “indigenous peoples have the right to determine priorities and strategies for the development or use of their lands, territories, and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting those lands, territories, and resources”, and that, in conformity with *ILO Convention 169* and UNDRIP, indigenous peoples have the right not to be removed from the territories they occupy (principles 12, 16). Where relocation of indigenous peoples is considered necessary as an exceptional measure, it may take place only with their free, prior and informed consent, and in compliance with their rights under national and international law (principle 16).

⁶³ The International Union for the Conservation of Nature (IUCN), the umbrella organisation for states, government agencies, international non-governmental organisations, and national non-governmental organisations concerned with conservation, holds the World Conservation Congress every four years and the World Parks Congress roughly once a decade. Although the decisions and statements of the Congresses are not binding as a matter of international law, they can set influential standards for conservation and protected areas.

⁶⁴ *Ibid.*, pp. 25-26 (Key Targets 8, 9, 10).

⁶⁵ *Statement of Principles*, principle 5. WWF includes both “indigenous” and “tribal” peoples in its use of the term “indigenous,” using the definition of *ILO Convention No. 169*. *Ibid.*, n. 1.

WWF also committed that before initiating conservation activities, it would exercise due diligence to learn about the historic claims and current exercise of customary rights in the planned project area, and that when its conservation activities impinge on areas where historic claims or current exercise of customary rights are present, it would consult with indigenous representatives at the earliest stages of programme development (principles 23, 24). When the rights of indigenous peoples are contested by states, corporations or others, WWF stated that it would coordinate and consult with indigenous peoples, subject to availability of resources, to seek out or invest in the development of mechanisms to resolve conflicts, and that it would further seek to ensure that the rights and interests of indigenous peoples are well represented in such fora (principle 28).

In principle 30, WWF stated that it “will not promote or support, and may actively oppose, interventions which have not received the free, prior and informed consent of affected indigenous communities, and/or would adversely impact – directly or indirectly – on the environment of indigenous peoples’ territories, and/or would affect their rights. This includes activities such as... resettlement of indigenous communities; creation of protected areas or imposition of restrictions on subsistence resource use”.

WWF also committed to ensure that its partnerships with governments, donor agencies, corporations and NGOs do not undermine, and if possible serve to actively promote, the basic human rights and customary resource rights of indigenous peoples, and that all relevant information developed through such partnerships and accessible to WWF is shared with the appropriate representatives of indigenous peoples (principle 32).

In 2018, WWF adopted *Network Guidelines on Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities*, which state that “all WWF offices, programmes and initiatives must take into consideration the respect of human rights in the design, implementation and monitoring of our programmes, which extends to addressing actual and potential rights infringement and/or restrictions on the rights of Indigenous Peoples and local communities. This includes customary rights to lands and resources and interventions requiring the free, prior informed consent of affected communities”.

The commitments in the *Network Guidelines* include that WWF will “work proactively with governments, private sector and relevant IPLCs to: A. Conduct a full and comprehensive preliminary assessment of risks and potential implications including possible negative or adverse impacts... prior to the onset of any project in areas and sites where WWF is potentially involved or operates... B. Not promote or support any programmes/activities and/or policies that lead to involuntary curtailment of the rights of local communities... and D. Confirm that free, prior and informed consent has been obtained by the relevant authorities through an open, transparent, inclusive and just process from the affected IPLCs who are agreeing to voluntary relocation or restriction of access to natural resources. Care needs to be taken that the dialogue and negotiations for the above were conducted in a participatory and meaningful manner”.

The *Network Guidelines* also state that WWF will not support the creation of new protected areas that would curtail the rights of local communities, unless voluntarily agreed, and that in relation to established protected areas that overlap wholly or partially with indigenous territories and tribal lands, WWF will advocate together with the communities for inclusive, equitable and community-based governance models and policies of natural resource management and conservation that recognise the rights of indigenous peoples and local communities.

In the case of infringement and curtailed rights, WWF commits in the *Network Guidelines* to working with government authorities, indigenous peoples and others to: promote and support measures to avoid or appropriately mitigate any adverse impacts on local communities and ensure their effective implementation as a basis for continuing support; advocate and facilitate processes to ensure that affected communities participate in deciding the nature and scope of restrictions and mitigation measures; advocate for the inclusion of measures within the relevant plans and schemes of relevant authorities to assist the affected persons in their efforts to improve or restore their rights in real terms to pre-project levels; and develop a Plan of Action that describes the agreed restrictions, management schemes and measures to assist the affected persons and the arrangements for their implementation.

Repeating earlier commitments, the *Network Guidelines* state that, “WWF should advocate against involuntary relocation or resettlement schemes promoted by governments, or other parties like companies, and should not support conservation activities that require any involuntary or forced relocation of local communities and groups from conservation areas”.

In conclusion, WWF has made many specific commitments in relation to its responsibility to respect human rights, including with respect to its relationships with others. Chapters 4 to 9 assess the translation of these commitments into practice in the context of six countries in which it works. Corresponding country-specific conclusions and recommendations are included in each of those chapters. Chapter 10 concerns WWF International and the WWF Network, and Chapter 11 sets out recommendations for the entire organisation.