Long 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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What were the aims of the session and corruption risks?

The session was lodged in the context of wildlife crime and the interdependencies of human rights and the environment, as articulated by John H. Knox, former Special Rapporteur on 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”.

It is only recently that that anti-corruption initiatives started to appear as a significant sub-component of broader initiatives to address wildlife crime.

The session aimed to recognise the mutually reinforcing agendas of human rights and anti-corruption and explore whether there could be a shared narrative between the three – for the most part currently separate – discourses of wildlife crime, human rights and anti-corruption.

- Can these three agendas be more mutually supportive and reinforcing?
- What specific actions might be required / undertaken to enable a more coherent and complementary approach?

Summary of panellists’ contributions & discussion points (please be as detailed as possible)

Wildlife crime is facilitated by corruption which manifests itself along the entire value chain, often with links to international criminal networks. Major cases of wildlife crime are forms of grand corruption, and cause serious and widespread harm to individuals and society: corruption is a human rights issue. It hinders states fulfilling their human rights obligations; it deprives people from enjoying their human rights. A clear connection and links were established between human rights, corruption and wildlife crime.

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.

At the frontline, 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 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; it starts with identifying the rights holders and the duty bearers, and identifying power relations: who has the power and who doesn’t? 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 and an understanding of what goes wrong, who are the victims and how can the wrongs be addressed. Reference was made to the recent Raoul Wallenberg Institute report “The nexus between anti-corruption and human rights” which elaborates further on this theme. This brings in concepts around victims: who are the victims – a complex legal question, but one that needs to be resolved. Rangers may be vulnerable in certain situations, but they are also duty bearers in the context of conservation, IPLCs may also be vulnerable but they are also critical allies in the prevention of unsustainable exploitation of natural resources.

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.

Main outcomes of session (include the highlights and interesting questions from the floor)
Main outcomes of the session were

i) Shared understanding that corruption facilitates wildlife crime along the entire value chain, and that impacts on human rights are exacerbated by impunity;

ii) Wildlife rangers have a critical role in defending nature against wildlife crime but - as rights holders - their rights are often not fulfilled by the state and - as duty bearers – they have responsibilities to respect and protect the rights of, for example, Indigenous People and Local Communities (IPLCs). Corruption within ranger institutions and within external institutions – e.g., the judiciary - can undermine the roles, responsibilities and morale of rangers in safeguarding the environment, and thus in safeguarding human rights linked to a healthy environment;

iii) IPLCs too have an absolutely critical role in preventing and addressing wildlife crime but are often just given lip-service in policy outcomes, or undermined through a lack of strong legal and policy frameworks supporting, for example, their rights of access to and benefit from nature;

iv) Strong institutions are required to interpret and implement national law and policy. To this effect, guidance through examples of good practice would greatly help strengthen institutions, enabling them to understand their legal obligations, to identify capacity building requirements, and to be accountable for fulfilling their human rights obligations. Strong institutions support a rights-based approach to addressing corruption; likewise, anti-corruption approaches through strong institutions support a rights-based approach to conservation. Institutions must understand how and be empowered to protect Environmental Human Rights Defenders (EHRDs), through monitoring and protecting those who defend biodiversity; doing so protects democratic institutions and function, in a mutually strengthening manner;

v) There is a need to redefine the parameters of wildlife crime / environmental protection discourse, away from People or Nature, to a more inclusive approach grounded in the Framework Principles (John Knox), which recognise the interdependencies of human rights and a healthy environment. Likewise, the “Us and Them” narrative of Rangers vs IPLCs needs to be addressed and ultimately dispelled through actions which build trust and cooperative relationships; findings from the recent WWF survey of rangers in Africa and Asia (Life on the Front Line 2018: a global survey of the working conditions of rangers) revealed the importance attached by rangers to mutually supportive relationships with local communities in order to fulfil the roles of both parties in environmental protection. Recognising that contexts differ and that often there is no ‘black and white’ can help establish a shared understanding and basis for dialogue: rangers can be both perpetrators and victims of corruption and human rights violations; IPLCs too can be victims but also perpetrators. The role of partnerships rooted in trust and accountability to address wildlife crime, corruption and to support a rights based approach cannot be over-emphasised: partnerships are essential for coherent and complementary responses to wildlife crime;

vi) The impacts, and victims, of wildlife crime extend beyond IPLCs, beyond rangers and beyond the excessive use of force; the human rights impacts affect “people” writ large. Unsustainable exploitation of living natural resources, often facilitated by corruption, undermines a state’s...
ability to fulfil the rights of its citizens and threatens enjoyment of their
rights. The situation in Madagascar provides an excellent example to
illustrate the interconnectivity between corruption, wildlife crime and
human rights impacts: unsustainable harvest of a natural living resource
(in this instance rosewood) facilitated by corruption, ultimately resulted
in state capture by corrupt illegal operators, with direct impacts on the
Malagasy people’s right to development and health. In 2008,
Madagascar was on track to lift a significant proportion of its people out
of poverty, yet a 2015 IMF study documented 90% of the population still
being below the poverty line; in 2014, there was an outbreak of bubonic
plague due to a 50% cut in public spending in the health, education,

vii) The anti-corruption and human rights narratives are complex and
multi-faceted, requiring deeper understanding through cross-sectoral
partnerships, specificity in language and evidence-based responses. To
enable articulation of context-specific responses using human rights’
legal and policy frameworks and mechanisms, there must be specificity
in our understanding of what ‘corruption’ looks like and what rights are
affected. Whilst there is recognition among the disciplines of wildlife
crime, anti-corruption and human rights of the mutually supporting
roles of each discipline, a shared narrative remains some way in the
distance. However, the shared vision and understanding of the
connectivity between these disciplines, and identification of ‘sticking
points’ through this workshop takes us a step closer to finding a shared
narrative and shared approaches.

Key recommendations and concrete follow-up actions

Mutual reinforcement between anti-corruption in wildlife crime
and human rights.

Anti-corruption and wildlife crime experts should take advantage of existing
human rights mechanisms and procedures at the international, regional and
country level and inform them with up-to-date, specific knowledge about
corruption

Doing so can facilitate understanding regarding how specific corrupt acts
relate to the obligations of duty bearers and the entitlements of rights holders,
and thus build understanding regarding how human rights can be applied in
anti-corruption and wildlife crime responses.

Moving this 3-way narrative forward together will help anti-corruption and
wildlife crime policy experts assess which human rights mechanisms would be
best suited in pursuit of their goals: United Nations human rights treaty
bodies, special procedures, regional human rights mechanisms, or national
human rights institutions.

Current policy traction concerning anti-corruption in wildlife crime could
provide a useful platform to bring the human rights dimensions into the
wildlife crime and corruption policy discourse, identifying tangible actions that could be taken forward.

**Making human rights and anti-corruption integral parts of wildlife protection – making wildlife protection a human rights issue.**

Human Rights-based approaches can inform wildlife crime policy, and help assessments of existing policy and practice, for example:

- do policies to fight wildlife crime and corruption explicitly refer to states’ human rights obligations and commitments?

- how are available resources used: are states allocating budgets appropriately and maximising the effectiveness of available resources, eg: do anti-poaching commitments also seek to address grand and petty corruption?

- are human rights duty holders along the wildlife crime value chain identified and are they informed of corruption risks and patterns: eg., rangers and national park authorities at one end to trade stakeholders at the other?

- do existing policies and practices directly or indirectly discriminate against smaller and more vulnerable stakeholders rather than powerful stakeholders, e.g., are poorly-paid rangers or local poachers feeling the brunt of wildlife crime / enforcement actions whilst high ranking beneficiaries - officials and powerful business people - are not being investigated or prosecuted?

- are authorities transparent in their efforts to curb wildlife crime and corruption, including human rights violations linked to wildlife crime. For example, are environmental human rights defenders able to work safely and effectively, and are media (including investigative journalists) able to report on wildlife crime, corruption and human rights violations?

- are remedies available and accessible for victims of direct or indirect human rights violations linked to corruption and wildlife crime.

**The role of rangers**

Encourage states to recognise rangers as rights holders and as duty bearers, ensuring they receive suitable and adequate training, equipment and working conditions in order to prevent and reduce corruption, and to reduce violation of human rights;

Gender balance among rangers should be given greater emphasis in order to foster stronger and more trusting ties with local communities and to strengthen their enforcement work;

Further research into the role of gender within ranger institutions would be valuable to understand challenges, advantages and ways forward;

Further research into ranger’s perceptions of corruption as a hindrance to their work, and into external actor’s perceptions of corruption among rangers and ranger institutions should help deepen anti-corruption understanding.
Accountability mechanisms

Accountability mechanisms, including anonymous complaints and grievance mechanisms as well as whistleblowing protection schemes are important building blocks to establish to support anti-corruption efforts.

Strong institutions

Institutions must be empowered to monitor and protect those who defend biodiversity: protecting Environmental Human Rights Defenders (EHRDs) protects democratic institutions and function, in a mutually strengthening manner;

Strong institutions based on robust legal frameworks and forward thinking policies are important to support respect for and fulfilment of rights, and as a means of addressing corruption;

Guidelines based on established good practice should be established to assist in interpretation of laws and policy to provide oversight and monitoring, and thereby strengthen institutions;

Rights-based community conservation must be at the heart of nature conservation, both as wildlife crime prevention and cure.

Building trust between stakeholders

Building trust between local communities and the state, rooted in strong laws, policies and institutions, and supported by a culture of integrity based on accountability are essential components of successful conservation outcomes;

Civil society, for example the media, has an important role in raising awareness of human rights impacts linked to corruption and wildlife crime;

Donors and government actors also have important roles in holding institutions / agencies to account, and for example Ministries of Finance in involving financial institutions in asset recovery.

Next steps

Members of this IACC session, i.e., including panel members, conveners and chair, to produce a joint paper authored by all to i) share the session findings and recommendations, and ii) to demonstrate to external audiences strength in partnerships.

Share the joint paper widely, but also specifically with:

a) Germany as the former co-chair of the G20 Anti-Corruption Working Group which adopted the recommendation at their September 2017 meeting in Vienna to explore the nexus between wildlife crime, corruption and human rights;

b) international organisations, national institutions and government
agencies, and CSOs, as relevant, engaged in the anti-wildlife crime agenda, including human rights and anti-corruption actors.

We value your assessment following the outputs of the session, if you need to, please get feedback from the session coordinator or the moderator for this component.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

Conservation and anti-corruption actors must work hand in hand with human rights policy experts to identify and exploit entry points within the normative human rights frameworks in order to advance thinking and human rights based approaches to address wildlife / environmental crime and degradation.

In this context, specific acts of corruption should be clearly articulated alongside specific rights impacts in order to help identify appropriate policy objectives and outcomes;

Conservation and human rights organisations and institutions should join forces well ahead of the World Rangers Congress, November 2019, in order to strengthen policy dialogue around rangers as rights holders and as duty bearers;

The forthcoming 18th meeting of the Conference of Parties to CITES (May / June 2019) may provide an avenue to lodge the human rights dimensions of corruption and wildlife crime, using CITES Resolution Conf. 17.6 as an entry point for discussion around anti-corruption / human rights themes.

The High Level Political Forum on Sustainable Development is an important political forum in which to lodge issues around the interdependencies between conservation, anti-corruption and human rights.

Key Insights for the future of the anti-corruption agenda (including Game Changing ideas/ suggestions/ actions from the session)

Explore and examine corruption in the context of environmental degradation and human rights impacts, taking the discourse to its logical conclusion as an existential issue.

Fighting corruption – especially grand corruption – in nature conservation must be placed front and centre of conservation policy and wildlife crime responses.

The UN Special Rapporteur on Human Rights and the Environment should
address corruption explicitly in his reports, identifying, where possible, what types of corruption are referred to. Recommendations should be elaborated regarding collaboration between the Special Rapporteur / Office of the High Commissioner for Human Rights and the CITES Secretariat and Parties, UN Office on Drugs and Crime (UNODC) and the Organisation for Economic Cooperation and Development (OECD), including facilitating visits from the Special Rapporteur to work with him to address how corruption undermines conservation efforts.

Rapporteur’s name and date submitted
Rob Parry-Jones
Submission date:

This Long Report needs to be submitted by 7 November