

**WRITTEN TESTIMONY OF GINETTE HEMLEY
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FOR THE HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, OCEANS AND WILDLIFE
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Chairman Huffman, Ranking Member Bentz, and members of the committee, thank you for the opportunity to testify on behalf of World Wildlife Fund (WWF). Today's hearing focuses on a vitally important question: how can those of us who support international conservation and development efforts – NGOs and the U.S. government alike – help safeguard the rights and safety of Indigenous Peoples and local communities in the places where we work, particularly in countries with poor track records protecting human rights?

This question matters deeply to us at WWF. One of our core beliefs is that the rights and well-being of people and the conservation of nature must go hand in hand. Our experience over the past 60 years has taught us that it is not possible to achieve one without the other. The conservation of nature relies on people, and people rely on nature. Wildlife and natural resources are critical to the livelihoods and long-term welfare of Indigenous Peoples and local communities around the world; and local people are nature's most effective stewards and guardians. That is why those of us supporting global conservation efforts must do our utmost to safeguard both.

It is a hard truth that the places that harbor the richest biodiversity are quite frequently also the places with the weakest governance, rule of law, and access to justice. The conservation of tropical forests and other biodiversity hotspots often occurs in some of the most dangerous and remote places in the world, including in countries dealing with extreme poverty or fragile governments where organized crime and corruption, armed conflict, and ethnic strife are all too common. These challenging environments pose serious threats to both people and nature. It is the duty and responsibility of the governments in these places to protect the human rights of their citizens.¹ Those of us who work to support local communities in the field must always respect those rights and do all we can to reduce the risk that the rights of vulnerable populations are violated.

For my testimony today, I will say a bit about WWF and its work in these challenging environments and social contexts; the ways in which conservation efforts supported by the U.S. government have helped Indigenous Peoples and local communities to secure their rights and improve their lives and livelihoods; and how WWF has responded when allegations of human rights abuses have occurred in places where it works. I will share examples of how WWF has used its agency to effect change with government partners when they have failed to live up to their obligations to protect human rights and steps WWF has taken to strengthen its own safeguards systems, including on the ground in the places where we work.

¹ UN Guiding Principles on Business and Human Rights (i.e., The Ruggie Principles), https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Overall, WWF's work in these places has a set of core aims: to conserve biodiversity and endangered species, including by preventing criminal trafficking in wildlife and other natural resources; to ensure that Indigenous Peoples and local communities can have sustainable livelihoods; to build the capacity of local and government partners to lead effective and responsible conservation and wildlife law enforcement efforts; and to see that human rights are respected and protected, both by using our agency and influence to reinforce the responsibility of governments to protect the rights of their citizens, and by carefully mitigating environmental and social risks that may arise in WWF's projects.

I believe that, by sharing WWF's own experiences and lessons learned in these areas, I may help to inform the Committee's own efforts to safeguard and strengthen international conservation programs supported by the U.S. government.

The nature of WWF

WWF was founded in 1961 and has grown to be one of the world's largest private conservation organizations, sponsoring conservation programs in nearly 100 countries and backed by the support of over 1.2 million members in the United States and more than 5 million members worldwide. Importantly, WWF is not as a single organization but rather operates as a federated network comprised of WWF-International and 34 WWF national organizations, including WWF-US, which I represent. Each of these national offices is homegrown, employing mostly local staff, and carrying out its work autonomously, but bound together by a common mission, brand, conservation strategy, values, standards, policies, and safeguards. There are also 34 program offices that do not have their own national legal entity, and the management of these is divided between WWF-International and WWF-US. Collectively, we refer to this as the WWF Network.

WWF began as an organization focused on wildlife and habitat conservation, and its programs have grown over the past six decades to address a wide range of connected conservation, community, and natural resource management challenges. These include promoting the sustainable management of forests and fisheries, protecting freshwater resources and native grasslands, creating safe and sustainable food systems to feed a growing population, preventing the spillover of zoonotic diseases from wildlife to people, strengthening the overall health of both local ecosystems and local communities, and addressing climate change.

Conserving Nature Improves the Lives of Vulnerable People and Local Communities

Indigenous People and local communities are leaders in the conservation of their homelands, and WWF works to support them and to invest in practical solutions that allow both people and nature to thrive. In a number of critically important landscapes for biodiversity, we have seen this inclusive approach to conservation generate transformative social and environmental results, and these have often been achieved despite incredibly difficult circumstances on the ground.

Dzanga-Sangha in the Central African Republic (CAR) is one of these places. With support from WWF and U.S. government agencies, local communities, including the indigenous Ba'Aka people, have improved their livelihoods and the broader environment in which they live. In a remote corner of one of the world's poorest countries, Dzanga-Sangha National Park is home to some of Central Africa's largest and most stable populations of forest elephants and gorillas, and – because of the economic and livelihood opportunities these generate through ecotourism – is also one of CAR's largest employers, supporting about 250 jobs held mostly by Ba'Aka and

local people. Dzanga-Sangha is also the only place in CAR outside of the capital city that the U.N. considers safe, given the country has been in a state of civil war for much of the past decade, with the State Department reporting “serious abuses of human rights and international humanitarian law by armed groups,” including “unlawful killings, torture, abductions, [and] sexual assault.”² In this bastion of stability, WWF and the U.S. government have responded to the needs of the local communities by helping to construct health care facilities that provide free medical services and helping to register birth certificates for Ba’Aka children – a essential step in securing their citizenship rights, which was previously unattainable to these marginalized peoples. WWF has also helped to establish a local Human Rights Center where Ba’Aka can register complaints and receive legal support.

In Cameroon, partnerships between Indigenous Peoples and local communities, U.S. agencies, and WWF have helped local women improve access to clean water and sanitation, provided scholarships for more than 250 indigenous BaKa children to go to school, and supported the creation of over 70 community forests and hunting zones. WWF also successfully advocated to reestablish the access rights of the BaKa in three national parks. In recognition of WWF’s efforts, in 2016 the United Nations Special Rapporteur on the Rights of Indigenous Peoples commended WWF for being “the first international conservation organization to adopt principles on indigenous people’s rights.”³

The Democratic Republic of Congo houses some of the world’s richest tropical forests and biodiversity, and its people rely heavily on these natural resources. It has also been wracked by widespread violence, disease, instability, and outright war. Some regions of the Democratic Republic of the Congo (or DRC) have been the scene of persistent armed conflict for decades, and the government has at times struggled to assert effective control in these parts of the country, which is larger in size than the entire American South including Texas. These regions have some of the world’s highest levels of mass violence⁴ and continue to experience and “serious, mass violations of human rights and humanitarian law.”⁵

Nevertheless, with support from WWF and the U.S. government, Indigenous Peoples and local communities have developed sustainable agriculture, secured access to markets for their products, and built health centers, schools, and water and sanitation infrastructure, while also strengthening protections for their forests and the wildlife within them. These joint efforts have also helped local women obtain the right to hold legal title over community lands for the first time and supported the development of over 300 local development committees, in which women hold at least 30% of leadership positions.

² U.S. Department of State, 2019 Country Reports on Human Rights Practices: Democratic Republic of Congo, Section 1.G (<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/central-african-republic/>).

³ U.N. Special Rapporteur of the Human Rights Council, Report on the Rights of Indigenous Peoples, pp. 17, 18 (July 29, 2016) (<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2019/01/N1624109.pdf>).

⁴ The Fund for Peace, Fragile States Index (2019 data) (<https://fragilestatesindex.org/data/>).

⁵ United Nations, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Committee on Torture, Concluding observations on the second periodic report of the Democratic Republic of the Congo, pp. 5,6 (June 3, 2019) (<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CDIndex.aspx>).

These examples are illustrative of successes in many other places where Indigenous Peoples and local communities partner with WWF and U.S. government agencies. As is the case in the Congo Basin countries cited above, these successes are often achieved under incredibly challenging circumstances.

Threats from Wildlife Trafficking and Illegal Natural Resource Trade

In many of the regions richest in biodiversity, challenging social environments are also compounded by a thriving criminal trade in natural resources that threatens both people and nature alike. According to the World Bank, the illegal trade in wildlife, forest products, and fish has an estimated economic value of \$1 trillion or more per year.⁶ This illegal trade is driven in large part by transnational organized crime networks that decimate wildlife populations, destroy forests, disrupt and harm local communities, and corrupt government officials. In the case of wildlife trafficking, the poaching is often carried out by heavily armed groups. Elephant ivory is particularly sought after, given the high prices it can fetch on black markets. In one high-profile incident in 2012, poachers believed to have been associated with Janjaweed militias from Sudan and Chad crossed into Bouba Ndjida National Park in northern Cameroon and killed up to 450 elephants for their ivory over the course of several weeks. Only when the Cameroonian military intervened were they driven out. The Lord's Resistance Army – notorious kidnappers of children in Central Africa – has also used ivory poaching to help finance its operations.⁷ The problem is a pervasive one in the Congo Basin, which has been called “the beating heart of well-structured and organized poaching and illegal Wildlife Trade.”⁸

These criminal activities destabilize the region, threaten local communities, and rob these places of their natural wealth. Working in partnership with USFWS and other U.S. government agencies, WWF seeks to help communities address these challenges and the risks they pose to both wildlife and people. This includes providing support to local agencies responsible for managing parks and protected areas and enforcing wildlife laws, including government park rangers under their employ. WWF does not carry out law enforcement – this is the role of governments -- and has set prohibitions on the purchase or procurement of firearms. WWF does at times provide technical support for law enforcement activities, including training of rangers and provision of safety and field equipment, such as GPS trackers, communications devices such as radios or cell phones, camping gear, and first aid kits. The rangers that receive these kinds of support have dangerous jobs patrolling protected areas and stopping poaching and wildlife trafficking, often encountering armed poachers and dangerous wildlife while working in highly challenging conditions with meager pay. Over the last decade, more than 1,000 park rangers have been killed worldwide in the line of duty.⁹ According to the International Ranger

⁶ Illegal Logging, Fishing, and Wildlife Trade: The Economic Costs and How to Combat It; <https://thedocs.worldbank.org/en/doc/482771571323560234-0120022019/original/WBGRReport1017Digital.pdf>

⁷ <https://enoughproject.org/reports/tusk-wars-inside-lra-and-bloody-business-ivory-2>

⁸ United Nations Development Program, Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Congo, p. 6.

(https://info.undp.org/sites/registry/secu/SECU_Documents/ProDoc%20PIMS_5612_Congo_240517ce5d9f9dc5eb453f84508e76cdb636ef.pdf).

⁹ World Wildlife Fund, Life on the Frontline 2019

(https://c402277.ssl.cf1.rackcdn.com/publications/1279/files/original/wwf_rangers_survey_report_2019.pdf?1575295516).

Federation, 119 died between July 2020 and May 2021,¹⁰ with homicide the leading cause of death. In Virunga National Park in the DRC, which has been called “the world’s most dangerous national park,” hundreds of rangers have been killed, including 12 rangers in a single incident in April 2020.¹¹

Responding to Human Rights Abuses

Most government park rangers are dedicated to their difficult work and sacrifice personally to protect local communities and the wildlife and natural resources that they rely upon. Quite often, they come from the very same communities they are protecting. But there have also been instances of government rangers committing abuses, including human rights violations, in some places where WWF works. This is unacceptable and we unequivocally condemn these acts in the strongest terms possible.

When allegations of such abuses have arisen in the past, in countries such as Cameroon and the Democratic Republic of the Congo, WWF has sought advice and implemented the recommendations it received, including setting up complaint mechanisms and providing human rights training to rangers. WWF has also at times cut off funding to government partners until they took steps to adopt human rights reforms and enforce accountability, attempting to use its leverage to secure stronger human rights protections for local people. But our responses were not uniform, and we lacked the systems and protocols to ensure that we took consistent steps to augment community voices and hold governments to account to their duty to respond appropriately to allegations of human rights abuses.

In 2019, accounts of human rights abuses by government-employed park guards in several countries and landscapes where WWF works, including reported incidents of rape and murder, led us to undertake an independent review. In the following section, I will elaborate on the actions that WWF has taken in response to these allegations and the lessons we have learned, in the interest of informing the Committee’s own work to strengthen the safeguards for international conservation programs supported by the U.S. government.

Independent Panel Review

In 2019, WWF commissioned an independent panel of experts, chaired by Judge Navi Pillay, a former UN High Commissioner for Human Rights who also helped to lead the International Criminal Tribunal for Rwanda that was formed in response to the Rwandan genocide. The Independent Panel was tasked with conducting a systemic review of WWF’s practices and providing recommendations, which they did in a consensus report signed by all three panelists that was published in November 2020.¹² Importantly, the report’s findings:

¹⁰ <https://www.internationalrangers.org/meet-our-rangers/#roll-of-honour>

¹¹ CNN, The World’s Most Dangerous Park (November 12, 2015) (<https://www.cnn.com/2015/11/12/africa/gallery/virunga-national-park/index.html>); New York Times, 12 Rangers Among 17 Killed in Congo Park in Ambush (April 25, 2020, updated February 23, 2021) (<https://www.nytimes.com/2020/04/25/world/africa/congo-virunga-national-park-attack.html>).

¹² Report of the Independent Panel of Experts, Embedding Human Rights in Nature Conservation: From Intent to Action (November 17, 2020) (hereinafter “Independent Panel Report”) (https://wwfint.awsassets.panda.org/downloads/independent_review_independent_panel_of_experts_final_report_24_nov_2020.pdf).

- Confirmed that the rangers accused of abuses were employed and managed by governments, not by WWF.
- Found no evidence that WWF staff directed, participated in, or encouraged human rights abuses of any kind.
- Found no evidence to support assertions that WWF purchased or procured weapons for rangers.

The Independent Panel also found that the WWF program offices in the countries where the alleged abuses occurred had taken steps to try to address them and to protect Indigenous Peoples and local communities with differing levels of success depending on the country and park involved. At the same time, the report found that even though WWF’s social policies articulated strong commitments to support human rights and provided a sturdy framework for fulfilling these commitments, the implementation of these policies had been inconsistent, particularly in some of the Congo Basin countries. Among the Panel’s conclusions, they found that WWF needed to use its agency with governments to push them to uphold human rights, create more effective grievance mechanisms with local communities, and strengthen its own internal governance and management systems.

The panel made 50 general recommendations covering WWF’s work and an additional 29 specific actions relating to country-level programs operating where human rights allegations had been made. WWF published a thorough Management Response¹³ alongside the report, detailing how WWF is implementing the recommendations. I am providing footnoted links to both the Independent Panel Report and WWF’s Management Response as part of this written testimony and request that these documents be made part of the hearing record.

An Enhanced Commitment to Inclusive, People-Centered Conservation

Guided by our goal to keep improving the way we work and based on the thorough examination and recommendations of the Independent Panel experts, WWF is focused on enhancing our programs to ensure they have maximum impact and deliver on the commitments we made in our Management Response. These commitments are focused in four areas: work closely with Indigenous Peoples and local communities to help ensure they have healthy lives and sustainable livelihoods; support efforts to professionalize rangers and ensure they are responsible, accountable, and respect of human rights; leverage our influence with governments to ensure they are protecting the rights of their citizens; and strengthen our own systems and practices to better manage any risks on the ground and ensure consistent, timely, and accountable implementation of WWF’s safeguards across our global Network. Here are some key steps we have taken so far:

- **Environmental and Social Safeguards Framework** – Building on WWF’s previous social policies and safeguards systems, WWF launched its enhanced [Environmental and Social Safeguards Framework](#) (ESSF) in 2019 and continues to roll it out in all landscapes and seascapes where WWF is present on the ground, prioritizing fragile and conflict-affected states and other geographies where local communities face greater risks to their rights and safety. So far, WWF has completed screening for environmental and social risks in over 75

¹³ WWF Management Response to Recommendations from Independent Panel Report *Embedding Human Rights in Nature Conservation: From Intent to Action* (November 24, 2020) (hereinafter “Management Response”) (https://wwfint.awsassets.panda.org/downloads/4_ir_wwf_management_response.pdf).

landscapes and seascapes where we work and has advanced efforts underway in over 100 more. This includes all landscapes subjected to review by the Independent Panel. Many of these places are now beginning to develop mitigation plans to address any social or environmental risks identified in the screening process. The COVID-19 pandemic has created significant constraints, given restrictions on travel and the ability to directly engage with local communities. In-person consultation with Indigenous Peoples and local communities potentially impacted by projects is a critical step in the safeguards process. Ensuring there can be safe engagement with those communities, many of which remain unvaccinated, is a paramount concern.

- **Appointment of Ombudsperson** – WWF has created an independent office of the Ombudsperson, which it believes to be the first of its kind in the conservation community and one of very few such positions in the NGO sector. It is the Ombudsperson’s responsibility to be responsive to communities and work with both communities and WWF offices to provide mediation and conflict resolution on issues and concerns that are brought to the Ombudsperson or that communities and WWF offices cannot resolve themselves. [Gina Barbieri](#), an experienced human rights lawyer and international mediator, was hired into this role in 2021.
- **Grievance Mechanisms and Escalation Protocols.** WWF has committed to establishing grievance mechanisms at the country level in all countries where it operates and at the landscape level in places that present the highest risks to the rights and safety of local communities. Among the latter, WWF now has mechanisms in place in Dzanga-Sangha Protected Area Complex (Central African Republic) and in Lobéké National Park (Cameroon). In Lobéké, WWF has initiated and financed an independent Cameroonian human rights organization, CEFAID, to manage a complaints mechanism and address human rights concerns. A local grievance mechanism has also been designed in Salonga National Park in DRC.
- **Improving Ranger Standards and Support Systems.** WWF has adopted overarching Principles on Enforcement and Rangers, which put an emphasis on protecting human rights, community engagement, and on ranger training, capacity, and welfare. WWF is also helping to professionalize and strengthen ranger support systems globally, including through a coalition it launched in 2020 with seven other international NGOs, called the [Universal Ranger Support Alliance \(URSA\)](#). In July 2021, URSA released its [five-year Global Action Plan](#), designed to build a professional, accountable, responsible, and representative ranger workforce by improving ranger working and employment conditions, broadening opportunities for training and learning, and establishing codes of conduct to ensure high standards for ranger responsibilities and accountability. URSA supported the International Ranger Federation’s (IRF) development of the first ever [Global Code of Conduct](#). This was released in April 2021 following extensive review, including by the UN Office of the High Commissioner of Human Rights. URSA also supported IRF in developing detailed guidance, published in October 2021, to help ranger employers apply the code of conduct. Working through URSA, WWF is also helping to address gender imbalances in law enforcement to ensure broader representation of women in ranger forces.
- **In-country Ranger Training Programs.** WWF is working with multiple ranger colleges to incorporate training on both human rights and engagement with Indigenous Peoples and local

communities into curricula, including supporting the Government of India across 28 colleges as well as conducting human rights training in Cameroon for rangers and park managers in Lobéké National Park and the TRIDOM landscape in partnership with the National Human Rights Commission. WWF-Nepal has also conducted training on human rights for law enforcement agency staff across all seven provinces in collaboration with the Judges Society of Nepal and the National Human Rights Commission.

- **Using Our Agency and Influence with Governments.** WWF is committed to doing more to use its agency to influence realities on the ground in places where it operates. WWF has shared affirmative statements of its human rights commitments with government partners in the six countries where our work on the ground was reviewed by the Independent Panel and is proceeding to do the same in all countries where WWF partners with governments on field work involving Indigenous Peoples, support for conservation law enforcement, or where such field work could lead to new resource access restrictions for local communities. WWF has committed to embedding human rights commitments in agreements with government partners, including contractual clauses to reinforce WWF’s existing practice of withholding project funding in instances where government human rights protections need strengthening.
- **Public Consultation on Social Policies and ESSF** - In line with the Panel’s recommendations regarding transparency, WWF launched a six-week public consultation in May 2021 on its social commitments and safeguards system, including national-level stakeholder consultations. WWF created a dedicated website, made all relevant documents publicly available, and held consultations with human rights organizations, organizations representing Indigenous Peoples and local communities, other conservation organizations, safeguards experts, and the international development community. We believe this is the first public consultation process related to safeguards undertaken in the conservation NGO sector. WWF is updating its social policies and safeguards based on recommendations collected through this process. WWF will continue to learn, adapt, and improve its policies and safeguards as it moves forward, particularly as it is able to engage Indigenous Peoples and local communities more fully and more directly.
- **Engaging with Stakeholders and Communities** - In addition to the public consultation process on social policies and the ESSF, WWF is holding stakeholder workshops with Indigenous Peoples, local communities, human rights representatives, and other partners, including two held in Cameroon and the Republic of Congo in early 2021. These conversations allowed WWF to present the findings of the Independent Panel Report and invite feedback on its recommendations, including regarding the development of complaints mechanisms and work with communities and law enforcement.
- **Investing in additional capacity and expertise.** WWF has created a dedicated international team and a U.S. team of safeguards experts to support the safeguards process and ensure it meets WWF’s commitments. These teams coordinate larger communities of safeguards practitioners and social policy experts across the WWF network. WWF has also appointed a Director of Safeguards and Human Rights, a Focal Point for Indigenous Peoples and Local Communities, and begun the process of establishing a Human Rights Advisory Committee.
- **Safeguards Training** – All 7,500 WWF staff worldwide have completed a safeguards training course, which is now mandatory for onboarding of new staff. Nearly 2,000 staff have also participated in a separate training course for staff most likely to encounter human rights

issues in their work, focused on social principles and building human rights approaches into conservation activities.

- **Established consistent values, standards, and compliance.** Governance has been strengthened across the WWF-Network to ensure consistent approaches to addressing safeguards, social policies, and the escalation of issues through to resolution. This includes protocols to ensure timely and effective escalation of human rights-related grievances and a set of values and core standards with which all WWF offices are required to comply.

Country-level interventions

The impact of these actions can be seen most clearly in on-the-ground examples. Below we have provided a brief summary of the WWF network work in four countries where allegations of human rights abuses had been made, including updates on recent actions WWF has taken to use its agency with third parties to drive change, prioritize human rights, and improve ranger training. We hope these examples may be useful.

Cameroon

WWF has worked in Cameroon for more than 30 years, partnering to help enhance the lives of indigenous BaKa people and local Bantu villages. In the aftermath of the 2008 global economic recession, WWF Cameroon was the only international NGO that remained on the ground to provide support for childhood education, access to basic health knowledge, clean water access, and better nutrition. WWF Cameroon has also been advocating for over a decade for increased access for the BaKa to protected areas. Among the results these partnerships have achieved are:

- Helping create over 70 community forests and hunting zones for use by local communities. Collectively, these cover over 4,700 square miles, an area the size of Connecticut.
- Successfully advocating for a 2019 government agreement reestablishing BaKa access rights in three national parks.
- Training over 6,000 indigenous and local people in sustainable agriculture, as well as building warehouses to hold produce and developing agroforestry nurseries.
- Building classrooms and providing over 250 scholarships annually to Baka children for primary and secondary school.
- Helping Baka families obtain birth certificates for their children, which is essential to protect their citizenship rights.
- Working with local women to improve access to clean water, enhance sanitation and hygiene, and create jobs in sustainable agriculture.

In both 2015 and 2018, allegations of human rights abuses by government rangers led WWF-International to seek outside guidance and implement recommendations it received. The Independent Panel commended these efforts, finding that “WWF has taken a number of positive steps to address human rights issues in Cameroon.”¹⁴ Among these were:

- Developing a Ranger Training Manual on Human Rights.
- Supporting training of over 350 rangers on protecting human rights.

¹⁴ Independent Panel Report, p. 62.

- Developing and improving an independent complaints process with local communities, which local NGOs and indigenous groups manage.
- Advocating with the government for clearer government accountability on human rights and community welfare matters.
- Hiring a full-time Indigenous Peoples expert to drive rights-based conservation and improve WWF Cameroon’s engagement with communities on its projects.

WWF Cameroon’s efforts have not always succeeded the first time. For example, the complaint process that was put in place in response to the 2015 report relied on a local NGO to manage the process, which limited access in areas where the NGO was not present. After the 2018 report recommended additional changes, management of the complaint process was transferred to a network of over 20 organizations working on the rights of indigenous populations, called RACOPY. The new mechanism also engages the National Commission on Human Rights to provide technical support and independent monitoring of the program. According to the Independent Panel, the revised complaint mechanism is “a good-faith, well-designed effort to provide the Baka and other marginalized communities with an avenue to bring forward and resolve their complaints, including those relating to ecoguards.”¹⁵

In 2021, WWF-International revised their agreement with Cameroon’s Ministry of Forests and Wildlife to include explicit human rights provisions and clearly defined roles, responsibilities, and accountability of the respective parties. WWF also helped to develop a code of conduct for government rangers in Lobéké National Park, including disciplinary consequences, and this has now been approved and is acting as a model for all protected areas in the country. WWF is also helping the Ministry to ensure that rangers prioritize protecting human rights alongside their conservation duties and focus on large-scale poaching syndicates over small-scale infractions by local community members.

Republic of Congo

WWF has been working in the Republic of Congo (ROC) since 2005, when it signed an agreement with the Congolese Government to collaborate on a joint conservation program called ETIC (Espace TRIDOM Interzone Congo). A top priority of WWF’s work has been to engage Indigenous Peoples and local communities to build their awareness of threats to their forests and opportunities to conserve them, as well as advocating with the Congolese government to enhance these communities’ rights and participation in decision-making processes that affect them. In 2011, WWF successfully advocated for the government to require Free, Prior, and Informed Consent (FPIC) before establishing new protected areas. In 2019, with WWF’s support and advocacy, the government strengthened these provisions. After the UN’s Special Rapporteur on the Rights of Indigenous Peoples visited the country in October 2019, she reported that the Republic of Congo now has an “exemplary legal framework” that “sets out a sound legal foundation for indigenous peoples to claim their rights [and] protect their culture and livelihood.”¹⁶ WWF is now working to support improving the pace of implementation.

¹⁵ Independent Panel Report, p. 64.

¹⁶ United Nations Special Rapporteur on the Rights of Indigenous Peoples, End of Mission Statement on Visit to the Republic of Congo (2019) (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25196&LangID=E>).

The Independent Panel reported that WWF ROC heard of allegations of human rights abuses by rangers in 2016 and criticized the program for not responding quickly enough. According to the Panel, however, “it is to the credit of WWF ROC that it did take a number of positive steps to try to prevent human rights abuses by ecoguards after it hired a community conservation advisor in 2018.”¹⁷ WWF ROC “drafted a code of conduct for the ecoguards, helped to deliver training to the ecoguards on human rights and community relations, and oversaw the addition of an observer on ecoguard patrols” – which the Panel called “clearly steps in the right direction.”¹⁸

Over the past year, WWF has been working to revise its existing agreement with the government to incorporate human rights principles and is advocating for the code of conduct elements that apply to the agreement to be adopted at the national level. WWF has also used its agency to advocate that, in cases of alleged misconduct by its rangers the government conduct appropriate investigations, reviews, and sanctions, including the referral of criminal cases to local prosecutors. To lower the risk of any abuses occurring on ranger patrols, WWF continues to support the participation of independent observers and the ongoing training of rangers on human rights and customary use rights. WWF is also advocating for the inclusion of more BaKa community members in government ranger teams and is working with the National Human Rights Commission to improve complaints mechanisms and develop local complaints management committees.

Democratic Republic of Congo – Salonga National Park

WWF’s partnerships with the U.S. government to support Indigenous Peoples and local communities in DRC have resulted in significant benefits for people and nature, including:

- Supporting the development of over 300 local development committees to promote local control over community lands.
- Helping create six community forests for the indigenous BaTwa people and is in the process of creating three more, which provide forestry, agriculture, and other economic opportunities.
- Furthering the development of sustainable agriculture by supporting field schools and pilot farms, facilitating market access, setting up seed banks and nurseries, and building or purchasing storage facilities for agricultural products, grain mills, oil presses, and rice huskers.
- Advancing women’s rights by helping local women obtain legal title to community land for the first time and ensuring they hold at least 30% of leadership positions on local development committees.
- Supporting indigenous and local communities by building health centers, constructing schools, installing water and sanitation infrastructure, and combating childhood malnutrition.

Much of WWF’s work in DRC has been in and around Salonga National Park, which is Africa’s largest tropical forest reserve, over four times the size of America’s Yellowstone National Park. From a human rights perspective, Salonga has been a special challenge. After WWF-International became aware of specific allegations of human rights abuses linked to Salonga, it

¹⁷ Independent Panel Report, p. 107.

¹⁸ Independent Panel Report, p. 107.

sought outside help and, in April 2019, developed an Action Plan that contained what the Independent Panel believes “would be very positive steps,”¹⁹ including a ranger code of conduct.

Over the past two years, WWF has used its negotiations for a new Partnership Agreement with the government park agency, the Congolese Institute for the Conservation of Nature (ICCN), to improve efforts around law enforcement, including through a third party, and has conditioned its future engagement on the integration of human rights and accountability measures, including the adoption by park staff of a conduct guide, professionalization of better screened and trained rangers in line with international standards, establishment of a new governance model for the park that directly includes communities, and a partnership with a local human rights organization to establish a third-party grievance mechanism. WWF and ICCN have reached agreement on the terms of a new Partnership Agreement to be announced later this year, which will include all the conditions set out in WWF’s Management Response. Once implemented, the agreement will be rigorously monitored for compliance.

WWF also worked alongside the German government to encourage the ICCN to make more systemic changes to improve human rights protections and access to justice for victims. As a result, earlier this year the ICCN set up an internal directorate to oversee compliance with human rights in all national parks in the DRC and ensure that cases of abuse are escalated, reviewed, and addressed. The ICCN is also proposing to designate human rights focal points in every national park. If successfully implemented, these will be sweeping reforms and a major step forward, signaling significant commitment from the ICCN.

Nepal

WWF’s recent actions in Nepal also demonstrate its determination to leverage its influence with governments to achieve better human rights outcomes. In response to media reports in July 2020 of incidents involving alleged abuses of Chepang Indigenous People by government personnel in the area of Nepal’s Chitwan National Park area, WWF-Nepal (which is overseen by WWF-US) immediately urged senior government officials to investigate. They also reached out to the Nepal National Human Rights Commission to explore ways of expanding human rights guidance to national park staff. Though the alleged incidents took place in areas of the park where WWF does not work, WWF-Nepal placed a hold on funding for conservation law enforcement support activities across Chitwan National Park pending evidence of substantial progress in the government investigation. Since then, the Department of Parks and Nepal Army have transferred or suspended the duties of implicated personnel while investigations have been underway.

In 2021, WWF-Nepal also recruited a member of the Indigenous Chepang community as a Safeguards Specialist to support the rollout of the new safeguards framework and risk mitigation plans, including strengthening grievance mechanisms. Additionally, the office is putting in place new requirements for subgrantees to receive and review complaints and to put greater emphasis on human rights and engagement with Indigenous Peoples and vulnerable groups. WWF-Nepal also partnered with Nepal’s National Human Rights Commission and Forum for Protection of Consumer Right Nepal on a joint assessment of the gaps in Chitwan National Park’s human rights policies and practices. Together, the partnership is collaborating on efforts to monitor and

¹⁹ Independent Panel Report, p. 85.

address human rights issues relating to protected areas, including developing training manuals on human rights-based approaches to conservation and best practices for park authorities.

Recommendations for Congress

As these examples hopefully illustrate, WWF is committed to doing what it can to mitigate the risks of human rights abuses in the landscapes and seascapes where we work. We also know that we must continue to learn, adapt, and grow. We are dedicating the time, capacity, and resources to get this right. It is no exaggeration to say we have been working on this on a daily basis, and I truly believe we are putting in place an effective and far-reaching system of social safeguards that is unsurpassed in the conservation sector in terms of its scope and its ambition.

Given the Committee's interest in identifying measures that can similarly strengthen U.S. international conservation programs, we hope that our experiences can be of assistance going forward. Overall, there are four broad areas of improvement that have guided our recent work, and we believe they may apply equally to federal agencies and the programs they support:

- Consistently engage and partner with Indigenous Peoples and local communities throughout the screening, planning, and implementation of projects, including to achieve Free, Prior, and Informed Consent (FPIC) whenever it applies.
- Take additional steps to reduce conflicts between local communities and government rangers, including by improving the professionalization of rangers, strengthening ranger support systems, and ensuring effective, independent grievance mechanisms are in place (which can also serve to help mitigate and mediate potential conflicts that may arise among community members themselves).
- Do more to leverage our influence over government partners and other third parties to improve respect for and protection of human rights.
- Strengthen our own governance, risk management and oversight systems to ensure consistent and effective procedures and implementation across all WWF offices.

Over the past two years, we believe that Congress has already taken strong steps to strengthen these kinds of safeguards for U.S. programs that fund international conservation. It has done so through report language attached to its annual appropriations, beginning in FY20 and carried over into FY21. That report language requires that funding agreements between implementing partners and relevant federal agencies for support to national parks and protected areas must contain the following provisions for such funding to be made available:

1. *Information detailing the proposed project and potential impacts is shared with local communities and the free, prior, and informed consent of affected indigenous communities is obtained in accordance with international standards;*
2. *The potential impacts of the proposed project on existing land or resource claims by affected local communities or indigenous peoples are considered and addressed in any management plan;*
3. *Any eco-guards, park rangers, and other law enforcement personnel authorized to protect biodiversity will be properly trained and monitored; and*
4. *Effective grievance and redress mechanisms for victims of human rights violations and other misconduct exist.*

We believe this language should be retained going forward. With regard to potential legislation, a straightforward and effective approach for the Committee to consider would be the codification of this language with respect to relevant U.S. agencies and their grantees.

It would also make sense for Congress to close any gaps that may exist under the Leahy amendments to the Foreign Assistance Act for the vetting of foreign security services that receive support from the U.S. government, including ensuring the consistent application of those Leahy provisions across agencies and across countries. The Leahy amendments are the primary tools the U.S. government has in order to ensure that U.S. foreign assistance funding for security and law enforcement activities does not flow to those known to be bad actors. They are a powerful tool, and practical ways to strengthen them and their implementation should be considered.

We do believe that any legislative approach to improving safeguards around foreign assistance for conservation should be a holistic one that does not single out any one agency. Setting up entirely separate requirements or processes for different agencies that are supporting similar or complementary activities, and which are often working in close collaboration to implement joint strategies and programs, would not seem to make practical sense from a foreign policy and foreign assistance perspective. Achieving such a holistic approach would likely require close collaboration with other Committees, particularly the Committee on Foreign Affairs.

Of course, one clear step that Congress can and should take is to ensure that the U.S. Fish and Wildlife Service and other relevant agencies have the resources they need to take any necessary steps to strengthen their own safeguards and grant oversight systems, ideally in close coordination with each other and with the non-governmental organizations they work with who are doing the same.

Some have suggested that the answer for the U.S. government when faced with these challenges is to remove support for these programs altogether. Given all the positive benefits that they have brought to local and indigenous people, including those I have highlighted in my testimony, WWF would submit that, if the goal of this Committee and of the U.S. government at large is to make it *less* likely that human rights abuses occur in these places, then halting funding to these programs will in fact have the opposite effect, greatly increasing the risks for vulnerable populations. While conservation organizations may not be in a position of power ultimately to stop such abuses from occurring, our presence in these remote areas can often be a deterrent, and the support we help to provide can mitigate the risks of abuses happening in the first place. A main goal to keep in mind in crafting any future legislation is to avoid unintentionally harming Indigenous Peoples and local communities by undermining programs that currently help to support them.

Despite the challenges we encounter in difficult regions, WWF believes we must not turn our backs on these places and the people who live there just because the work is difficult. There is too much at stake for vulnerable and marginalized communities, for endangered wildlife and biodiversity, and for our climate. The successes we see in a place such as Dzanga-Sangha in safeguarding biodiversity as well as its people are a testimony that these programs and partnerships do make a significant difference even, in one of the world's most volatile and unstable countries. WWF is committed to increasing its efforts to protect both people and nature in such places. We encourage the U.S. government to do the same.

Conclusion

U.S. government support for international conservation programs and efforts to stop the illegal trafficking of wildlife, timber, and fish remains a beacon of bipartisan cooperation in often polarized times. WWF has been honored to work with many members of this Committee and others in Congress to help support and grow these programs for decades.

Progress rarely advances in a straight line, particularly in regions as difficult to work in as the Congo Basin. In many parts of the world, daunting risks remain for both conservation and the advancement of human rights and development. But despite the challenges, the U.S. government and NGOs like WWF have been strong allies to local communities, and together we have made real progress for both nature and people in these places. We have seen remarkable successes, which in some cases have taken decades to achieve. At WWF, we have also seen more than a few setbacks and been confronted by deeply troubling incidents that require us to take a hard look at our efforts and our partnerships. But I truly believe WWF's work in partnership with the U.S. government has improved peoples' lives and that the communities, the Indigenous Peoples, and the wildlife in these places would be worse off if we were not working every day to make things better.

Going forward, it is essential that the voices of Indigenous Peoples and local communities be heard and their rights be respected. At WWF, we can use our agency to advocate for governments to uphold their human rights obligations. We also recognize that there are limits to what a non-governmental organization such as WWF can do when we lack adequate leverage to influence governments regarding human rights impacts. It may require acting in a coordinated fashion with others in the humanitarian and development communities and with the firm backing of donor countries such as the U.S. to effect real and lasting change.

We look forward to working with the Committee, others in Congress, and our U.S. agency partners to ensure the strongest possible safeguards around international conservation funding. It is our sincere belief that, by doing a better job of ensuring that Indigenous Peoples and local communities are consulted about, protected by, and benefit from the conservation activities that affect them, the more effective those same efforts will be in achieving their desired conservation outcomes. The only durable conservation is that which is driven locally. It is our conviction that the steps we are taking will help safeguard communities and the nature upon which they depend, and that we and our partners will deliver more lasting conservation as a result. Because in the end, it is the people who use and rely on their local resources who will be the most effective stewards of those resources over the long-term.

Thank you again for the opportunity to testify.