



To: House Committee on Natural Resources Republican Members
From: Subcommittees on Water, Oceans, and Wildlife and Oversight & Investigations Republican Staff; Kiel Weaver (Kiel.Weaver@mail.house.gov) and Sang Yi (Sang.Yi@mail.house.gov)
Date: October 25, 2021
Subject: Remote Oversight Hearing on “*Promoting Human Rights in International Conservation*”

The Subcommittee on Water, Oceans, and Wildlife will hold a remote hearing on “Promoting Human Rights in International Conservation” on **Tuesday, October 26, 2021, at 10:00 a.m. EDT** via Cisco WebEx.

Member offices are requested to notify **Annick Miller** or **Meghan Holland** by **4:30 p.m. EDT on Monday, October 25, 2021**, if their Member intends to participate from his/her laptop in 1324 LHOB or from another location. Submissions for the hearing record must be submitted through the Committee’s electronic repository at HNRCDOcs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Using species conservation work as justification for violations of human rights is unacceptable, especially at the cost of U.S. taxpayer dollars.
- The Committee’s multiyear, bipartisan investigation revealed the Department of the Interior’s (DOI) inadequate oversight of international conservation grants.
- As a focus of the Committee’s investigation, the World Wildlife Fund (WWF), illustrates the need for greater accountability of grant funds used by conservation organizations.
 - WWF received funds specifically to support ecoguards.
 - WWF’s internal reports document the human rights abuses committed by ecoguards, including torture, rape, and extrajudicial murder.
 - WWF failed to share internal investigations of allegations of human rights abuses with DOI.
- DOI lacks the ability to accurately track funds dispersed through international conservation grants. DOI’s inability to account for funds dispersed through its international conservation grants heightens the concern that taxpayer dollars inadvertently fund human rights abuses. It is unclear if the Biden Administration is continuing the prior Administration’s oversight reforms.



II. WITNESSES

- Mr. John Knox, Former Special Rapporteur on Human Rights and the Environment (2015-2018), United Nations Human Rights, Office of the High Commissioner and Professor of Law, Wake Forest University, Winston-Salem, North Carolina [*Republican Witness*],
- Ms. Ginette Hemley, WWF-US Senior Vice President of Wildlife Conservation, Washington, DC
- Ms. Joan Carling, Indigenous Activist, Co-convenor of the Indigenous Peoples' Major Group for Sustainable Development-IPMG, Cordillera, Phillipines
- Mr. Kaddu Sebunya, CEO, African Wildlife Foundation, Uganda

III. BACKGROUND

Bipartisan Investigation Timeline

In March 2019, BuzzFeed published a series of articles exposing World Wildlife Fund's (WWF) funding of eco-paramilitary forces, who committed human rights violations including torture, rape, and extrajudicial killings in parts of Africa and Asia.¹ Subsequently, the House Committee on Natural Resources (the Committee) initiated a bipartisan investigation into whether taxpayer dollars inadvertently funded human rights abuses.

In May 2019, the Committee sent a bipartisan request to the Government Accountability Office (GAO) to review federal funds supporting anti-poaching efforts and the oversight mechanisms to prevent taxpayer funds from inadvertently supporting human rights abuses.² In July 2019, following a bipartisan briefing from the U.S. Fish and Wildlife Service (FWS), the Committee sent a bipartisan letter to the Department of the Interior (DOI) requesting information about DOI's administration of international conservation grants.³

The Committee also requested documents from WWF on a bipartisan basis. In response, WWF provided the Committee with multiple briefings and four reports, each of which detailed internal investigations conducted at parks that WWF operates in Africa. Additionally, WWF provided Committee staff a fifth report to review, but did not allow staff to retain a copy of the report,

¹ See Katie J.M. Baker and Tom Warren, *WWF Funds Guards Who Have Tortured and Killed People*, BUZZFEED (Mar. 4, 2019), <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death>.

² Letter from Rep. Raúl Grijalva, Chair, H. Comm. on Nat. Res. and Rep. Rob Bishop, Ranking Republican, H. Comm. on Nat. Res., to Hon. Gene Dodaro, Comptroller General, U.S. Gov't Accountability Office (May 6, 2019) available at https://republicans-naturalresources.house.gov/UploadedFiles/05-06-2019_BishopGrijalva_ComptrollerGeneral_WildlifeTrafficking.pdf.

³ Letter from Rep. Raúl Grijalva, Chair, H. Comm. on Nat. Res. and Rep. Rob Bishop, Ranking Republican, H. Comm. on Nat. Res., to Hon. David Bernhardt, Sec'y, Dep't of the Interior (July 23, 2019) available at https://republicans-naturalresources.house.gov/UploadedFiles/07-23-2019_BishopGrijalva_DOI_WWFDocRequest.pdf.

which detailed investigations into allegations of severe human rights abuses committed at Salonga National Park in the Congo from 2002 to 2019.⁴

Responding to the Committee’s requests for information, DOI produced 99 documents in September 2019.⁵ DOI noted that the allegations of human rights violations being funded by the U.S. government “raise questions about both the adequacy of the controls in place to effectively and transparently monitor the use of U.S. taxpayer resources that support conservation and trafficking goals”⁶ As a result of the Committee’s investigation, DOI initiated a programmatic review of international conservation grants, primarily those with law enforcement, ecoguard, or intelligence gathering components.⁷ Ultimately, DOI withheld \$12.3 million in Fiscal Year 2018 funds for certain international conservation grants.⁸ As of July 2020, all new funding from the FWS International Affairs office remained on hold.⁹

In September 2020, then-DOI Deputy Secretary Kate MacGregor published a 16-page memorandum which concluded that “additional controls are necessary in order to ensure taxpayer funds are spent responsibly and consistently with all laws, rules, and regulations and no further funding may be awarded until such deficiencies are corrected.”¹⁰

In October 2020, GAO released its report on agencies’ enforcement mechanisms to prevent human rights abuses and procedures to address related allegations.¹¹ GAO’s audit found that funds appropriated to FWS are not subject to Leahy vetting.¹² “Leahy vetting” refers to statutory provisions, including under the Foreign Assistance Act, that prohibits the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights.¹³ GAO also found that FWS officials were unaware of some the allegations raised by the media.¹⁴

⁴ Investigation of the Alleged Cases of Abuses of Human Rights Committed by the Park Rangers of Salonga National Park During Patrols from 2002 to 2019 (Dec. 2019).

⁵ Letter from Susan Combs, Assistant Sec’y Pol’y, Mgmt., & Budget, U.S. Dep’t of the Interior, to Rep. Raúl Grijalva, Chair, H. Comm. on Nat. Res. (Sept. 17, 2019) available at https://republicans-naturalresources.house.gov/UploadedFiles/09-17-2019_DOI_Bishop_WWF.pdf.

⁶ *Id.*

⁷ *Id.*

⁸ Email from Office of Congressional Affairs, U.S. Dep’t of the Interior, to H. Comm on Nat. Res. Staff (Sept. 30, 2019, 11:05 EST) (on file with author).

⁹ U.S. GOV’T ACCOUNTABILITY OFF., GAO-21-139R, COMBATTING WILDLIFE TRAFFICKING: AGENCIES WORK TO ADDRESS HUMAN RIGHTS ABUSE ALLEGATIONS IN OVERSEAS CONSERVATION PROGRAMS (2020) available at <https://www.gao.gov/assets/gao-21-139r.pdf> at 5.

¹⁰ U.S. DEP’T OF THE INTERIOR, MEMORANDUM FROM HON. KATE MACGREGOR, DEPUTY SEC’Y, TO ASSISTANT SEC’Y, FISH AND WILDLIFE SERVICES (Sept. 18, 2020) available at https://www.scribd.com/document/477487815/DOI-Letter-Grants-Funding-Conservation-Groups?secret_password=zLeD2yPeoJsEs41isAvN at 14.

¹¹ *Supra* note 9 at 2.

¹² *Id.* at 4.

¹³ 22 U.S.C. § 2378d.

¹⁴ *Supra* note 9 at 5.

IV. INVESTIGATION FINDINGS

Examples of Human Rights Abuses

WWF's internal reports document human rights abuses between 2002 and 2019. Five reports detailed 44 instances of violations of human rights. Examples of documented abuses against indigenous people include:

- Four women, two of whom were pregnant, were beaten and raped by ecoguards.¹⁵
- Ecoguards forced a young man to eat raw bush meat causing him serious illness, from which he died six months later.¹⁶
- A man was arrested based on an ecoguard's assumption that the man was engaged in poaching based on his ability to purchase a new motorbike. The man spent four days in a cell filled with water up to his chest. Each night guards "tied a cord to his manhood and passed it through a pulley and each time they asked him a question and he did not say what they wanted to hear, they pulled the cord and it stretched his manhood."¹⁷
- A mother and daughter were gang raped by ecoguards in front of children.¹⁸
- After being falsely informed that a farmer's family was in possession of a weapon, ecoguards burst into the farmer's home, beat all the members of the household, raped the farmer's wife, and imprisoned the farmer and his father.¹⁹
- A man was detained for three days, tied up with vines, and beaten after he had gone fishing.²⁰

These examples are representative of the human rights abuses documented in WWF's internal reports, as well as those raised by human rights organizations such as Rainforest Foundation UK and Survival International. WWF's investigations only examined reported allegations of human rights abuses. Although WWF attempted to implement an improved reporting mechanism, most indigenous people and local communities without telephone or email accessibility cannot use the reporting mechanism, which requires these modes of communication.²¹

WWF Received U.S. Funding and Supported Ecoguards

Documents produced by WWF also revealed the funding that the U.S. government provided to the organization. Between January 1, 2004, and July 23, 2019, WWF-US received \$333,270,095 in grants from DOI and other federal agencies, averaging \$21 million in taxpayer funds annually

¹⁵ INVESTIGATION REPORT ON THE SALONGA NATIONAL PARK (Draft Report, March 2019) at 9.

¹⁶ PAUL CHIY, INDEPENDENT ASSESSMENT OF THE ALLEGATIONS OF HUMAN RIGHTS ABUSE BY RANGERS IN CAMEROON AND OF DEPRIVATION OF INDIGENOUS PEOPLES' ANCESTRAL RIGHTS (Final Report, January 2018).

¹⁷ *Id.*

¹⁸ *Supra* note 4 at 58.

¹⁹ *Supra* note 16.

²⁰ *Supra* note 4 at 51-52.

²¹ *Embedding Human Rights in Nature Conservation: From Intent to Action* (Nov. 17, 2020) available at https://wwfint.awsassets.panda.org/downloads/independent_review_independent_panel_of_experts_final_report_24_nov_2020.pdf at 13.

during a 15-year period.²² FWS funds attributed to \$18,135,528 of total grants awarded to WWF-US during that time period.²³ Nearly half of the total amount of U.S. government grants awarded to WWF-US from 2004 to 2019, \$156,893,999, was distributed through grants that wholly or partially supported anti-poaching or park management activities that supported armed rangers or law enforcement officers.²⁴ Out of that amount, \$9.9 million were specifically designated for the support of armed rangers or law enforcement officers.²⁵ Supporting ecoguards included paying their salaries and bonuses, as well as providing training and equipment.²⁶

While WWF may not directly employ ecoguards, WWF did significantly support their operations. Several of the internal reports acknowledged the active role WWF played in supporting ecoguards. For example, one report noted that WWF offered “very considerable technical, logistical, and financial support to the MINFOF [the Cameroonian government’s security force].”²⁷ Another report highlighted that “WWF is closely engaged in supporting wildlife crime enforcement activities through support to ecoguards.”²⁸

In addition to spurring the Committee’s investigation, BuzzFeed’s reporting led WWF to conduct an independent review of their organization. Mr. John Knox, the Republican witness for this hearing, served as one of the panelists to produce the Independent Report. Through its examination of WWF, the panel discovered evidence of WWF supporting ecoguards in Cameroon, the Democratic Republic of Congo, the Central African Republic, and the Republic of Congo.²⁹

DOI Lacks Oversight and Accountability Mechanisms

As highlighted by then-Deputy Secretary MacGregor’s memo, DOI lacks the accountability and oversight mechanisms necessary to monitor international conservation grants. Ms. MacGregor’s oversight concerns included the need for independent audits, creating a reporting mechanism for human rights violations, and transparency into sub-recipients of government grants.³⁰

²² Letter from Ginette Hemley, Sr. Vice President, Wildlife Conservation, WWF to Rep. Raúl Grijalva, Chair, H. Comm. on Nat. Res., and Rep. Rob Bishop, Ranking Republican, H. Comm. on Nat. Res. (July 23, 2019) (on file with the Committee).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ See Budget Justification, WWF-US (Sub-grant to African Parks Network – Odzala-Kokoua National Park) “EcoGuards (110) 32% of \$321.75/each per month support by USFWS”; Budget Justification, WWF-US, (Sub-grant to WWF-Gabon – Souanke Panhandle Forestry Concession: “The following field running costs will be funded 21% by USFWS and 79% WWF. All of this funding is transferred to Ouesso bank and managed in the field by WWF & MEF and administered by WWF. Eco guard salaries ... Eco-guard performance bonus”) available at https://republicans-naturalresources.house.gov/UploadedFiles/Footnote_26_Budget_Justifications.pdf.

²⁷ Diel Mochire Mwenge and Joseph Itongwa Mukumo, *Analysis and Participatory Evaluation of the Implementation of WWF Human Rights Strategies and Principles at Selected Sites Around the Lobeke, Boumba Bek and Nki National Parks in Cameroon, Final Report, (April 2015) at 50.*

²⁸ *FPIC in Messok Dja: A report and assessment by FPP for WWF on the free, prior and informed consent process undertaken in respect of the proposed Messok Dja protected area in Republic of Congo*, FOREST PEOPLES PROGRAMME (June 5, 2019) available at https://d2ouvy59p0dg6k.cloudfront.net/downloads/final_messok_dja_report_with_french_exec_sum.pdf at 5.

²⁹ *Supra* note 21.

³⁰ *Supra* note 10 at 9-11.

As evidenced by FWS’s unawareness of relevant allegations, WWF and other partner organizations fail to notify DOI of the existence of their internal investigations documenting human rights violations.³¹ Additionally, DOI’s monitoring processes inadequately rely on auditors paid by WWF to determine whether grant funds were used to support human rights abuses.³² As noted in the GAO report, FWS was not aware of some allegations of human rights abuses reported in the media. In fact, allegations of human rights abuses “caught officials at multiple federal agencies by surprise.”³³

The challenges DOI faces, due to weak oversight mechanisms, are exacerbated by WWF’s extensive use of sub-grantees. Documents produced by WWF to the Committee show clear evidence that WWF almost always subgrants government grants they are awarded. The primary recipient of subgrants is the World Wildlife Fund for Nature (WWF International).³⁴ This practice created a chain of irresponsibility and led to WWF-US shirking responsibility for how subgrantees utilized U.S. taxpayer funds, including a denial of responsibility for the abuses perpetrated by ecoguards.

Additionally, the fungibility of funds raises concerns, especially given DOI’s lack of past oversight and accountability measures. For example, while WWF explicitly receives U.S. government grants to pay salaries and bonuses of ecoguards,³⁵ WWF and its non-profit partners appear to endeavor to also arm ecoguards. In an application for funding, WWF noted that previous DOI funds led to improvements in law enforcement effectiveness but highlighted the need for firearms and ammunition.³⁶ The Department’s Notice of Funding Opportunities (NOFOs), however, prohibit the purchase of firearms or ammunition.³⁷

A DOI’s Office of Inspector General (OIG) report also compounds concerns about FWS’s ability to track the use of taxpayer funds. The OIG found that FWS International Affairs grant management specialists repeatedly failed to evaluate whether grant recipients’ financial management systems properly complied with federal laws and regulations.³⁸ The OIG noted that if a partner organization’s financial system does not comply with federal requirements, there is “no assurance that Federal awards are being managed properly.”³⁹ The demonstrated

³¹ See *supra* note 9 at 5 (“an FWS official in the field told us FWS was unaware of any human rights abuses by park rangers, and headquarters officials told us that they were unaware of some of the allegations raised by BUZZFEED NEWS).

³² *Supra* note 5.

³³ Michael Doyle, *Audit: Alleged Abuse by FWS Grant Winners Surprised Agencies*, E&E NEWS (Oct. 2, 2020), <https://www.eenews.net/stories/1063715401>.

³⁴ *Supra* note 22.

³⁵ *Supra* note 26.

³⁶ CONNECTING CONSERVATION: WILDLIFE CORRIDORS & CORE AREAS IN THE SANGHA TRI-NATIONAL LANDSCAPE AND NORTHERN CONGO, *African Parks Network, Wildlife Conservation Society, & WWF Application for Funding* (May 2018).

³⁷ *Supra* note 5.

³⁸ OFFICE OF INSPECTOR GENERAL, U.S. DEP’T OF THE INTERIOR, 2018-FIN-007, ISSUES FOUND WITH THE AWARD AND MONITORING OF FINANCIAL ASSISTANCE AGREEMENTS MADE BY THE FWS INTERNATIONAL AFFAIRS PROGRAM (2018) available at https://www.oversight.gov/sites/default/files/oig-reports/FinalInspection_FWSInternationalAffairs_072618.pdf at 6.

³⁹ *Id.* at 6-7.

accountability and oversight weaknesses in the office responsible for managing international conservation grants raise serious questions about DOI's ability to ensure taxpayer dollars do not continue to inadvertently fund human rights abuses.

WWF's Response

The Independent Report also affirmed WWF's responsibility for upholding human rights, and highlighted WWF's complex structure as a cause of confusion when determining which portion of the organization was responsible for implementing and monitoring social policies and commitments to human rights.⁴⁰

WWF may seek to highlight its response to the Independent Report, noting the adoption of new safeguards, the creation of the Office of the Independent Ombudsperson, and the implementation of human rights trainings for ecoguards.⁴¹ WWF may also raise an example of ending its support of field patrols in Salonga National Park, after the discovery of a dead person.⁴² Mr. Knox, however, will likely question WWF's response to the Independent Report and the effectiveness of the newly implemented safeguards. Mr. Knox may suggest that WWF should add more clear accountability measures, which include assigning responsibility of ensuring compliance with human rights.

WWF may also note that only a small percentage of the total funding they receive goes towards supporting armed law enforcement. The percentage of funding, however, does not reduce WWF's responsibility for ensuring our taxpayer dollars are spent appropriately. WWF may also disagree with the contents of then-Deputy Secretary MacGregor's memorandum and showcase their implementation of new environmental safety and social safeguards.⁴³ However, other witnesses may voice concerns that there is a risk of continuing atrocities.

V. NEXT STEPS

Although WWF was the focus of the bipartisan investigation, they are not the sole cause for concern in the field.⁴⁴ Implementation of accountability measures for international conservation grants will ensure that all future grant recipients do not support ecoguards engaged in human

⁴⁰ *Supra* note 21 at 3, 11.

⁴¹ Press Statement, WWF, *Embedding Human Rights in Conservation* (Nov. 24, 2020), https://wwfint.awsassets.panda.org/downloads/1_ir_wwf_statement.pdf.

⁴² Press Release, WWF, *WWF Statement on Salonga National Park in the DRC* (Dec. 11, 2019), https://wwf.panda.org/wwf_news/press_releases/?357073%2FWWF-statement-on-Salonga-National-Park-in-the-DRC.

⁴³ Letter from Alejandro Perez, Senior Vice President, Policy and Gov't Affairs, World Wildlife Fund to Rep. Raul Grijalva, Chair, H. Comm. on Nat. Res. and Rep. Rob Bishop, Ranking Member, H. Comm. on Nat. Res. (Oct. 6, 2020) (on file with Comm.).

⁴⁴ See Aili Pyhälä, Ana Osuna Orozco, & Simon Counsell, *Protected Areas in the Congo Basin: Failing Both People and Biodiversity?* RAINFOREST FOUNDATION UK (April 2016) (discusses allegations of human rights abuses in parks supported by WWF, Wildlife Conservation Society (WCS), and African Parks Network) available at [protected-areas-in-the-congo-basin-failing-both-people-and-diversity-english.pdf](#); Inès Ayari & Simon Counsell, *The Human Cost of Conservation in Republic of Congo*, RAINFOREST FOUNDATION UK (Dec. 2017) (describes allegations of human rights abuses in parks supported by WCS) available at [the-human-impact-of-conservation-republic-of-congo-2017-english.pdf](#).

rights abuses. While the Trump Administration's DOI actively sought improved oversight mechanisms and initiated an internal review of Department practices, and ultimately paused funds, it is unclear how the Biden Administration is addressing the highlighted gaps in oversight. Should the Committee choose to hold subsequent hearings on this topic, the Biden Administration's FWS will likely be invited to appear as a witness.

This will be the first congressional hearing on this issue. Nearly two years ago, then-Ranking Member of the Committee Rob Bishop requested that Chairman Grijalva hold an oversight hearing on this investigation and a legislative hearing on H.R. 5493, which would have prohibited FWS from awarding grants to entities that fund or support gross violations of human rights.⁴⁵

⁴⁵ Letter from Rep. Rob Bishop, Ranking Republican, H. Comm. on Nat. Res., to Rep. Raúl Grijalva, Chair, H. Comm. on Nat. Res. (Dec. 20, 2019) available at https://republicans-naturalresources.house.gov/UploadedFiles/2019-12-20-Bishop_to_Grijalva_re_Hearing_about_Intl_Conservation_Grants.pdf.