

COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE  
REMOTE OVERSIGHT HEARING  
October 26, 2021  
10:00 a.m. ET

Oversight Hearing on “Protecting Human Rights in International Conservation.”

Questions for the Record for Ms. Ginette Hemley, Senior Vice President, Wildlife Conservation,  
World Wildlife Fund - US

Questions from Rep. Jared Huffman, CA

*Question #1 - Despite the International Panel of Experts November 2020 recommendation to WWF to include at least 1 Indigenous person on its International Board, there are still none. What efforts, if any, did WWF undertake to try and recruit Indigenous peoples as well as human rights experts to its Board? Why is there still no Indigenous representation on the Board, and what does WWF plan to do, if anything, to address that?*

WWF agrees it is essential that the views of indigenous people should have a significant role in our direction in the years to come. The Board of WWF International includes human rights expertise. It passed a resolution earlier this year to amend its Articles to expand its membership in order to increase diversity and is committed specifically to include members from Indigenous and First Nations people. This is part of a broader global initiative to increase diversity, equity, and inclusion across the WWF Network.

Additionally, WWF has appointed Gina Barbieri, a distinguished human rights lawyer and international mediator, to serve as Global Ombudsperson in 2021. The Ombudsperson is independent of WWF line management and reports directly to the President of WWF International with support from an International Board subcommittee. The overarching purpose of the office of the Ombudsperson is to: address complaints relating to human rights and social and environmental impacts; enable response for those who have been negatively impacted by WWF projects; and contribute toward institutional accountability and learning. The office of the Ombudsperson is developing a policy and procedural framework to govern its activities, in consultation with internal and external stakeholders.

*Question #2 - You claimed in your responses that WWF has taken serious action in response to the panel’s recommendations and cited the grievance mechanisms created as among those actions. Multiple nongovernmental organizations, however, claim that these are either not functional or not effective. Please explain in detail how these mechanisms are working, including accessibility for Indigenous peoples, the actions taken in response to complaints, and WWF’s oversight, if any, of those actions.*

One of the most important challenges WWF has faced over the last decade is getting the grievance mechanisms right. Our focus has been putting in place procedures that work quickly and effectively in the field, not just on paper. This has been an iterative and often trial-and-error experience that continues to evolve and improve.

The Independent Panel reviewed WWF's complaint mechanisms in multiple countries, and WWF has worked since the publication of the report to implement their recommendations. An essential component in these efforts is our enhanced Environmental and Social Safeguards Framework to mitigate risks and improve conservation impact. This framework requires the implementation of a grievance mechanism as a means of ensuring accountability to communities where we work. WWF's grievance mechanisms aim to be both consistent across all offices and also tailored to adjust to the situation on the ground.

WWF established a two-tier system for grievance mechanisms. The first tier is an independent global-level grievance mechanism managed by WWF's newly appointed Ombudsperson. The second tier is at the country-office level in all countries in which WWF operates. These mechanisms are supplemented in the places of highest risk by landscape-level mechanisms designed to the specific context of those places. Considering that effective mechanisms often require in person consultation in some instances, the COVID-19 pandemic remains a significant constraint to full implementation.

- Global Level. Conservation is challenging for many reasons. Conservation organizations need to manage competing interests in development agendas and, often, conflicts between user groups and rightsholders. WWF, following deep self-reflection, recognized that in order to solve these issues and create the foundation for inclusive and rights-based conservation, it needed a global mechanism to ensure not only its own compliance with its safeguards and social policies but also to mediate such conflicts between groups. Accordingly, WWF made the determination to appoint an independent office of the Ombudsperson—a first for the conservation sector. As noted above, [Gina Barbieri](#), human rights lawyer and international mediator, was hired into this role in 2021.
- Country Level. As of November 2021, a total of 48 offices (approximately 63%) have established country-level grievance mechanisms, and all offices are scheduled to complete this process by July 2022 in line with [our Speak Up! core standard](#). WWF-US has put in place country-level grievance mechanisms for all the 12 country programs it manages. To ensure consistent performance, country level grievance mechanisms must:
  - Publicize that illegal or unethical conduct or activities should be reported
  - Provide information about how to report such activities, including a choice of channels (to staff and third parties) that are trusted, effective, easy to access and in appropriate languages
  - Provide direction for staff on how to escalate serious complaints, and when to report matters both internally and externally

- Respond in a timely manner to the complaints raised, and allow for an appeals process as appropriate
- Retain records of complaints and monitor compliance of the grievance mechanism

Nepal provides a good example of how this works in practice. WWF-Nepal has publicly published its procedures and requirements for dealing with complaints. Complaints can be shared by phone, email, and mail. In addition, WWF Nepal has hired a member of the Chepang Indigenous community as their new safeguards specialist to engage more systematically with the local community, drive more awareness about the grievance mechanism, and strengthen the overall grievance process. WWF-Nepal has also taken the following additional steps:

- Placing secure complaint boxes at key sites
  - Preparing flyers in local languages for dissemination to local communities
  - Requiring sub-grantees to place complaint boxes in their offices and establish committees to review complaints
- Landscape Level. In areas that present the highest risks to the rights and safety of local communities, WWF has committed to including a grievance mechanism at the landscape level to be managed by a third-party. The WWF experience in the Dzanga-Sangha Protected Area Complex (Central African Republic) is a model for these efforts:
    - In 2015, WWF established a grievance mechanism in the Dzanga-Sangha Protected Area Complex. The grievance mechanism is overseen by an independent Human Rights Centre which is supported financially by WWF. Through this arrangement, the Human Rights Centre engages and establishes its own relationships with communities. The Centre has two monitors placed in each of 12 villages across the protected area complex who hear any concerns directly from those communities. If a concern is raised, these monitors are trained in how to communicate them to the Centre, and the Centre has an established protocol and relationships with BaAka groups to help either support the resolution of the concern, raise it to WWF and the Park authorities and monitor compliance and resolution, or directly engage police and judiciary. Many cases managed by the Centre, which typically involve interpersonal conflicts among community members, have been successfully resolved through traditional conflict resolution mechanisms. In some cases, including any involving concerns regarding human rights abuses, they have been brought to the courts.

The Human Rights Centre's mandate is to monitor for complaints and concerns; to offer legal assistance and conflict resolution support to the local population, particularly to the Indigenous BaAka; and to further general awareness about human rights. With the support of the Indigenous Peoples of Africa Co-ordinating Committee (IPACC), the Centre has organized workshops on indigenous and human rights for local civil, administrative, and military

authorities, as well as law enforcement actors, and rangers. Training units have been implemented regarding international and national legal instruments pertaining to human rights, and related documentation has been distributed. The Human Rights Centre implements awareness raising campaigns in the villages regarding Indigenous rights and legal aspects of specific problems affecting each community. The Centre also supports the BaAka population in the procurement of birth certificates and identity cards, which enable them to exercise their full legal rights, including access to government services, voting, and free movement.

While this mechanism is working, maintaining stable funding for it remains a challenge. To that end, WWF is working closely with the Sangha Tri-National Trust Fund to incorporate the Centre as an integral part of the future Dzanga-Sangha Foundation. Potential mechanisms for achieving financial independence will be discussed at the next FTNS board meeting in November 2021.

As our experience in Dzanga-Sangha shows, the success of these mechanisms is shaped by the governance and social dynamic of each geography and also relies on finding effective local third-party partner organizations, securing adequate funding and capacity, and establishing effective protocols and procedures. WWF is working to replicate this in additional landscapes in the Congo Basin. This work remains a work in progress as we seek to ensure the systems are fit for purpose and meet the needs of communities:

- Lobéké National Park (Cameroon). In Lobéké, WWF identified an independent Cameroonian human rights organization, CEFAID, as our partner for implementing a third-party grievance mechanism, since CEFAID had already established an initiative to directly connect with local communities and Indigenous Peoples in Lobéké National Park. CEFAID agreed to provide reports of concerns and allegations related to WWF activities while protecting sources and monitoring WWF's response. However, we recognize this mechanism needs to be strengthened. CEFAID has faced resource and capacity challenges, in addition to challenges reaching the remote communities in the vast landscapes in which it operates. In late 2020, CEFAID's work was suspended for a period due to lack of funding. WWF arranged for additional funds, which allowed CEFAID to resume efforts in the second half of 2021. This experience highlights the need for WWF to work with CEFAID and others to identify more sustainable and independent funding arrangements.

WWF continues to work with the National Human Rights Commission of Cameroon and RACOPY, a multi-stakeholder platform that serves as a broad coalition to defend Indigenous peoples' rights and liaise with the government on indigenous forest peoples' issues, to strengthen the operations of grievance mechanisms in Lobéké and beyond. This includes providing support for a new

community consultation process with Indigenous peoples and local communities on additional landscape-level grievance mechanisms to ensure comprehensive coverage throughout southern Cameroon.

We know we have much more to do in this region. The tensions and mistrust between the Indigenous Baka people, government authorities, and majority Bantu populations have deep roots. As WWF and others continue to support measures aimed at helping the Baka people address social inequalities, challenges will emerge that need to be carefully addressed to build the trust required for successful long-term inclusive community-based conservation. This includes negotiating conflicting priorities between park authorities, communities, and funding agencies, and will require more organizations than WWF alone working together to drive change.

Salonga National Park (Democratic Republic of the Congo). WWF has recently entered into partnership with the local NGO Juristes pour l'Environnement au Congo (JUREC) to manage a landscape-level grievance mechanism. WWF developed a framework for the grievance mechanism that meets international best practices (i.e., being a legitimate, accessible, predictable, equitable, and transparent mechanism). In particular, the framework ensures that the grievance mechanism is based on engagement and dialogue, managed by an external organization not involved in the park management, and implemented through community monitors—members of the communities who can bring forward any complaints to the grievance mechanism manager, thus ensuring that the mechanism is accessible for all community members, including those who are unable to read or write. JUREC initiated community consultations in July 2021 to further guide design of the mechanism and ensure the system meets local needs and expectations. While this landscape-level mechanism is being finalized and rolled out across the park, grievances can be lodged within the country-level grievance mechanism.

- Espace TRIDOM Interzone Congo (ETIC) and Ntokou-Pikounda National Park (NPNP) Landscapes (Republic of Congo). Grievance mechanisms were launched in the ETIC and NPNP landscapes in 2017 and 2019, respectively. Implementation of the ETIC mechanism shifted to a local multistakeholder platform (comprised of representatives from local communities and Indigenous peoples, local authorities, local associations, etc.) when it was formed in 2019. A similar multistakeholder platform was recently established in Ntokou, and that platform has taken responsibility for implementing the grievance mechanism there. In Pikounda, the grievance mechanism is still managed by the NPNP Community Engagement Team as the local multi-stakeholder platform is still being formalized. All of these grievance mechanisms are open to anybody, designed to respect confidentiality if requested, and can receive complaints in any official ROC language or the mother tongue of the affected party. Complaints are sealed

or countersigned by the authority (chief or secretary) of the affected party's home village and then given to the relevant government official (ETIC National Coordinator or NPNP Director). For people who cannot read or write, accommodations are made to record oral disputes and put them in the format required for the mechanisms; for example, the ETIC community liaison officers and a social worker make periodic visits to Baka communities to collect their complaints.