Short Session Report

Session Title: The iceberg and the canary: how wildlife crime corrupts - from human rights to the ecosystem

Date & Time: 22 October 2018, 12h00 - 14h00
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Moderated by:
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Session coordinated by:
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Main issues raised in kick off remarks. What’s the focus of the session?

The workshop was lodged in the context of the policy outcome articulated by John H. Knox, former Special Rapporteur for Human Rights and the Environment concerning the interdependencies of human rights and the environment: “Human beings are part of nature, and our human rights are intertwined with the environment in which we live. Environmental harm interferes with the enjoyment of human rights, and the exercise of human rights helps to protect the environment and to promote sustainable development”

Wildlife crime is facilitated by corruption which manifests itself along the entire value chain. Corruption is a human rights issue. It hinders states fulfilling their human rights obligations; it deprives people from enjoying their human rights.

Indigenous People and Local Communities (IPLCs) have a critical role in addressing wildlife crime: strong national policies and legal frameworks which respect the rights of IPLCs can help safeguard the environment. In turn, safeguarding the environment protects their rights whilst diminishing incentives for engaging in wildlife crime.

Rangers have a critical role, but face harsh conditions in the natural world and from illegal actors engaged in industrial-scaled theft of natural resources. In many instances, rangers work in appalling conditions. States, as human rights duty bearers, have a responsibility to appropriately train and equip rangers so they can operate in a safe environment; this, with proportionate remuneration can help reduce temptation and entry points for corruption, and mitigate against human rights violations.

Trust is a critical and uniting factor: it is required between rangers and IPLCs for a cooperative, mutually understanding relationship; it is critical also between IPLCs and governments.

Corruption simultaneously increases threats to wildlife where people see no incentives for conservation of living natural resources. But corruption also poses yet larger threats: unsustainable extraction of natural resources facilitated by corruption poses existential threats to biodiversity and to people writ large: corruption undermines states’ revenue generating options, undermining the ability to deliver public services and fulfil human rights such as the right to food, clean water, health, education, sanitation. Corruption in the illegal rosewood industry in Madagascar resulted ultimately in state capture by illegal operators who rose in political influence. These illegal actors are implicated in cuts in public expenditure, which, in turn, is linked to poverty reduction efforts being severely compromised, and to the outbreak of bubonic plague due to lack of basic health facilities.

Societal norms will influence the success of sectorally-specific interventions. Anti-corruption approaches need to be systemic and holistic: sectoral level interventions can inform and strengthen broader governance reform; equally, without broader governance reform sectorally specific reforms may stumble.

Transparency & accountability and strong institutions supported by robust legal and policy frameworks are necessary simultaneously to address corruption and to support
fulfilment of human rights. Trust is a critical and uniting factor for institutional partnerships. A rights-based approach, bringing in transparency and accountability mechanisms can help build trust whilst reducing corruption risk. The basis of a human rights-based approach is accountability and trust; it starts with an understanding of what went wrong, who are the victims and how can the wrongs be addressed. To enable the generation of context-specific responses, we must have specificity in our understanding of what ‘corruption’ looks like and what rights are affected. This brings in concepts around victims: who are the victims – a complex legal question, but one that needs to be resolved. Must also identify the rights holders and the duty bearers: who has power and who doesn’t? Rangers may be vulnerable in certain situations, but they are also duty holder.

Civil society has an important role in supporting anti-corruption and human rights processes and mechanisms. The media, for example, can help shape attitudes towards corruption, identifying human rights impacts.

What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)

Bringing the wildlife crime, anti-corruption and human rights narratives together in a mutually supporting and reinforcing manner is an emerging policy discourse which still has some way to go in terms of finding a shared platform.

The workshop was rooted in the policy outcomes of John H. Knox, former Special Rapporteur for Human Rights and the Environment, regarding the interdependencies of a healthy environment and the fulfilment of human rights, as described above. It provided a strong platform for cross-sectoral partnership between anti-corruption, human rights, environmental conservation and development actors.

Indigenous people and local communities (IPLCs) are often at the centre of discussions around human rights and conservation. Their role and importance in addressing and preventing wildlife crime was universally acknowledged. To this end, strong legal and policy frameworks, rooted in trust were emphasised, as was the need for ensuring incentives for IPLCs to be part of conserving and benefiting from nature.

The duty of states to respect and fulfil the rights of rangers was also recognised; defending the environment is a means to defending human rights. Options and opportunities for respecting and fulfilling the human rights of rangers were identified also as a means of reducing entry points for corruption. The new WWF report “Life on the Frontline 2018” highlighted challenges faced by rangers in defending the environment against wildlife crime; discussions illustrated the critical need for trust between rangers and IPLCs, and for robust institutions.

Impacts of wildlife crime extend beyond the use of force, and beyond impacts on IPLCs only; they extend to people writ large. State capture by illegal rosewood operators in Madagascar provided an example of how the corruption, human rights and wildlife crime discourses come together, acting also as a microcosm for how corruption can impact the development options of an entire country, and the human rights of its people.
The Raoul Wallenberg Institute spoke to its newly released report “The Nexus between anti-corruption and human rights: a review by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law”, providing valuable insights and tangible options regarding how a human rights based approach can contribute to strengthening the anti-corruption agenda, notably through human rights accountability mechanisms.

Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.

Many highlights of the session are captured in the opening section. Further points are noted herewith.

The workshop narrative revolved around the special rapporteur on Human Rights and Environment, John H. Knox, as articulated in the opening section. We can’t enjoy human rights without a healthy environment, and the fulfilment of human rights also helps to protect the environment, not least: the right to information, participation, freedom of association, and expression.

Wildlife crime is fuelled by governance and accountability failures, as well as systemic corruption at many different levels. Wildlife crime is a symptom of wider governance and accountability failures, driven both by structural factors and misplaced social incentives; the relationship between human rights failures and wildlife crime has to be understood in its wider context of systemic corruption.

*Corruption is a human rights issue. Whichever form it takes, grand or petty, corruption results in states not fulfilling their human rights obligations and in people not enjoying their rights* (RWI).

*There is a clear connection between the enjoyment of rights, a sustainable and healthy environment, and corruption* (U4).

The fate of the Sami people was noted as an issue of grave concern.

25 years ago, similar issues regarding fulfilling the rights of IPLCs and environmental protection were being discussed; have there been advances? One would hope so, and that good practice can be brought into the current discourse regarding a human rights based approach to environmental protection and corruption.

Rangers are perceived as being at the front line against poaching / environmental degradation; they are also viewed as perpetrators of human rights violations. Indigenous people and local communities also are seen as victims, but can be perpetrators too of corruption and human rights abuses. To address human rights and corruption challenges linked to the environment, we need solutions and partnerships that extend beyond the environment.

What are the key recommendations, follow-up Actions (200 words narrative form)
Actions for a healthy environment and the fulfilment of human rights are both mutually supportive and mutually reinforcing.

Wildlife conservation policy discourse often revolves around wildlife conservation or people. The narrative is more accurately framed in terms of people and wildlife – two sides of the same coin.

Strong legal and policy frameworks are needed to enable local communities to negotiate and obtain tangible benefits from nature. Strong partnerships are required between local communities and government, rooted in mutual trust.

Professionalising state institutions helps reduce entry points for corruption and human rights violations; this must include ensuring strong legal and policy frameworks to support robust state institutions; such institutions must be supported by oversight and monitoring mechanisms.

Guidance in interpreting law and policy into good practice will facilitate holding institutions to account. Institutions must be strong, empowered and able to protect Environmental Human Rights Defenders; this also protects form and function of democratic institutions.

In many instances, rangers work in appalling conditions; states are obligated to fulfil their human rights, including ensuring they are adequately trained and equipped.

Holistic approaches are necessary. Corruption within the judiciary undermines rangers’ morale.

Gender parity must be part of the holistic response to wildlife crime; female rangers are essential in conducting searches, particularly in local communities.

Recruitment practices should include recruitment of local communities to help address wildlife crime.

**Key Insights that could be included in the IACC Declaration**

Corruption is a human rights issue. Whichever form it takes, grand or petty, corruption results in states not fulfilling their human rights obligations and in people not enjoying their human rights (Raoul Wallenberg Institute).

Corruption and environmental crime affect all people, but they have disproportionate impacts on the rights of indigenous peoples and local communities.

**Rapporteur’s name and date submitted**

Rob Parry-Jones, WWF.

Submitted: 22 October 2018

*This Short Report needs to be submitted within 2 hours after the session.*