Human Rights and Conservation

A review of WWF-Australia policies relating to human rights and their implementation

Dr Jennifer Zerk

29 January 2020

1: Introduction

1.1   Background and purpose of review

WWF-Australia is committed to respecting and promoting human rights in its conservation work. As a member of the WWF network of offices around the world, WWF-Australia supports the commitments made by WWF as a founder signatory of the Conservation Initiative on Human Rights to "respect internationally proclaimed human rights … and ensure that conservation efforts do not contribute to infringements of human rights" and to "support and promote the protection and realisation of human rights".

WWF-Australia is also a signatory to the Australian Council for International Development's Code of Conduct which commits members to

- Respect and promote human rights;
- Respect and respond to the needs, rights and inclusion of those who are vulnerable and those who are affected by marginalisation and exclusion;
- Promote the empowerment of primary stakeholders;
- Promote gender equality and equity;
- Promote the empowerment of people with disabilities; and
- Promote the participation, and advance the safeguarding of, children.

WWF-Australia has developed a number of policies (discussed below) to help operationalise these commitments and to respond to several specific human rights-related risks, and has invested considerable effort and resources in the effective implementation and "socialisation" of these policies. This review was requested to help WWF-Australia identify ways it might further improve and strengthen its approach to the human rights-related issues and challenges presented by its conservation work.

1.2   Methodology and scope

Structure and methodology
The review was carried out in two parts:

Part A: which focussed on the extent to which WWF-Australia's present policies and procedures suitably equip WWF-Australia to **avoid infringing on the rights of others** and to **address adverse human rights impacts** that may arise from projects with which it is involved; and

Part B: which focussed on the extent to which WWF-Australia's present policies and procedures support the **active promotion of human rights** and contribute to the **progressive realisation of human rights** through its conservation and sustainable development projects and programming**.**

Desk-based work: For each Part, existing WWF-Australia policies were compared with established "best practice" standards relating to human rights risk management and embedding "rights-respecting" approaches in organisations.

For **Part A** the main point of reference was the **UN Guiding Principles on Business and Human Rights** (**UNGPs**) (see Box 1 below).

Box 1: The UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 2011, provide a global standard for addressing and preventing adverse human rights impacts associated with business activity.

Most relevant for the purposes of this review is "Pillar II" of these Guiding Principles, which sets out the practical steps that business enterprises need to take in order to meet their "**corporate responsibility to respect human rights**".

The UN Guiding Principles enjoy considerable international, national-level and business-level support and, since their endorsement by the UN Human Rights Council, have provided impetus and inspiration for a multitude of regulatory initiatives. In Australia, civil society organisations and trade unions have played a vital role in promoting the UN Guiding Principles to governmental agencies, and in identifying ways that they may be "operationalised" by the Australian government and its various agencies through regulation and further policy development.

Although the UN Guiding Principles have been drafted with the activities of commercial organisations and operations in mind, the "operational principles" that constitute "Pillar II", especially as these relate to matters such as risk assessment, risk management, continuous improvement and reporting, have practical relevance to a wider range of organisations having the potential to impact people's enjoyment of their human rights, including not-for-profit, campaigning, charitable and development organisations.

See further:

https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

OHCHR, 'The Corporate Responsibility to Respect Human Rights: An Interpretative Guide" (2012), https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf

Australian Human Rights Commission "Implementing the UN Guiding Principles on Business and Human Rights in Australia" Joint Civil Society Statement, August 2016, https://www.humanrights.gov.au/sites/default/files/Implementing%20UNGPs%20in%20Australia%20-%20Joint%20Civil%20Society%20Statement.pdf.

For **Part B**, the main point of reference was the **Australian Council for International Development Code of Conduct** (the **ACFID Code**) (see Box 2 below).

Box 2: The ACFID Code

"The ACFID Code of Conduct …. is a voluntary, self-regulatory sector code of good practice. … The Code aims to improve international development and humanitarian action outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of ACFID's members. In conjunction with other aspects of ACFID's work, the effective delivery of the Code contributes to the realisation of human rights and the delivery of the Sustainable Development Goals".

See further: https://acfid.asn.au/content/about-code

However, just as the UNGPs are not exclusively focussed on human rights risk assessment and management, the ACFID Code is not exclusively concerned with "progressive realisation" of human rights. In fact, both contain elements relevant to both of these different, though connected aspects, of rights-respecting management approaches. Thus, relevant risk management principles, indicators and verifiers from the ACFID Code (e.g. on operational safeguards to protect children or vulnerable adults from harm) were considered as part of Part 1, and elements of the UNGPs that relate to "progressive realisation" were also considered useful guidance for the purposes of Part 2.

Interviews: These desk-based exercises were followed up with a series of interviews with members of the senior management team of WWF-Australia with responsibility for

- Conservation and sustainable development policy and programming;
- People and Culture;
- Legal;

and the WWF-Australia Chief Executive Officer, Dermot O'Gorman.

While subject-matter covered in the interviews varied to reflect the responsibilities of the person being interviewed, these interviews focussed primarily on the following themes:

- how WWF-Australia's human rights-related policies are implemented and "embedded" in practice (including the different ways in which the outcomes and feedback from stakeholders are used as a source of "continuous learning");
- the types of human rights risks that may be encountered in practice;
- the responsiveness of various risk assessment and project management processes (i.e. both human rights-specific and more generic in nature) to human rights issues and challenges that have arisen in practice;
- the different ways in which WWF-Australia contributes to the progressive realisation of human rights in its conservation work; and
- the influence of the wider regulatory (including self-regulatory) context for conservation organisations and activities, both within Australia and abroad (see further section 1.3 below).

Scope

This review focuses on WWF-Australia's own human rights-related policies, rather than those promulgated at WWF International or network level. However, WWF international and network initiatives are obviously a potentially important driver and influence (see further 1.3 below) and so the network initiatives that have played a role in shaping WWF-Australia's existing policies and procedures, as well as recent developments that are potentially important as WWF-Australia works to strengthen its policies and procedures in future, are highlighted in the discussion below.

Second, this review is focussed primarily on human rights issues and impacts arising in connection with WWF-Australia's public-facing and community-facing conservation work, and particularly the delivery of conservation projects. The types of human rights issues that arise in the employment context, such as equality and respect for diversity in the workplace, while

important, were not the primary focus of this review.[1] Nevertheless, many of the suggestions below (particularly on "embedding" of rights-respecting approaches) have relevance for human rights issues affecting staff and volunteers as well as the people and communities who come into contact with contact with WWF campaigns and projects as partners and stakeholders.

 Finally, the work carried out for this review does not constitute or contribute to any formal risk assessment or compliance audit in relation to any of the various standards mentioned below. There was no attempt to replicate the detailed assessment processes that already take place under the ACFID Code and DFAT accreditation frameworks, for example, (time and resources available for this review would not permit this in any event) and nothing contained in this report is intended as, or should be taken as, legal advice. The intention was to help inform internal discussions with respect to how WWF-Australia can build on the progress already made, strengthen its ability to respect and promote human rights in its conservation work, and thus improve conservation and development outcomes.

1.3 Key regulatory and other initiatives affecting WWF-Australia's approach to respecting and promoting human rights

WWF-Australia is required to navigate multiple human rights-related standards, assurance frameworks and accreditation processes by virtue of its status as:

- an Australian-registered charity;
- an Australian-registered charity responsible for, or collaborating in, the delivery of projects overseas;
- a recipient of funding under the Australian Department of Foreign Affairs and Trade Australian NGO Cooperation Program (DFAT ANCP);
- a member of ACFID; and as
- a member of the WWF international network of offices.

A brief summary of the relevant standards that either apply to WWF-Australia, or which WWF-Australia draws from in practice, and the main the areas they cover, is set out in Box 3 below.

There is (as this review has confirmed) a high degree of alignment in the objectives and approaches of the various initiatives listed and briefly summarised in Box 3 below. Even so, WWF-Australia's human rights "regulatory ecosystem" is complex. The influence of these various wider governmental and sector level initiatives on the present structure, framing and orientation of the policies that presently make up WWF-Australia's "human rights suite" of policies (together with associated safeguarding policies), as well as the extent to which they may open up opportunities to strengthen current WWF-Australia policies and practices yet further, are important aspects of the background and context for this review.

---

[1] See, for instance, WWF-Australia Bullying, Harassment and Discrimination Free Workplace Policy
https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-bullying-harassment-discrimination-free-workplace-7aug18.pdf.aspx?Embed=Y

Box 3: WWF-Australia's human rights "regulatory ecosystem"

Australian governmental standards

- ❖ **DFAT ANCP accreditation standards and process:**[2] governance, risk management, development approaches, communications, financial management;[3]
- ❖ **Australian Charities and Not–for-Profits Commission (ACNC) Governance Standards and Governance Toolkit:** Toolkit helps with management of specific areas including "working with partners" and "safeguarding vulnerable people";[4]
- ❖ **ACNC External Conduct Standard 4 (Protection of Vulnerable Individuals):** risk assessment, safeguarding.[5]

Sector standards and initiatives

- ❖ **ACFID Code and associated guidance** : risk assessment, management and mitigation, rights-respecting programme and project design and delivery, protection and empowerment of people at risk of vulnerability and/or marginalisation, safeguarding, sustainable change, fair and well-run, partnerships, open and honest communication, good governance and accountability, ethical sourcing, responsible use of resources, fair treatment of staff and volunteers, complaints handling;[6]
- ❖ **Conservation Initiative on Human Rights**: WWF is a signatory to this initiative which aims to "promote the positive links between conservation and rights of people to secure their livelihoods, enjoy healthy and productive environments and live with dignity**".** It revolves around four key principles.[7]

WWF International and network standards and initiatives

- ❖ **WWF social principles**[8] elaborated further through
- ❖ **WWF social policies** covering
    - o Indigenous Peoples and Conservation (1996, and updated in 2008)[9] and see also WWF Network Guidelines on the Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities (2018);[10]
    - o Poverty and Conservation (2009);[11]
    - o Gender (2011);[12]
- ❖ **WWF Network Standard on Child Safeguarding and Protection of Rights**;[13] and
- ❖ **WWF Project Complaints Process**.[14]
- ❖ **WWF Environmental and Social Safeguards Framework (ESSF) (2019).**[15] A WWF network-wide initiative which seeks to strengthen and introduce greater standardisation in the way WWF offices "manage the environmental and social risks of WWF's work … deliver better conservation outcomes, and [which] enhances the social well-being of local communities in the places where WWF operates."[16]

---

[2] https://dfat.gov.au/aid/who-we-work-with/ngos/ancp/Pages/australian-ngo-cooperation-program.aspx.

[3] https://dfat.gov.au/aid/who-we-work-with/ngos/ancp/Pages/accreditation.aspx.
https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/governance-toolkit. The other key risk areas covered by the Governance Toolkit are financial abuse and cyber-security.

[5] https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/acnc-external-conduct-standards/external-conduct-2.

[6] https://acfid.asn.au/sites/site.acfid/files/Quality%20Assurance%20Framework%20JUNE2017.pdf

[7] http://www.thecihr.org/about

[8] https://wwf.panda.org/our_work/people/people_and_conservation/our_principles/

[9] WWF, Indigenous Peoples and Conservation: WWF statement of Principles (2008), available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/indigenous_peoples/?

[10] Available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/?

[11] See WWF Policy on Poverty and Conservation (2009), available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/poverty_and_conservation/?

[12] WWF, Global Network Policy: Gender Policy Statement (2011), available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/gender/?

[13] Available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/?.

[14] Available from https://wwf.panda.org/our_work/people/people_and_conservation/wwf_social_policies/?. See further 2.4.1.4 below.

[15] https://c402277.ssl.cf1.rackcdn.com/publications/1249/files/original/ESSF-073119.pdf?1565364222

[16] WWF, 'WWF Environmental and Social Safeguards Framework: Overview Document", August 2019, Forward, p. 2. Available at https://wwf.panda.org/wwf_news/wwf_independent_review_/?351401/WWFs-Environmental-and-Social-Safeguards-Framework.

2: Avoiding and addressing adverse human rights impacts

2.1 How can conservation programmes and operations cause or contribute to human rights-related harms?

Conservation organisations can impact people's enjoyment of their human rights in a variety of ways. However, pre-programme and pre-project screening exercises provide a structured process for identifying potential human rights impacts (both positive and negative) and for developing a robust plan for addressing them (in the case of adverse impacts) and for maximising benefits (in the case of positive impacts, see further Part 3 below).

Table 1 below sets out, for illustrative purposes, some examples of the kinds of human rights risks that may arise in connection with conservation campaigns and projects (whether implemented within Australia or in other jurisdictions), and the human rights that may be engaged. However, this list is obviously not an exhaustive one: other risks may arise in addition to these and the materiality and seriousness of each of these will obviously depend on the nature of the relevant project and its operating and legal context.

Table 1: What kinds of human rights-related risks can conservation projects give rise to?

Human rights-related risks	Human rights potentially engaged (depending on context and circumstances)
Risks of abuses (particularly of people at risk of vulnerability or marginalisation) being perpetrated in the implementation and delivery of conservation projects (e.g. by WWF-Australia staff, volunteers, or by staff and/or volunteers of project partners).	Right to security of the person; rights of the child; rights of women; rights of people living with disabilities; rights of indigenous peoples; rights of equality and non-discrimination; right to health.
Risks of adverse impacts on property rights (or on a person's ability to enjoy those rights) as a result of changes in legislation (e.g. where an area achieves protected area status).	Right to self-determination; right to just and favourable conditions of work; rights of indigenous peoples; rights of equality and non-discrimination; other economic, social and cultural rights
Risk of decreased access to essential resources, such as food and water as a result of changes in legislation (e.g. where an area achieves protected area status).	Right to health; right to just and favourable conditions of work; right to water; rights of self-determination; rights of indigenous peoples; rights of equality and non-discrimination; other economic, social and cultural rights.

Risk of diminished job opportunities as a result of changes in legislation (e.g. where an area achieves protected area status, or as a consequence of outlawing certain environmentally-damaging practices).	Right to health; right to just and favourable conditions of work; rights of self-determination; rights of indigenous peoples; rights of equality and non-discrimination other economic, social and cultural rights
Risk that equipment supplied to individuals or groups (e.g. cameras, drones, maps) could be used to further human rights abuses by either State agencies or non-state actors.	Right to life; right to security of the person; rights of self-determination; rights of indigenous peoples; rights of equality and non-discrimination.
Risk of harm to individuals (e.g. employees of WWF-Australia and/or volunteers, and staff and/or volunteers of project partners) involved in field-work in particularly challenging operational environments (e.g. conflict zones, areas affected by poaching activities, or other situations where they may be confronted by armed groups).	Right to life; right to security of the person.
Risk that individuals may be victimised by State agencies as a result of their involvement in a WWF-Australia project, for instance as an employee of a project partner, or as a volunteer.	Right to life; right to security of the person; rights of equality and non-discrimination.
Risk of human rights abuses occurring in the context of monitoring and enforcement of new standards (e.g. risk of discriminatory treatment as between men and women, or as between different groups and communities).	Right to life; right to security of the person; rights of equality and non-discrimination.
Risk that individuals may be subject to human rights abuses following, or as a result of, information given to State agencies, e.g. where matters raising the possibility of possible breaches of the law have been referred to local law enforcement.	Right to life; right to security of the person; rights of equality and non-discrimination.
Risk of invasions of privacy (e.g. through placement of camera traps in high conservation value areas; or through poor data collection and management practices, display of photographic images in advertising and promotional material; use of social media).	Rights to privacy; rights of the child; rights of indigenous peoples (esp. "free, prior and informed consent"); rights of women; rights of equality and non-discrimination.

2.2 How do WWF-Australia's (a) existing suite of human rights policies and (b) current operational safeguards policies (together with their implementing procedures and arrangements) help to identify, avoid and address adverse human rights impacts of projects with which WWF-Australia is involved?

WWF-Australia's approach to avoiding the infringement of people's human rights and addressing human rights-related harms is articulated in a series of policies focussing on specific themes, namely:

- ❖ Working with marginalised groups and vulnerable people;[17]
- ❖ Gender;[18]
- ❖ Sustainable and inclusive development;[19]

In addition, WWF-Australia has established operational safeguarding policies to help address specific (and particularly serious) human rights-related risks, namely

- ❖ Sexual exploitation and abuse;[20] and
- ❖ Abuse and exploitation of children.[21]

Also relevant to WWF-Australia's ability to identify, avoid and address adverse human rights impacts are:

- ❖ Code of Ethical Conduct;
- ❖ Processes for risk assessment and evaluation of conservation programmes e.g. as part of annual and five-year strategic plans (i.e. "organisational-level processes");
- ❖ WWF's Programme and Project Management Standards particularly as this relates to project screening, monitoring and evaluation, including regular review of effectiveness of risk mitigation strategies and capturing of "lessons learned" (i.e. "project-level processes");
- ❖ Various systems through which people can raise concerns or complaints about projects, at project, country or WWF network level (see Box 4 below).

Within this system:

- ✓ **High level leadership and commitment** to respect for human rights and "doing no harm" (UNGPs 11, 15 and 16) is apparent from knowledge and awareness shown by each of the interviewees who made themselves available for this review, and further indications of commitment to promoting and respecting human rights within the WWF organisation can be found in the statement on the WWF global web-site that that "[i]nternational human rights legal instruments and standards are a core principle guiding WWF's programmes", in the WWF-Australia "New Deal for People and Nature"

---

[17] https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-human-rights-marginalised-groups-vulnerable-people-jul18.pdf.aspx?Embed=Y
[18] https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-gender-jul18.pdf.aspx?embed=Y
[19] https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-sustainable-and-inclusive-development-jul18.pdf.aspx?Embed=Y
[20] Available from https://www.wwf.org.au/about-us/policies.
[21] https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-child-protection-jul18.pdf.aspx?Embed=Y

(in which "Conserve Nature with Equity") is the first principle) and in the opening framing statements of each of the WWF-Australia policies identified above.

- ✓ **Internationally-recognised human rights standards** and "best practice" guidance are used as the baseline for judging conduct and conservation and development outcomes (UNGP 12), as demonstrated by the use of international standards as "sources of authority" in all of the policies in the "human rights suite", and in definitions of key terms (e.g. "child" and "sexual exploitation and abuse") in safeguarding policies.

- ✓ Ability to **rapidly respond** to allegations and information about potentially harmful behaviours or projects (UNGP 13) is enhanced by WWF-Australia's work to develop a "Speak-Up" culture (in line with the WWF network "Speak up!" standard) as well as numerous opportunities and platforms for people to discuss and work through concerns about specific projects (e.g. team meetings, regular project review exercises, "Panda Huddle"); and rapid response protocols are laid out in the policies on safeguarding (Child Protection and PSEA);

- ✓ Policies and risk management strategies are **informed by relevant internal and external expertise** (UNGP 16) which is engaged by WWF-Australia directly for specific assessments or reviews (including for the annual review of risk management and "lessons learned" under the WWF Programme and Project Management Standards (PPMS), and is also made available through the WWF network (for instance through network level practice groups).[22] Relevant internal and external expertise (including vitally important location-specific expertise and knowledge) is fed into project design and monitoring through stakeholder engagement exercises and feedback mechanisms;

- ✓ Each of the policies mentioned above articulate clearly the **expectations of personnel, project partners and other relevant parties** (UNGP 16);

- ✓ Policies are **publicly available** and **properly communicated to staff and partners and volunteers** (UNGP 16) in a variety of ways including through staff and volunteer induction exercises, human rights training provided to all staff (including as part of the rollout of WWF ESSF), referencing policies in all contracts and MOUs with partner organisations and conducting workshops with partner organisations on particular risk areas identified as part of assessment processes;

- ✓ Programmes and projects are subject to **human rights risk assessments** at an early stage of planning (UNGP 17) both at programme level, and at project level through the PPMS, a flexible, multi-step process for defining, designing, implementing, monitoring and evaluating projects and programs, which includes clear steps for risk identification and management (though see further comments at section 2.3 below);

- ✓ Where human rights risks are identified through project-level screening and monitoring exercises they are **integrated into internal functions and processes** (UNGP 19) by escalation though the organisational-level "risk matrix" maintained by the CFO (and made available for scrutiny by the Board) . The Policy on Human Rights and Working with Vulnerable People and Communities shows appreciation of the need to ensure that human rights standards and practices are "mainstreamed" throughout the organisation;

- ✓ Monitoring of the **effectiveness of risk mitigation strategies** (UNGP 20) takes place at project level (through the PPMS), at programme level (through regular discussion and team review meetings) at senior management level (through regular meetings of senior

---

[22] Note that there are currently plans to add further to WWF network-level structures and resources as part of the rollout of the new WWF ESSF. The WWF ESSF lays down the expectation that "high risk projects" (see Box 5 below) will require the use of independent experts in the development and implementation of mitigation plans.

managers and team leaders) and at Board level (full board and Finance and Risk Sub-Committee);

- ✓ Analysis to help ensure that experiences and stakeholder feedback (including through grievance mechanisms, see below) contributes to **continuous learning** (UNGP 18, 19, 20, 31) takes place regularly as part of the over-arching WWF-Australia PPMS;
- ✓ Efforts to address human rights impacts are **communicated externally** (UNGP 21) through the WWF-Australia web-site, through the WWF-Australia annual report and through various self-assessment and reporting mechanisms established under various self-regulatory and accreditation frameworks (see Box 3 above) and to specific audiences (e.g. affected communities and stakeholder groups) through project specific materials and documentation;
- ✓ A range of mechanisms are provided whereby affected individuals can **raise concerns or complaints** (UNGPs 22, 29 and 31) about WWF-Australia supported conservation projects or programmes, or the behaviour of WWF staff or volunteers (see Box 4 below) and WWF staff and management are presently reflecting on ways make these more accessible and responsive especially to "hard to reach" groups and communities (see further discussion on complaints processes at 2.3 below)
- ✓ The need to **properly understand and respond to local operating challenges** (UNGP 23) is well-recognised within the organisation and is reflected in guidance supplied as part of the rollout of the WWF ESSF (for instance in the need to consult appropriately with local communities and stakeholders);
- ✓ Planned WWF ESSF processes (specifically the project screening process envisaged under that system) have been designed to help WWF staff make good decisions about **appropriate prioritisation of actions** (UNGP 24) (but note comments at section 2.3 below about the approach of existing WWF policies to this issue).

Box 4: Methods through which members of the public and individuals and communities affected by or interested in WWF-Australia conservations programmes, projects and campaigns can raise grievances about human rights abuses, or other human rights-related harms.

WWF International/Network Level

- ❖ **WWF Complaints Resolution Policy**:[23] " to allow for the expression of and response to complaints related to the implementation of its projects … [and] … to allow project-affected people to ask critical questions about WWF projects"
- ❖ "Speak up" standard
- ❖ **WWF ESSF Ombudsman:** "to supplement localized grievance redress mechanisms … [and to provide] … an impartial mechanism for parties to resolve disputes through mediation".
- ❖ **WWF "Speak up!" standard**: to create mechanisms for confidential reporting of concerns by "anyone who is a victim of, or has witnessed WWF or a non-WWF person being victim of, inappropriate conduct by a WWF or contractual party's employee"; directs WWF offices to take create effective local reporting channels and to escalate matters to WWF International as appropriate;
- ❖ **WWF Network Independent Whistle-blowing Mechanism:** (n.b. this forms part of the implementing measures of the WWF "Speak-Up" standard, see above).

---

[23] https://www.worldwildlife.org/publications/wwf-project-complaints-resolution-policy.

2.3 Issues identified in the course of the review

2.3.1 Human rights risk assessment and monitoring

The importance of subjecting projects to robust human rights risk assessment and risk monitoring is well-recognised, although this can be difficult to implement in practice in the case of conservation projects which have come about as a result of a sudden crisis (where there may be considerable urgency to getting the project underway) or in relation to projects with smaller budgets and (where there may be both time and budget pressures). The challenges of carrying out human rights risk assessments of many projects of varying size and scope (and especially where there are time and resource pressures involved) could be eased through greater systematisation of human rights risk assessment processes, including more detailed guidance to enable WWF-Australia staff more quickly and easily to identify the level of risks involved, the likely sources of risk and the appropriate mitigation responses. The WWF ESSF, and the new Safeguards Screening Tool (SST) in particular (see Box 5 below), provides a potentially useful starting point.

Box 5: About the WWF ESSF Safeguards Screening Tool

The WWF ESSF safeguards screening tool provides a standardised set of questions which WWF staff can use to help identify environmental and social risks associated with their field work. Screening questions include questions relating to social impacts, e.g., human rights considerations (with particular emphasis on impacts on local communities and indigenous peoples), as well as gender and labour impacts. This tool is to be maintained by the newly established WWF International Safeguards Team and the intention is that it will be regularly updated to reflect developments in best practice. At the conclusion of the screening process, projects are categorised according to the risk level they pose (i.e. Category A, B or C). Under this system, Category A (i.e. "high risk projects") have additional requirements as regards the

---

[24] https://www.wwf.org.au/ArticleDocuments/391/doc-policy-wwfaus-complaint-handling-jul18.pdf.aspx?Embed=Y.
[25] Available from https://www.wwf.org.au/about-us/policies#gs.si85q6. Note that this policy updates and replaces WWF-Australia's previous "Whistleblower" policy.

development and implementation of risk management strategies. It is proposed that a new network level WWF International Safeguards Unit will make available further support to WWF offices and personnel in the form of training, an accreditation system (to help strengthen and standardise approaches across the network) and a database providing WWF staff with access to a library of risk screenings, mitigation plans, reports, and reviews.

See further : 'WWF Environmental and Social Safeguards Framework: Overview Document", August 2019.
https://c402277.ssl.cf1.rackcdn.com/publications/1249/files/original/ESSF-073119.pdf?1565364222

On the subject of ongoing human rights risk monitoring of projects, aligning WWF-Australia approaches with the practices and procedures envisaged in the WWF ESSF will require some revisions to existing policies in the "human rights" and "operational safeguards" suites.[26] For instance, under the WWF ESSF guidance, the level of risk monitoring and the methods to be used will depend upon the category of risk ascribed to the relevant project at project screening stage, whereas WWF-Australia policies allow the amount of funding also to be taken into account, while also being silent as to how these different considerations (i.e. risk level and budget) are to be balanced in practice to determine the appropriate level of monitoring. The WWF ESSF approach is preferable from a risk management point of view, given that the small projects can still carry high levels of risk.

2.3.2 Working in challenging contexts

WWF-Australia supports, and works collaboratively to deliver, conservation programmes and projects in some challenging operational contexts around the world, including areas affected by conflict. Given the location of some the most biodiversity-rich areas in the world in some of the world's least developed countries, the inter-relatedness of conservation and rule of law challenges, and the tendency of conflict and civil disorder to exacerbate environmental degradation, WWF Australia has taken the strategic decision, in light of its mandate and mission, to persevere with this work, taking appropriate steps to reduce and manage the operational risks as much as possible, with withdrawal only as a last resort.

Clearly, working in conflict-affected areas and areas where there is a lack of respect for the rule of law poses particular and potentially serious human rights risks to WWF-Australia staff and volunteers, the staff and volunteers of partner organisations as well as the individuals and communities with whom WWF-Australia and its partner organisations come into contact.

The call for more detailed and practical guidance on the assessment and management of human rights risks in challenging operational contexts may be answered, at least in part, through local implementation of the new screening and risk mitigation procedures envisaged in the WWF ESSF (see Box 6 below). As noted above (see Box 5), the intention is for this nascent system to be further elaborated over time through the network-level knowledge sharing system envisaged through the WWF International Safeguards Unit and associated practice groups..

---

[26] See, for instance Policy on Human Rights and Working with Marginalised Groups and Vulnerable People (clause 8.3); PSEA (clause 8.6.3); Child Protection Policy (clause 9.14).

Box 6: WWF ESSF approach to "high risk" projects

What are "high-risk" projects?

"**High-risk projects** can generally be grouped into two distinct classifications:

- **Category A projects** are likely to have significant and irreversible adverse social or environmental impacts at a large scale, such as the construction of major infrastructure. WWF does not generally implement Category A activities.
- **Special Consideration projects** are high risk because of the potential for human rights abuses. These include activities that are proposed in fragile or conflict- or violence-affected states, or regions of states that have a history of systemic human rights abuses."

What special implementing arrangements are required to be in place for high risk projects?

"High-risk projects have additional safeguards implementation requirements:

- use of independent experts in analysis and development of specialized mitigation plans;
- additional due diligence, including annual site visitation and verification of safeguards implementation by independent experts;
- approval by the WWF NET and governing boards of participating offices to proceed with project development; the WWF NET will then determine the arrangements that will apply for approval of plans and oversight of implementation.

Prior to project implementation, WWF will ensure that the safeguard measures can be effectively implemented, and the project will be redesigned as necessary to assure this. If following redesign, the risks remain unacceptably high, the project may be cancelled on the recommendation of the WWF NET.

During implementation, WWF will take actions to address risk. If responses prove inadequate, or if conditions within or outside of the project make it impossible to fulfil these requirements, WWF will work with funding agencies and government partners to act and respond accordingly, maintaining the right to hold disbursements or cease activities if circumstances remain untenable.

Where the project is potentially high risk, ... qualified safeguards experts should become involved at the earliest stage of design. Also, further assessments or consultations may be required and mitigation plans developed, until WWF's safeguards framework requirements have been satisfactorily addressed. These assessment and subsequent mitigation activities must be budgeted and funded as part of the project."

Extracted from 'WWF Environmental and Social Safeguards Framework: Overview Document', August 2019, pp. 17-18.

https://c402277.ssl.cf1.rackcdn.com/publications/1249/files/original/ESSF-073119.pdf?1565364222

However, even the most comprehensive and up to date guidance will not remove the need for careful judgment on the part of WWF-Australia management and staff, particularly when presented with novel challenges and contexts. Discussions carried out as part of this review covered the dangers of relying on "off the peg" solutions, and the importance of close engagement with local actors in order to appreciate, analyse and respond to local challenges correctly and to appropriately tailor relevant WWF guidance (whether network level or local office level) to real-life situations and dilemmas. Related to these points is the observation that, on occasion, certain response protocols (even those that are widely endorsed and accepted) can create their own, further human rights risks and challenges. Examples given by managers interviewed for this review included policies on use of weapons which may leave field workers exposed to danger, or policies on referrals of matters to local law enforcement authorities which, again, may give rise to a separate set of human rights concerns (e.g. about the safety of the subject of allegations, or of witnesses), especially in countries with a history of systematic human rights abuses. These discussions also highlighted the importance of systems to capture the lessons learned from practical experience and to feed them back into policies, procedures and practices both at WWF network level (e.g. through the WWF ESSF) and the local office level.

In countries with poor human rights records, there may be a need for specific guidance to help anticipate and mitigate the risks that may be associated with interaction with State agencies (and law enforcement agencies in particular). The ACNC recommends, for example, as part of its guidance on implementation of External Conduct Standard 4 (Protection of Vulnerable Individuals) that incident response plans "provide guidance for when matters should be reported to an external party, for example, the police, the ACNC or a partner or donor agency." While this guidance relates specifically to safeguarding issues (particularly as regards protection from sexual exploitation and abuse), country-specific (or location-specific) guidance of this kind could be helpful in a range of other situations in which engagement with local State agencies (e.g. law enforcement and regulatory agencies) may be necessary.[27] The WWF-Australia Child Protection Policy and the PSEA both set out a clear reporting procedure in the event that abuse is suspected or allegations are made, which refer to the possibility of referrals to local law enforcement authorities.[28] However, further guidance as to how judgments should be exercised in certain cases (including country-specific guidance) could be useful and would enhance implementation of External Conduct Standard 4 (Protection of Vulnerable Individuals).

2.3.3 Complaints and feedback gathering systems

WWF-Australia's arrangements for receiving and responding to concerns and complaints (see Box 4 above) are complex. This complexity is attributable to some extent to the challenges involved in having to respond to multiple standards generated by different governmental and sector-level agencies, as well as from WWF itself (see Box 3 above). Even so, as presently constituted it is likely to be quite difficult for potential users to navigate (and especially those who are unfamiliar with WWF structures and ways of doing things).

The importance of accessible mechanisms for raising concerns and complaints about WWF-Australia activities and programmes is well recognised and understood within the organisation, both as an early warning system of potential problems which could escalate into something worse, and as a means through which adverse impacts can be remedied. There is appreciation,

---

[27] See, for instance, the definition of "inappropriate behaviour and misconduct".
[28] See Child Protection Policy, clause 10; PSEA, Clause 8.3.

too, of the need to find ways to make project-level feedback mechanisms more accessible and relevant to affected individuals and communities, and that the presently very low level of usage of project-level and organisation-level mechanisms is neither a guarantee of a lack of problems in itself, nor is it guaranteed to continue.

While the special reporting and referral systems envisaged in the Child Protection Policy and the PSEA (including the convening of a "rapid assessment committee")[29] are justified by the nature of the subject matter and the seriousness of the risks involved, it is worth considering the extent to which there might be potential for streamlining in other areas. There is, for instance, a certain amount of overlap between subject matter within the purview of the Complaint Handling Policy (i.e. "complaints about the organisation") and that addressed in the "Speak up" standard (i.e. "inappropriate conduct by employees of WWF, its partners and people associated with WWF"). This not only risks creating confusion for potential users, it also creates difficulties for those administering the policies, especially where different policies suggest different approaches (as is the case with respect to complaints against project partners, for example, for which the Complaint Handling Policy suggests a different course of action from that provided for in the "Speak up" mechanism).

More clarity is needed (and especially for users of these mechanisms) on the scope of different mechanisms and how they inter-relate, both horizontally (i.e. as between different WWF-Australia mechanisms) and vertically (i.e. as between project-level, country-level and network-level grievance mechanisms) and the rules that apply as regards escalation and referrals between them. The WWF ESSF approach to accountability and grievance mechanisms (still under development) seems to contemplate a more integrated approach to complaints processes in future,[30] with provision for referrals and escalation between different levels. The rollout of WWF ESSF would seem to provide a good and timely opportunity for a revamp and possible restructuring of WWF-Australia feedback and complaints handling policies and structures, to help streamline complaints procedures and approaches and to address some of the issues raised in the course of this review (some of which may require action at network as well as local level).

As part of this work, it would be instructive to consult with representatives of different user groups to understand the best formats for communication and outreach. For instance, there may be more attractive and easily digestible ways to communicate with stakeholders about their different options in relation to resolving different types of concerns and complaints than expecting them to work their way through a series of WWF-Australia policies. A "user-guide" which sits alongside the WWF-Australia policies but which is written from a user perspective (rather than an institutional perspective) could be a useful addition to the "human rights suite".

2.3.4 Human rights reporting
Communicating externally about human rights risks – how they are addressed, the successes and lessons learned – is an important part of the UNGP framework for a number of reasons. Not only does this provide a measure of transparency and accountability for individuals and groups

---

[29] See PSEA, clause 8.3.5.
[30] 'WWF Environmental and Social Safeguards Framework: Overview Document', August 2019, https://c402277.ssl.cf1.rackcdn.com/publications/1249/files/original/ESSF-073119.pdf?1565364222, p. 25.

who may be affected by an organisation's activities, and provide important information to other stakeholders such as donors, project partners, supporters and volunteers, it also imposes a discipline on an organisation to put in place robust systems for assessing and addressing human rights risks, and for tracking the effectiveness of responses.

At present, human rights issues are not a particular focus of external publications such as the annual report, though a new initiative – the "New Deal for People and Nature" – provides an excellent opportunity to explore these issues further in future annual reports and other publications. Over time, further impetus may be provided by the WWF ESSF, which envisages additional channels for public reporting in the form of an "external site managed by the WWF International Safeguards Unit, which will upload and maintain updated safeguards summary reports for all projects."[31]

3: Contributing to progressive realisation of human rights

3.1 How can conservation programmes and operations affect the progressive realisation of human rights?

The concept of "progressive realisation" of human rights refers to the obligations of States under international human rights treaties to utilise the resources available to them to gradually but determinedly work towards full realisation of human rights.[32] In addition to creating rules designed to prevent and address risks of human rights-related harms (as will be the case with operational safeguards policies, see section 2.2 above), organisational and operational policies can also help to reinforce human rights-respecting approaches by staff and volunteers, with a view to contributing to better outcomes for individuals and communities who come into contact with conservation programmes and projects, and supporting, where appropriate, the efforts of State agencies towards more effective, more consistent and more equitable regulatory institutions and systems.

Some examples of ways in which conservation programmes, campaigns and projects can either support or undermine progressive realisation of human rights in practice are set out in Table 2 below.

---

[31] See n. 30. above, p. 28.

[32] See OHCHR Fact Sheet 33, 'Frequently Asked Questions on Economic, Social and Cultural Rights', https://www.ohchr.org/Documents/Publications/FactSheet33en.pdf, pp. 13-15. Note that the concept of "progressive realisation" does not apply to all human rights. Some, such as obligations of non-discrimination or obligations to protect children and young people from social and economic exploitation, are require to be implemented immediately and levels of compliance are not to be held to be dependent on available resources.

Table 2: Illustrative examples of ways that those involved in the design, implementation and delivery of conservation programmes and projects can support or undermine progressive realisation of human rights.

Conservation practitioners can support progressive realisation of human rights by	Conservation practitioners may undermine progressive realisation of human rights by .....
Taking steps to ensure meaningful consultation with all affected groups about the design, implementation and delivery of projects, taking particular care to ensure full participation in decision-making processes by people who may be at risk of vulnerability and marginalisation.	Perpetuating inequitable power structures by giving undue weight in stakeholder consultations to the views and wishes of established elites.
Investing in capacity-building and technical assistance to promote better governance of project partners, with operational safeguards to better protect the rights of people at risk of vulnerability or marginalisation.	Failing to carry out proper due diligence with respect to governance of project partners and effectiveness of operational safeguards in respect of people who may be at risk of vulnerability or marginalisation.
Using conservation projects as an opportunity to build capacity of individuals and communities to better understand and advocate for their rights, including by promoting the representation of people at risk of vulnerability and marginalisation in leadership roles.	Paying inadequate attention in project design to the structural, cultural and economic barriers to people's ability to advocate for their rights, especially as regards people who may be at risk of vulnerability or marginalisation.
Investing in capacity-building and technical assistance to improve stewardship by community groups of biodiversity and natural ecosystems, consistent with human rights norms and principles.	Paying inadequate attention in project design to the structural, cultural and economic barriers to effective stewardship by community groups of biodiversity and natural ecosystems, especially as regards people who may be at risk of vulnerability or marginalisation.
Using relationships and/or leverage with State authorities to promote better governance and accountability of environmental regulators, including fairer and more inclusive decision-making systems.	Paying inadequate attention to understanding the local legal and operating environment resulting in poor working relationships with local State agencies, including local regulatory bodies and environmental agencies.

Leveraging an organisation's reputation and profile with the public to influence more rights-respecting behaviours by business enterprises, e.g. with respect to their arrangements for sourcing agricultural and fish products.	Pursuing campaigns designed to alter consumer behaviour without adequate consideration of the consequences of reduced or altered demand for products on workers in the supply chain.
Contributing to understanding about structural, economic and cultural barriers to enjoyment of human rights by different groups in society, and particularly those at risk of vulnerability and marginalisation, through collection and analysis of disaggregated data and dissemination of findings.	Failing to follow rigorous scientific and ethical standards in the collection and analysis of statistical data.

3.2 How do WWF policies and procedures contribute to progressive realisation of human rights through WWF-Australia's conservation and sustainable development campaigning and programming?

The importance of **rights based approaches to programme and design and implementation** (ACFID Code, 1.1) is emphasised in various WWF-Australia policies, notably the Policy on Sustainable and Inclusive Development (see clause 3.3) but also in the Policy on Human Rights and Working with Marginalised Groups and Vulnerable People (see clause 3.8 in relation to gender perspectives and clause 3.13 in relation to people living with disabilities and clause 3.22 in relation to indigenous peoples). WWF-Australia has contributed to effective **monitoring and evaluation of progress in addressing needs, rights and inclusion** (ACFID Code, 1.2.3) through the development of non-stigmatising approaches to the social disaggregation of beneficiary data. The **commitment to inclusion and representation** (ACFID Code 1.2, also 2.1.2) is a strong thread running through WWF-Australia policies, as well as in practice with respect to community engagement. WWF Australia policies are designed to highlight the importance of finding practical ways to **promote empowerment of individuals and communities** (ACFID 2.2) through conservation projects, both at a community level and also through capacity building of government institutions and regulators (see Policy on Sustainable and Inclusive Development, clause 3.3). **Formal feedback mechanisms** (ACFID 2.2.1) established at project level provide a means through which people can raise concerns or complaints about the way a project has been designed or implemented which are supported by guidance designed to ensure that users of these mechanisms are treated with respect and that the matter is resolved in a rights respecting way. WWF-Australia has put in place policy guidance on **gender, empowerment of people living with disability, and promoting the participation of children (**ACFID 2.3, 2.4 and 2.5) (see especially the Policy on Human Rights and Working with Marginalised Groups and Vulnerable People) which confirms organisational commitments to provide opportunities for meaningful participation in the design and implementation of programmes and projects. Finally, this review highlighted several examples of programmes and activities aimed at **investing in the effectiveness of collaborations and partnerships** (ACFID Code, 5.3) including through providing assistance to project partners in the development of operational safeguards policies

relating to child protection and technical assistance to build overall institutional capacity of partner offices in the Pacific region.

3.3 Issues identified in the course of the review

3.3.1   Human rights and organisational values

The people within the WWF-Australia organisation – WWF trustees, managers, staff and volunteers – are deeply committed to addressing the degradation of the natural environment and building a more sustainable future. They work within a complex field that increasingly calls for interdisciplinary capabilities and approaches. WWF-Australia polices (and particularly the Policy on Sustainable and Inclusive Development) recognise and reflect the wider discussions now taking place on the inter-connectedness of environmental, economic and social elements of sustainable development, as encapsulated in the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals.[33]

WWF Australia has been boosting its human rights capabilities, with the recruitment of staff with professional experience in human rights and social development, investment in human rights training for staff, and through support for and proactive contributions to wider network-level practitioner groups relevant to human rights. Even so, human rights risks and opportunities associated with individual projects may not be so immediately obvious to members of staff with more scientific and conservation-centred job descriptions and specialisms. For these audiences, organisational policies can supply suitable prompts and reminders, in order to raise levels of awareness of human rights issues within the organisation and to draw attention to the benefits of applying a "human rights lens" to programme and project design and implementation. The WWF-Australia initiative "A New Deal for People and Nature" provides a further opportunity for this, as well as for celebrating the positive contributions that WWF-Australia makes towards progressive realisation of human rights through its conservation projects, both within Australia and in other countries around the world.

It is of fundamental importance, from the perspective of "embedding human rights", that human rights principles are used to frame expectations as regards behaviour and inform decision-making. The WWF-Australia Code of Ethical Conduct already contains a number of references to human rights principles. For instance, it is stated (at clause 3.4) that ethical decision-making should be guided by "a recognition of the essential dignity of each and every person" and "an active concern for the well-being of the community and the environment". However, there is scope to do more. Some suggestions for building on this approach further and making human rights a more explicit part of the WWF-Australia's ethical decision-making framework are set out in Part 4 below.

3.3.2   Factoring human rights opportunities (as well as risks) into programming and project planning

Taken together, the WWF Australia policies examined for the purposes of this review contain a strong emphasis on safeguarding. The Policy on Sustainable and Inclusive Development, however, takes a slightly different tack in its particular emphasis on capacity building, empowerment and the generation and preservation of human rights-related legacies of

---

[33] https://sustainabledevelopment.un.org/?menu=1300.

conservation projects . To this end, this policy provides a number of reminders of the importance of creating opportunities, in the way projects are designed, for future improvements in levels of enjoyment of human rights, for instance through a commitment "to support and strengthen local people, communities and government systems to facilitate local ownership and lasting change" in particular by;

- [identifying] opportunities to build on the existing capacity of our local civil society partners … and the communities in which we work; [and] …
- … [seeking] appropriate opportunities to help build state capacity and facilitate positive state-society relations; [and] …
- [ensuring] that any advocacy activities in which we engage or support are evidence-based and accurately represent the perspectives and interests of the communities with which we work" (clause 3.3).[34]

Looking ahead, it may be beneficial to strengthen the human rights framing and content of this policy guidance, so that the links between WWF-Australia's work on sustainable and inclusive development and progressive realisation of human rights are made clearer to both internal and external audiences. A suggestion for how this could be done (effectively by moving some of the content from the Policy on Human Rights and Working with Marginalised Groups and Vulnerable People into an umbrella policy addressing sustainable and inclusive development and human rights in a more holistic way) is set out in Part 4 below. This revised structure could also help address a potential problem with the present orientation of the Policy on Human Rights and Working with Marginalised Groups and Vulnerable People which risks creating the impression (surely unintended) that respecting and promoting human rights is more about safeguarding vulnerable people than empowerment (in reality it is about both), and that respect for human rights is primarily the concern of those involved in specific types of work (e.g. field work with disadvantaged communities living in protected areas), rather than something that should permeate all decision-making and behaviour. [35]

Box 7: "Vulnerability" and "vulnerable persons": a brief note about language and framing

The language around "vulnerability" in international human rights discourse has recently undergone some change thanks to greater awareness of the way that well-meaning approaches can actually entrench discrimination and disadvantage. For instance, it is not considered accurate (or acceptable) to begin with the presumption that certain groups – women, people living with disabilities, or indigenous people, for example – are necessarily "vulnerable". The UNGPs refer to "individuals from groups or populations that may be *at heightened risk of* vulnerability and marginalisation" (see UNGP 18, Commentary, emphasis added), rather than "vulnerable people". This provides a further argument for reorienting the present "Policy on Human Rights and Working with Marginalised Groups and Vulnerable People" to create a better balance between the *proactive* and *reactive* aspects of human rights standards and their implementation.

---

[34] See also the acknowledgement of need to take account of the needs of people living with disabilities in the way in which programmes are designed and implemented in the Policy on Human Rights and Working with Marginalised Groups and Vulnerable People (clause 3.13). See also clause 3.8 which directs managers and staff to "[ensure] that the design and implementation of our conservation and development programs and projects incorporate different gender perspectives, etc".

[35] See comments at section 3.3.1 above.

An expanded "Policy on Human Rights and Sustainable and Inclusive Development" could also create the ideal home (and perhaps also a launch pad) for some more detailed guidance on the "*how*" of good project and programme design and implementation (i.e. from a "progressive realisation of rights" point of view). There are numerous established international standards to draw from (e.g. the FPIC standard in relation to working with indigenous communities), which could reasonably readily be adapted to the WWF-Australia organisational context with respect to matters such as

- design of programmes and projects (including stakeholder engagement and consultation);
- engaging with local individuals and communities;
- ongoing monitoring to maximise and preserve benefits;
- measuring impacts (e.g. of capacity building efforts);
- disclosure and reporting; and
- handling and responding to complaints.

3.3.3 Promoting awareness of "intersectionality" and building greater consistency of approach

A further advantage of an overarching "Policy on Human Rights and Sustainable Development" (see section 3.3.2 above) covering both human rights risk assessment *and* WWF-Australia's approach to progressive realisation of human rights, would be that this could potentially help to head off the risk of "siloing" posed by a series of policies covering single themes (e.g. gender, indigenous peoples, addressing social exclusion of people with disabilities etc), as well as the duplication of effort involved in maintaining them. At present, the structure and content of WWF Australia policies owes much to the structure and themes of the ACFID Code of Conduct Quality Assurance Framework (see section 1.3 above). While this is understandable (and also potentially beneficial from the point of view of demonstrating compliance), it can place obstacles in the way of a proper understanding of the inter-relationships between different sources of potential discrimination and disadvantage (or "intersectionality" to use the parlance of human rights practitioners;[36] see further Box 8 below). Although each of the human rights-related policies covered by this review seeks to draw attention to the other policies which may be relevant to consider in different contexts, an expanded, overarching policy on human rights and sustainable development (i.e. along the lines described in section 3.3.2 above and in Part 4 below), creates the opportunity of a deeper exploration of the concept of "intersectionality" and its implications for programme and project design and implementation.

> **Box 8: What is "intersectionality" in international human rights?**
>
> *"The UN Human Rights Office has described intersectionality as the consequence of two or more combined grounds of discrimination. The concept also addresses the manner in which these combined factors contribute to creating lawyers of inequality".*
>
> **OHCHR, 'Gender Discrimination, Racial Discrimination and Women's Human Rights'**
> **https://www.ohchr.org/EN/NewsEvents/Pages/GenderNormsAndRacism.aspx,**

---

[36] See ACFID Code Quality Assurance Framework Compliance Indicator 1.2.1 which challenges members to "demonstrate an organisational commitment to the inclusion and representation of those who are affected by the intersecting drivers of marginalisation and exclusion".

> *"The distortions of opportunity and personal progress that discrimination introduces is never down to just a single dimension of our identities. For those most affected by discriminatory practices, it is always multiple and intersecting forms of discrimination that create the most intricate, sticky, choking web of deprivation, of denial of rights, which in turn hinders, undermines, obstructs, oppresses."*
>
> **Kate Gilmour, Deputy UN High Commission for Human Rights, September 2017.**

A further, and related, point raised in the course of the review concerns the way that organisational approaches to human rights issues can be driven and shaped within an organisation by subject specialists and "issue champions". This can lead to certain issues getting more management attention than others, sometimes resulting in a certain unevenness in levels of awareness of issues within the organisation, in the way that they are dealt with internally and in the extent to which corresponding policies are made to keep pace with "best practice". In some ways this is a good problem to have, especially if subject specialists can assist with a general "levelling up" of approaches in other areas. Again, the creation of an "umbrella" policy on human rights and sustainable and inclusive development, along the lines described above, which is structured by reference to different processes, procedures and tasks relevant to promoting and respecting human rights, and which takes a more cross-cutting approach to different human rights issues (see section 3.3.2 above, and also Part 4 below), could potentially help with this.

4. Recommendations for strengthening WWF-Australia's approach to promoting and respecting human rights

Key recommendations arising from this review are as follows.

Recommendation 1: Code of Ethical Conduct

Amend the Code of Ethical Conduct to more explicitly locate human rights in WWF-Australia organisational values and decision-making structure (see discussion at section 3.3.1 above). See Box 9 below.

> **Box 9: Suggested amendments to the Code of Ethical Conduct**
>
> 3.5 Decision making should be guided by
>
> - ✓ Respect for internationally-recognised human rights and the essential dignity of each and every person;
> - ✓ An active concern for the well-being of all people, and their communities and the environments in which they live;
> - ✓ WWF's commitment to the provision of a challenging and safe workplace in which people can flourish.
>
> And in section 4.7 add in a further bullet point, i.e.
>
> - Understand the social, cultural and political contexts in which we work and apply that knowledge in a way best calculated to avoid the risk of harm to people;

And in 6.10 add in two further bullet points, i.e.

- ✓ anticipates the possible impacts on people of different decisions and courses of action in light of surrounding contexts;
- ✓ respects internationally recognised human rights and the essential dignity of each and every person.

Also clarify what is meant by "society's ethical standards" in 6.10. Are internationally-recognised human rights standards intended to be covered here? If so, this could be made clearer.

Finally, it might be useful for readers who are not human rights specialists to either cross refer to the definition of human rights that appears in section 2.1 of the 'Policy on Human Rights and Working with Marginalised Groups and Vulnerable People' (or its replacement, see immediately below) or incorporate that definition here.

Recommendation 2: Structure of policies

Restructure the present "human rights suite" of policies along the lines set out in Box 10 below.

Box 10: Suggested changes to present structure of human rights-related policies

I: GENERAL POLICY

- ❖ **Code of Ethical Conduct** (see Box 9 above)

II: "HUMAN RIGHTS SUITE" …

- ❖ **Policy on Human Rights and Sustainable and Inclusive Development** (see Box 11 below for suggestions as to content);
- ❖ **Policy on Equality and Non-Discrimination** setting out WWF-Australia's approach and advice to staff on incorporating gender perspectives into programme and project design and implementation, supporting and promoting the rights of people living with disabilities, supporting and promoting the rights of indigenous people and analysing and addressing challenges relating to "intersectionality".

III: OPERATIONAL SAFEGUARDS

- ❖ **Child Protection Policy**
- ❖ **PSEA**
- ❖ **Policy on Working in Challenging Contexts.** This would take as its starting point the approach to "high risk" projects set out in the WWF ESSF and the WWF EES 'Response Protocol for Human Rights Abuses', with suitable adaptations for the Australian context and to reflect the human rights risks of conservation projects undertaken by WWF Australia, both within the country and abroad. This policy would include guidance on engaging with State agencies, see section 2.3.2 above, and a rapid response protocol setting out the actions to be taken in the event of discovery

or, or allegations of, serious human rights abuses[37] connected with the activities of WWF Australia or project partners.

FURTHER NOTES: (1) These policies should not be regarded as free-standing, but interoperable. (2) The 'Policy on Working in Challenging Contexts' could be augmented, over time, with country-specific guidance developed with appropriate input from suitably qualified country specialists, close engagement with local partners, as well as WWF-Australia staff with first hand field experience of the relevant jurisdiction. Such country-specific guidance should be regularly updated to respond to changing circumstances and risks and to reflect experience and knowledge gained in the field.

Box 11: Suggested content to be covered in a new 'Policy on Human Rights and Sustainable and Inclusive Development'

- ❖ WWF-Australia's approach to human rights and conservation.
- ❖ Relevant international standards.
- ❖ Relevant WWF-Australia standards and approach (see Box 10 above).
- ❖ How to apply those standards in different contexts, e.g. with respect to …
    - o Programme and project design;
    - o Risk assessment;
    - o Monitoring of risks and effectiveness of risk mitigation (includes ethical standards as regards data collection and protection);
    - o Monitoring of effectiveness of capacity building exercises; and strategies to maximise and preserve benefits;
    - o Stakeholder and partner engagement (before, during and after implementation);
    - o Responding to and handling complaints (including policy on escalation to network level mechanisms under wwf ESSF, e.g. WWF Ombudsman);
    - o Project and programme evaluation and "continuous learning";
    - o Reporting, openness, transparency, dissemination of "lessons learned";
    - o Engaging with State agencies (e.g. regulators, law enforcement etc);
    - o Response protocol in the event of allegations of, or discovery of, serious human rights abuses;
    - o Monitoring progress in promoting human rights.

FURTHER NOTES: (1) Each of the above would draw appropriately from the WWF ESSF (with suitable adaptations for the Australian context and to reflect the human rights risks of conservation projects undertaken by WWF Australia both within the country and abroad), as well as from other applicable standards, particularly the ACFID Code (see Box 3 above). (2) The substance of this Policy would need to be closely aligned (and would need to remain closely aligned) to the WWF PPMS (see Recommendation 5 below).

---

[37] The WWF EES 'Response Protocol for Human Rights Abuses' defines these as "allegations related to loss of life, loss of liberty, attacks on persons, torture, degrading treatment or other forms of discrimination".

Recommendation 3: Complaints processes

To the extent permitted by WWF network level guidance and approaches, and in consultation with representatives of prospective user groups

- **streamline and consolidate complaints and feedback processes** to remove potential overlaps and inconsistencies between different mechanisms and to make them easier for potential users to navigate;
- continue to investigate and invest in options for **improving accessibility of complaints and feedback mechanisms** to stakeholders**;**
- develop an easily understandable and easily translatable **guide for users** of complaints and feedback mechanisms, setting out clearly **where to go for help** with respect to different kinds of issues, "**what to expect**" and the action to take if people are unhappy with the outcomes of processes. **Display the guide prominently** on WWF-Australia web-site and **disseminate it proactively** through other channels.

Recommendation 4: Engagement with WWF ESSF system

Engage closely with WWF network level institutions responsible for rollout of the WWF ESSF and its continued development in order to ensure that

- WWF network level guidance and learning is appropriately integrated into WWF-Australia internal functions and processes; and
- WWF-Australia polices and practices – as well as "lessons learned" from ongoing risk monitoring, project evaluation, and stakeholder feedback and complaints processes – are a source of continuous learning for the WWF ESSF system.

Recommendation 5: WWF-Australia PPMS

Review and refresh the WWF-Australia PPMS with a view to

- Supporting and encouraging greater systematisation of human rights risk assessment of WWF-Australia projects;
- Ensuring rigorous managerial supervision of higher risk projects (i.e. from a human rights perspective), while expediting the planning and approval process for smaller, lower risk projects;
- Providing more guidance to WWF-Australia staff as to
    - the human rights risk factors to take into account in categorising proposed projects into different risk types (e.g. low to high risk);
    - the planning that will need to be undertaken and the monitoring and mitigation and reporting measures that will need to be put in place for projects of different risk levels in order to address the human rights risks identified;
    - how and when to evaluate the effectiveness of human rights risk mitigation and monitoring measures;
    - how to identify opportunities for creating and enhancing positive human rights outcomes; and
    - how to evaluate the effectiveness of activities, measures and features of projects aimed at achieving "progressive realisation" of human rights.
- Ensuring that the insights gathered as a result of the above processes are a source of continuous learning for WWF-Australia and are used to progressively improve WWF-

Australia policies aimed at human rights risk management and embedding "rights-respecting" approaches within the organisation.