

Natural resources, human rights, and corruption: What are the connections?

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Key takeaways

- » **In whatever form it takes, corruption is a human rights issue.** Corruption negatively impacts the enjoyment of all human rights, including the right to development and rights related to the enjoyment of a safe, clean, healthy, and sustainable environment.
- » **Identifying the links** between corruption offenses and related crimes in the renewable natural resource sectors and human rights, including of communities affected by those crimes, helps to reframe corruption as a public issue, as a legitimate subject of international concern and to reinforce the notion that such crimes are not victimless crimes. It also helps deepen understanding and inform appropriate recommendations to governments for reforms.
- » **Human rights complement criminal justice approaches**, and global human rights agreements **provide a framework that can help address some corruption violations beyond borders.**
- » **A mutually supportive approach is required between the conservation, human rights and anti-corruption agendas**, particularly as a means to counter those States that benefit from keeping separate the systems for accountability regarding environmental protection and human rights.
- » **The international human rights mechanisms and processes** provide a range of entry points, either thematic or by country, to advance a rights-based approach to corruption-related environmental crimes.

The challenge: The nexus of corruption, natural resource-related crimes, and human rights

Corruption undermines the realization of human rights and may also constitute a human rights violation in itself. Using two examples, this brief explores how examining corruption through a human rights lens might deepen understanding of the impact of corruption on conservation and natural resource management outcomes, and provide avenues for addressing corruption.

Over the last decade, human rights experts and activists have developed greater understanding of the linkages between human rights and the natural environment and of the negative impact of corruption on the enjoyment of human rights (e.g., UN 2015; UN 2018). More than 100 States have recognized the human right to a healthy environment.¹ However, crimes in the natural

¹ UN Human Rights Council, Resolution 37/8 on human rights and the environment, adopted 22 March 2018. Further resolutions have addressed specific elements of the right to a safe, clean, healthy and sustainable environment including, for example, recognition and protection of environmental human rights defenders (Human Rights Council resolution 40/11, adopted on 2 April 2019)

resource management (NRM) sector, facilitated by [various forms of corrupt practices](#), result in well-documented harm to the environment that threatens this right.²

Corruption is often embedded in NRM systems themselves (Kolstad et al. 2009). Weak institutions, along with lack of transparency, oversight, and accountability, contribute both as cause and consequence of corruption. Furthermore, environmental crimes, facilitated by corruption, often take place within a complex landscape influenced by social, political, and historical factors including, for example, the legacy of colonialism, human rights violations, and unresolved conflicts over access and tenure rights.

A comprehensive and holistic response to environmental crime requires understanding these factors: how crime, corruption, human rights violations, and social injustice function and interrelate. Put another way, approaching environmental crime and related corruption solely from a criminal justice perspective likely will omit the role that other factors, such as human rights violations and abuses, may have played in contributing to the context or that may result as a consequence. If the full scope of problems that are simultaneously causes and/or products of environmental crime and related corruption escape effective analysis, efforts to remedy the situation are likely to be incomplete. Understanding the broader context including the links between a safe environment and human rights,³ including rights to access to information, participation, and justice in environmental matters,⁴ reframes the challenge and provides insight into legal and policy linkages and advocacy entry points for addressing corruption.

As one example, the situation of illegal abalone

Definitions

Human rights-based approach: A focus on the harms and adverse impacts on rights of an individual or community, seeking to understand and address the underlying structural flaws that undermine those rights. In anti-corruption, a human rights-based approach can help move the analysis, critique, and remedy from solely criminal justice to include social justice and promotion and protection of rights.

UN Special Rapporteur: An independent human rights expert appointed by and reporting to the main human rights body of the UN, the [Human Rights Council](#), and also to the General Assembly, the main deliberative, policy-making, and representative organ of the UN. They report and advise on their mandated themes or countries, such as [human rights obligations](#) relating to the enjoyment of a safe, clean, healthy, and sustainable environment.

harvest and trade (Box 1) shows how environmental crime facilitated by corruption is driven by human rights violations and social injustice, with consequences for the rights of the local community members as well as for the sustainability of the natural resource.

The history of the abalone trade in South Africa, as illustrated in Box 1, demonstrates the limits of a criminal justice approach to addressing environmental crime. Underlying corruption and historical injustices create conditions in which human rights are violated, and yet a criminal justice approach could theoretically arrest and

² See, for example, Downs 2013; Musing et al. 2019; Williams et al. 2016; also, UN resolutions on “Tackling illicit trafficking in wildlife”, adopted by the General Assembly: A/RES/69/314, 30 July 2015; A/RES/70/301, 9 September 2016; A/RES/71/326, 11 September 2017; A/RES/73/343, 16 September 2019.

³ For example, links between the environment and the rights to food, health or work, and links with the Universal Declaration of Human Rights Article 7 (all are equal before the law, all are entitled without discrimination to equal protection of the law) and Article 9 (No one shall be subjected to arbitrary arrest, detention, or exile).

⁴ Rio Principle 10, the Aarhus Convention and the Escazú Agreement are examples of agreements regarding procedural rights on access to information, participation, and justice in environmental matters.

Box 1: History of the illegal abalone harvest and trade in South Africa

This case study illustrates the links between natural resource-related crime, corruption, discrimination and human rights. It can be read in parallel to the body of the brief which elaborates on themes and issues identified in the example.

Abalone is a high-value species that supports the local economies of small-scale fisher communities. However, it is also subject to small-scale poaching as well as large-scale overfishing by organized criminal networks. Illegal abalone collection and trade surged in the late 1990s and early 2000s. Corruption facilitated the illegal collection and trade, from leakage of seized abalone and vessels, to corrupt law enforcement officers helping, ignoring, or taking part in poaching activities (Chelin 2018; De Greef and Raemaekers 2014; Isaacs and Witbooi 2019; Sundstrom 2015). Understanding the socio-political history behind the legal abalone fishery gives insight into the structural factors that have enabled corruption, environmental crime, and the pervasive violation of human rights. Each reinforces the other and, as evidenced by the continuing existence of the trade, a criminal justice response by itself will not end illegality in this fishery.

Apartheid-era fisheries policies discriminated against local fisher communities on grounds of race (Isaacs and Witbooi 2019), a clear violation of a core human right of non-discrimination. Corruption facilitated the policies; The Department of Agriculture, Forestry, and Fisheries (DAFF) was “‘captured’ by private interests, ranging from tenderpreneurs [actors who use their connections to inappropriately secure government contracts] to abalone poaching syndicates” (de Greef 2018). Reform was slow, which helped open space for criminal organizations to recruit local fishers excluded from official fishing rights but who felt entitled to such rights due to generations of fishing work (Okes et al. 2018).⁵

“ Both my grandfathers were fishermen. I actually grew up surviving out of the fishing industry, ...The situation will stay the same, and it will produce more poachers ... they will never look into the fact of the injustices of the past. ”

– Young man who began running bags of poached abalone into Hanberg, a fishing community in Cape Town, South Africa, at age 17 (Okes et al. 2018).

Criminal syndicates provided much-needed social assistance in the form of cash advance loans to cover food costs or paying school fees (Isaacs and Witbooi 2019), and poachers also contribute their earnings to the community (Human 2020). However, the criminal syndicates also paid fishers with illegal drugs, further undermining their right to health⁶ in an already precarious fishery. As a result, residents generally defend poachers against law enforcement agencies, criminal syndicates and drug merchants have become more powerful in fisher communities, and fishers have become dependent on illegal resource extraction and, in some instances, drugs (Muchapondwa et al. 2014; Okes et al. 2018).

⁵ In some instances, therefore, abalone poaching can be seen as a form of resistance against discriminatory policy, creating criminality. Motivations for illegal harvesting of natural resources include, *inter alia*, commercial gain, livelihood and food security, rebellion against authorities, disagreement with specific regulations protection of self and property, and / or status enhancement (Kahler and Gore 2012; Muth and Bove 1998; Phelps et al. 2016)

⁶ Voluntary – albeit uninformed – drug consumption is, nonetheless, regarded as undermining the right to health. See [Right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#), or [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover](#)

imprison fishers for breaking the law. Though this would further worsen their prospects and the socio-economic status of their families, and despite the clear injustices of the situation facing fishers, the illegal abalone trade is generally framed as an illegal wildlife trade (IWT) problem and not as a human rights issue. Until the drivers of environmental crimes and the corruption that facilitates them are addressed, there will be a long queue of marginalized and disadvantaged members of society willing to take their chances.

Understanding how human rights violations are

intertwined with abalone fishing in South Africa, functioning as cause and consequence of the poaching and overfishing in the industry, gives some insight into why (Box 2). The problems facing these fishing communities run deep, and each problem affects the other. Illegality is spurred by poverty, food insecurity, and a lack of livelihood options, options which were limited by discriminatory policies and underlying corruption.

Identifying the links between corruption and human rights reframes corruption as a direct harm to the individual, to communities, and to wider

“ There are a lot of people who have come out of housebreaking here and they’re working peacefully now in poaching. There are no jobs in Kleinmond; it’s a small town... I’ve been poaching for many years and this is how we’re making a living. This is how we support our families. ”

– (Human, 2020)

Box 2: Intersections of human rights violations and illegality

The abalone trade (legal or illegal) functions as “fish for cash,” (Isaacs and Witbooi 2019) providing a livelihood to local communities and contributing to realizing their rights, including the right to food.⁷ Over-fishing of abalone risks the food security of these communities, and with few other livelihood options, fishers and their families face poverty. Living in poverty encompasses more than a lack of income or material resources. A human rights analysis recognizes that it also involves a lack of access to services and social exclusion, it has gendered consequences, and it is a violation of human dignity. The effects of food insecurity as well are not gender neutral: women are more likely to suffer from undernourishment and malnutrition in times of food scarcity. The links between the environment, the right to food, and the need for access to natural resources and water have been recognized by human rights experts (UN 2012).

In addition, overfishing can be facilitated by corruption at each stage in the value chain. Such overfishing, and that resulting from large-scale organized criminal networks, undermines sustainable management of the resource and also denies the State revenue from taxes and other income streams,⁸ thereby reducing resources available to fulfill its obligation to mobilize the maximum available resources for the implementation of economic, social, and cultural rights.⁹

⁷ This human right is established in the Universal Declaration on Human Rights and subsequent treaties. It encompasses the right to adequate nutrition and is recognized as an underlying determinant of the right to health. As stated by the UN Special Rapporteur on the Right to Food, “The fisheries sector can contribute to the realization of the right to food by providing employment and income and sustaining local economies” (UN 2012).

⁸ Okes et al. (2018) claim the illegal harvesting of abalone resulted in the loss of approximately ZAR628 million (about USD 41 million) per annum, should the resource have been legally harvested and traded.

⁹ International Covenant on Economic, Social and Cultural Rights, Art. 2.1.

society. A human rights lens brings into focus the negative impacts of corruption on future hopes and aspirations through preventing the realization of rights to health, education, and so forth. It also expands the understanding of the effects of corruption, reinforcing the notion that natural resource-related crimes are not victimless crimes. This deeper understanding and reframing of the narrative helps create the enabling environment for longer-term systemic change.

South Africa's progressive constitution recognizes the rights of fishers (including to livelihoods and food security), providing a clear path for grounding policies and approaches to eradicating environmental crime in the industry within a human rights-based framework (Isaacs and Witbooi 2019). More generally, a human rights approach in line with international human rights instruments would recognize and protect the link between land issues in realizing various substantive human rights. This could create conditions – for example in the context of addressing extreme poverty or realizing the right to food – to reduce recourse to poaching (and thus reduce criminalization of resource users like fishers) through facilitating community ownership and involvement in the management of the resource. In this way, the steps that States should take to protect human rights can also contribute to tackling corruption and environmental crimes – and any steps States take to stopping corruption and environmental crimes should be in line with their human rights obligations. Building bridges between the environmental, anti-corruption and human rights agendas would bring a particular issue into focus through different perspectives and exert pressure through different, but complementary, policy mechanisms.

What is a human rights-based approach?

A human rights-based approach clarifies the legal obligations of States and businesses, brings attention to those most at risk of human rights abuses, and empowers participation in the design and implementation of solutions (UN 2020). A rights-based approach means working with *duty-bearers*, to strengthen their capacity to meet their human rights obligations, and with *rights-holders*, to ensure they know their rights and how to claim them. It recognizes that people are key actors in their own development, with the right to participate in decisions that affect their human rights, and that holistic approaches are required to address the multifaceted nature of development problems. It also ensures a safe and enabling environment for environmental human rights defenders to undertake their work free from hindrance and insecurity (UN 2019).

Monitoring of States' implementation of the human rights standards to which they are party, and provision of effective remedies for human rights violations, brings transparency and accountability. This requires rule of law as well as appropriate policies and mechanisms and effective institutions to realize rights as legally enforceable entitlements. It also links with the right to seek, receive, and impart information and ideas of all kinds, through any media, which is an essential condition for civic engagement on corruption. This emphasis on transparency and strategic partnerships makes a rights-based approach particularly relevant to anti-corruption work. Further, adhering to human rights principles (especially non-discrimination, participation, and accountability) requires identifying and overcoming obstacles (such as racism and gender discrimination) that make disadvantaged people vulnerable to the impacts of corruption (ICHRP 2009).

How a human rights-based approach can inform and enhance anti-corruption efforts

Human rights and corruption in the context of environmental crimes may be linked in several ways. These include:

- » Where corruption constitutes an obstacle to the full enjoyment of human rights;
- » Where a specific violation of human rights occurs as a result of a corrupt act;
- » Where realization of one or more human rights is essential for addressing corruption;
- » Where measures established to counter corruption violate human rights;
- » Where environmental human rights defenders are targeted in contexts of corruption, anti-corruption activists also are at risk of human rights threats and abuses.

Not all instances of corruption will constitute a human rights abuse, but where they are linked, corruption can precipitate the human rights violation, exacerbate its effects, and form a barrier to justice and remedy (UN 2014). Efforts to address and reduce corruption can prevent some human rights violations (Andersen 2018). In the abalone example, corruption led to reduced availability of the natural resource and to reduced revenue to the State, thereby reducing resources available for realizing the rights of small-scale fishing communities. The criminal justice response resulted in the [over-criminalization of local poachers](#) who are living in poverty and have no other livelihood

options or means of finding adequate food. Put another way, already marginalized victims are further victimized through disproportionate criminal justice responses better suited to higher level criminal, and corrupt, actors. This criminalization exposes them to risks of human rights violations associated with the denial of the right to liberty, further narrows their options, and creates further resentment against the State.

Furthermore, “[b]y integrating a human rights perspective into anti-corruption strategies, the implementation of preventive policies relating to matters such as transparency, affidavits, laws on access to public information, and external controls, becomes an obligation” (UN 2015, para.28).¹⁰ States have recognized a rights-based approach to anti-corruption efforts as necessary to promote supportive and enabling environments for the prevention of human rights violations.¹¹ States have also identified reducing corruption as key to achieving sustainable development, as agreed in the 2030 Agenda (Target 16.5).¹² States failing to act on corruption linked to environmental crimes that are encroaching on people’s rights would be failing to meet their obligations under human rights law to protect the rights of every individual within their jurisdiction (UN 2015).

“It is difficult to find a human right that could not be violated by corruption.”

– (UN 2015, para.17)

¹⁰ The point here is that the act of engaging the international human rights mechanisms is a lever of influence that can be used by activists (Song and Soliman 2019), but it is not a magic wand, and change will happen overnight.

¹¹ For example, in 2012, 134 States issued a joint statement at the 20th session of the Human Rights Council calling for a closer connection between human rights and anti-corruption measures: Cross regional statement by Morocco on “corruption and human rights”, Geneva, 26th June 2012, available in UN OHCHR 2013b.

¹² Also relevant in the context of environmental crimes is SDG target 15(c): “Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.”

In 2018, a UN Special Rapporteur developed *Framework Principles on Human Rights and the Environment*. Guidance for implementation of Framework Principle 12 specifically notes that “States should take effective steps to prevent corruption from undermining the implementation and enforcement of environmental laws” (UN 2018).¹³ Corruption is also identified, in the most recent report of the Special Rapporteur to the UN General Assembly, as a hindrance to the protection of human rights and of biodiversity and healthy ecosystems (UN 2020).

In the context of this high-level of recognition,¹⁴ a human rights-based approach supports anti-corruption efforts in several ways. **A human rights approach can help build understanding of corruption and its effects as a public issue.** Reframing the challenge of countering corruption in the context of environmental crime by bringing attention to human rights harms to the individual, community, and to wider society helps make the human costs of these crimes visible and tangible to all. This approach invites policy makers to start from a different perspective. In the abalone example, this would include raising concerns about communities’ lack of food security and the discriminatory policies that give rise to it, rather than starting with concerns regarding the resource or the environmental crimes. Moreover, this can open opportunities to building new alliances and identifying new strategies in the efforts against corruption.

A human rights approach complements criminal justice. International law, especially as expressed in the UN Convention against Corruption, situates corruption primarily within the criminal law framework. This approach focuses on identifying perpetrators and holding them to account. A human rights approach to corruption does not supplant a

“**The framing of corruption not only as a human rights issue but even as a potential human rights violation can contribute to closing the implementation gap of the international anti-corruption instruments and can usefully complement the predominant criminal law-based approach.**”

– (Peters, 2019)

criminal justice approach, nor does it necessarily require significant changes to existing criminal law practices; criminal law is, in all likelihood, still required to address perpetrators of crime and corruption. Rather, the recognition that corruption undermines the enjoyment of human rights (and that human rights abuses can give rise to corruption) allows the UN human rights monitoring bodies to engage with and advise States on how to address corruption legitimately, thus examining underlying structural flaws and complementing a criminal justice approach (Prasad and Eeckeloo 2019).

Addressing corruption with a human rights perspective puts criminality, especially criminal actions by already-victimized people, into a broader perspective. It highlights the victim(s) of corruption and the structural problems that give rise to, or are caused by, corruption. A deeper appreciation of the social and historically-rooted situation may help drive a policy shift – where there is a genuine desire for change and social justice – towards a focus on higher-level criminal and corrupt actors, including

¹³ [Framework Principle 12](#): “States should ensure the effective enforcement of their environmental standards against public and private actors.”

¹⁴ For instance, the Human Rights Committee notes in its [General Comment 36 on the right to life](#) that “environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life” (CCPR/C/GC/36 2018, para. 62)

Table 1: The UN human rights mechanisms

| | | |
|----------------------------|-----------------------------------|---|
| State-led processes | Human Rights Council | The UN's main human rights body, it meets for three regular sessions per year |
| | Universal Periodic Review | Reviews every States' human rights record over a five-year cycle |
| Independent experts | Human rights treaty bodies | Relating to the nine core human rights treaties,* review States' implementation of their obligations under the specific treaty |
| | Special Procedures | Specific country or thematic mandates, for example the Special Rapporteur on Human Rights and the Environment |

* The nine core international human rights treaties are:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- International Covenant on Civil and Political Rights (1966);
- International Covenant on Economic, Social and Cultural Rights (1966);
- Convention on the Elimination of All Forms of Discrimination against Women (1979);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- Convention on the Rights of the Child (1989);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- International Convention for the Protection of All Persons from Enforced Disappearance (2006);
- Convention on the Rights of Persons with Disabilities (2006)

ultimate financial beneficiaries. A human rights approach opens avenues to pursue redress for the harms done to individuals and can help reframe the challenges and shift the focus of attention, but both approaches are required, working in a mutually reinforcing manner.

In the context of the illegal abalone fishery, a human rights-based approach would seek to address past injustices against local communities through securing equitable fishing rights that should, in turn, strengthen the community and motivate community support for sustainable fishing (Isaacs and Witbooi 2019). It also helps in identifying and addressing the underlying structural flaws, such as reduction or privatization of public resources that create the enabling conditions and entry points for criminality, including corruption.

Human rights counter power asymmetries, including those based on gender, that encourage corruption. Corruption is an abuse of power and it – as well as environmental crimes, human rights violations, and the interlinkages between the three – occurs within a context of power inequalities. These include patriarchal systems, marginalization of disadvantaged people including Indigenous Peoples and local communities (IPLCs), and other

entrenched and intersecting discriminations. Human rights law provides a framework for analysis and tools to address these inequalities, as it was built upon and operates in accordance with the fundamental premise of equal respect for all persons and freedom from discrimination on any ground. Combating discrimination is the central focus of several human rights mechanisms and a core theme to the others.¹⁵ With regard to the abalone example, the UN expert body on economic, social, and cultural rights has raised concerns that South Africa’s model of economic development is insufficiently inclusive to reduce the significant inequalities in the State, including the high incidence of food insecurity, and has recommended actions the government should take (UN CESCR 2018).

Human rights provide a framework to address violations beyond borders. Environmental crimes, like illegal trade in abalone, are often an international and multi-jurisdictional issue. Government policies and corporate activities often extend beyond the territorial borders of their State (UN CESCR 2017), and the actions of a foreign State can negatively affect one State’s ability to mobilize resources for the fulfilment of human

¹⁵ Ending discrimination is a core theme of three of the international human rights law treaty bodies, namely the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of Persons with Disabilities.

rights. For example, normative financial secrecy policies and rules on corporate reporting and taxation can be used to hide proceeds of corruption or crime (UN CEDAW 2016). States are required to take the steps necessary to prevent human rights violations abroad, for example those perpetrated by corporations legally based within their territory or under their jurisdiction.¹⁶

The extraterritorial obligations of States also have important implications for destination and transit countries along the illegal natural resource value chain. Illicit financial flows, including proceeds from environmental crimes or corrupt actions that facilitate environmental crimes, along with illegal trade in natural resources, diverts revenue that otherwise would have been available to the source country to meet its human rights obligations. Illicit flows also contribute to adverse human rights impacts for those living alongside areas and resources affected by illegal offtake. Framework Principle 13 would require States to “cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights” (UN 2018).

Mechanisms exist to hear the concerns of one State regarding another State not meeting its obligations,¹⁷ through which activists can advance a rights-based approach to addressing corruption, including in the context of environmental crimes (Table 1). States regularly report to or are examined by these various mechanisms, and they also provide spaces where environmental advocates can engage directly with States. Activists can contribute research and analysis to these mechanisms and advocate for implementation of their recommendations.

Creating a mutually reinforcing and supportive framework between the conservation and human rights agendas

Approaching environmental crimes and corruption through a human rights lens brings attention – and action – directly to the daily issues that peoples’ well-being, such as food security, health, or working conditions. This approach puts the central focus on how environmental crimes impact people rather than viewing that impact as collateral or secondary to the harms done to (iconic) species.

Bridging the anti-corruption, environmental crime, and human rights agendas is about building active dialogue and partnerships where agendas converge. It is about building evidence and a coalition of support to identify solutions to entrenched development problems. It is not about conservation groups seeking to take on human rights work or anti-corruption work directly.

This bridging of agendas should be valuable to human rights groups because corruption restricts the realization of rights. Though a pervasive reality in the daily lives of millions of people, corruption is little documented by human rights actors (Andersen 2018). Drawing out these linkages through documenting corrupt acts, the actors involved, and the human rights impacts on individuals and communities, will deepen understanding and develop the work of the human rights mechanisms and strengthen their recommendations to States.

Equally, developing this connection should be of value to environmental actors. Currently, some States benefit from keeping separate the systems for

¹⁶ See also [Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights](#).

¹⁷ Furthermore, [the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights](#) (2013) creates the mechanism by which the Committee on ESC rights (i.e., the treaty body) can hear complaints when “a State Party claims that another State Party is not fulfilling its obligations under the Covenant.”

Box 3: Rangers, human rights, and corruption

This example offers insight into how fulfilling the right to work in just and favorable conditions fosters responsibility and accountability, providing the enabling environment for reducing corruption vulnerabilities.

The term ranger encompasses a wide range of working titles¹⁸ and a diverse range of functions. It includes community and Indigenous rangers (non-state actors) as well as government rangers (state actors). Rangers are critical actors in the nexus of environmental crime, corruption, and human rights. They occupy multiple positions, sometimes concurrently. All rangers are rights-holders, but where they are community or Indigenous rangers with enforcement powers granted by the state, or government rangers, they are also duty-bearers (Parry-Jones 2018). They may be environmental human rights defenders and victims of human rights violations; they may also be perpetrators of human rights violations and environmental harm, including as corrupt actors. Many are entrusted with great responsibility and often with considerable power; some are also armed; many work in remote locations, in poor conditions, sometimes in the midst of complex regional conflict, and at the edge of law enforcement's reach (Fynn and Kolawole 2020).

For rangers, human rights and corruption in the context of environmental crimes may be linked in several ways.

Rangers must be able to detect and suppress illegality if they are to promote and uphold the rule of law. Strengthening enforcement in contexts characterized by corruption and weak accountability, however, can result in further injustices and harms to local communities, for example by targeting low-level operatives instead of the well-connected or powerful actors who pay them (Downs 2013). Further, the correlation between levels of corruption and the prevalence of abuse is recognized: corruption breeds ill-treatment, and disregard for human rights contributes to the prevalence of corruption (UN 2014). In some situations, rangers may also be working under legislation that is not in line with international human rights standards.¹⁹ Reports of human rights violations involving government-employed rangers violating the human rights of members of local communities, including Indigenous Peoples, in some places where WWF works were [investigated](#) by an Independent Panel of Experts commissioned by WWF in March 2019 (Pillay et al. 2020; Lane and Shield 2019; Vidal 2020).²⁰ Documented instances of corrupt behavior by rangers include the theft of confiscated ivory to sell on illegally (Moreto et al. 2015); accepting bribes from, colluding with or contracting poachers (e.g., Somerville 2016; Milliken and Shaw 2012; Banks et al. 2007; Ayling 2013; EIA 2014), and even direct involvement in poaching (Leader-Williams et al. 2009).²¹

¹⁸ The term "ranger" includes a wide range of global working titles including: Community Game Guard; Community Ranger; Community Scout; Community Wildlife Scout; Conservancy Ranger; Conservation Officer; Environment Officer; Environmental Guard; Field Officer; Field Ranger; Forest Guard; Forest Ranger; Forester; Forestry Officer; Game Ranger; Game Scout; Marine Park Ranger; Marine Ranger; National Park Guard; National Park Ranger; Nature Conservator; Park Guard; Park Ranger; Ranger; Ranger Officer; Scout; Village Scout; Warden; Wildlife Guard; Wildlife Officer; Wildlife Ranger; Wildlife Scout (URSA 2021)

¹⁹ For example, the UN Office of the High Commissioner for Human Rights in Nepal found that the provisions of the Local Administration Act (1971) and National Parks and Wildlife Conservation Act (1973) permitted the use of lethal force for the protection of wildlife, although lethal force it is not justified under international human rights standards (UN OHCHR-Nepal 2010).

²⁰ The Independent Review was chaired by Judge Navi Pillay, former UN High Commissioner for Human Rights, and supported by Professor John Knox, the first United Nations Special Rapporteur on human rights and the environment, and Dr Kathy MacKinnon, Chair of the IUCN World Commission on Protected Areas. The terms of reference included to assess and evaluate the allegations, including what measures WWF had taken to prevent inappropriate conduct of the type raised in the allegations, and the suitability and appropriateness of WWF's broader policies, procedures, and assurances and risk management processes in the context of the allegations. The panel made a total of 50 general recommendations covering WWF's work and an additional 29 specific actions relating to country-level programmes where human rights allegations have been made. The panel's report, *Embedding human rights in conservation*, and WWF's management response were [made available to the public by WWF on 24 November 2020](#).

²¹ Under the UN Convention against Corruption, the actions of a ranger participating in poaching for personal gain would be categorised as an abuse of function (art. 19); a ranger hunting a protected species for sustenance would be violating wildlife protection laws but this would not necessarily be a corrupt act under law.

Box 3 (cont.):

Addressing these challenges cannot be decoupled from the need to professionalize the work of rangers.²² Professionalized training is part of the right to work (UN ICESCR, art.7). This is articulated in the guidance for implementation of Framework Principle 12 which notes that training programs should be undertaken for law enforcement and judicial officers (UN 2018). However, challenges in professionalizing the ranger force are compounded by the low prestige afforded to rangers in many countries, where their work is not regarded as important; this affects morale, which – when all factors are considered – may also [present a corruption risk](#) (Belecky, Moreto, and Parry-Jones 2021).

Corrupt systems that facilitate environmental crime with impunity create a demoralizing and dangerous situation for natural resource workers. Rangers are also a target for poachers, wildlife traffickers, and other criminals; approximately one hundred rangers are killed in the course of their work each year. A disturbing number of environmental defenders also are killed, on average four every week (Global Witness 2020).

Taking a human rights approach to the ranger force facilitates professional behavior and accountability among ranger services. States have responsibilities and legal obligations towards rangers directly in their employment, including realizing their right to work, and to earn a decent living for themselves and their families through freely chosen or accepted work in just and favorable conditions.²³ However, many rangers do not enjoy this right. Many are poorly remunerated, do not have access to appropriate training programs, and have to buy their own equipment and protective gear (Belecky et al. 2019).

accountability regarding environmental protection and human rights. The current laws and policies of many States are designed to favor national visions of wealth creation from natural resource extraction and to privilege those who create such wealth. A human rights-based approach asserts the priority of States' existing commitments to help individuals and communities affected by environmental crimes and to address the causes and consequences of these crimes. This does not create a new approach; the human rights mechanisms often address the contexts in which environmental crimes occur and formulate recommendations for States to meet their human rights obligations. As such, they provide the mechanisms and processes to hold States accountable.

The relationship between rangers and IPLCs epitomizes the importance of approaching these issues from a human rights perspective. Much has been written on the human rights of IPLCs, on the human rights violations and abuses perpetrated against them in the name of conservation, and on the critical importance of recognizing their rights and their role in decision making for successful conservation outcomes (e.g., Jonas et al. 2016; Greiber et al. 2009; Fynn and Kolawole 2020; Duffy et al. 2019; RRI 2020; UN 2016). Within this context, it is also important to consider how rangers operate in this space and to understand how fulfilling their human rights could strengthen accountability, foster more positive relations between IPLCs and rangers, and contribute to more successful conservation outcomes (Box 3).

²² Professionalizing the ranger workforce means developing a vision of professionalization that inter alia provides a global framework for professional practice (competences, standards, codes of conduct, curricula, etc.), promotes high standards of conduct and practice among rangers and ranger organisations, explores means for diversifying the ranger profession in terms of equality of access to ranger occupations (e.g., for women and minorities) and to alternative entry routes (for local and indigenous peoples without statutory qualifications), and so forth (Appleton et al. 2020).

²³ The right of everyone to the enjoyment of just and favourable conditions of work is recognized in the International Covenant on Economic, Social and Cultural Rights and other international and regional human rights treaties, as well as related international legal instruments, including conventions and recommendations of the International Labour Organization (ILO) (UN 2016).

To be effective, human rights considerations need to be an integral part of the conservation thinking of both non-governmental and State actors alike. It is not a short-term or one-off effort; change takes time and will require environment and human rights actors to engage together. Contributing research and analysis on corruption in the context of natural resource crimes, which includes the specific type of corrupt practice and identifies the link with and effects on specific human rights, will help shape and sharpen the response of the international human rights mechanisms. Recognizing the human rights impacts of corruption that facilitates environmental degradation and natural resource crimes is an important step, but human rights also become the empowering tool by which effective action against corruption and for environmental restoration can be pursued.

Assessing environmental crimes and the corruption that facilitates them through a human rights lens also helps address the ongoing problem that sentences for environmental crimes rarely match the severity of the harms to individuals and affected communities. The redress, including compensation, provided to affected people is often inadequate as well.²⁴ Using a human rights lens to identify the violations and the duty-bearers may help courts better understand and address the human costs of these crimes.

Recommendations

Stronger and more accountable rights-based governance frameworks are foundational building blocks for addressing corruption, environmental crimes, and human rights violations. Equally, strong institutions, including professional and accountable wildlife management agencies, anti-corruption, and human rights institutions are pre-requisites for stronger governance. Multiple legal and political tools are needed to address the diverse actors and incentives involved in environmental crimes

and the corruption that facilitates them. Donors, development partners, the business / corporate sector, and the international community must recognize that such systemic change is a long-term investment that relies on commitment, and an understanding of context and political economy.

The following actions are proposed as concrete means of creating an enabling environment for long-term systemic change.

Building support with State authorities to take a rights-based approach to corruption in the context of environmental crimes:

- » Ensuring, through meaningful engagement with affected communities in and adjacent to high biodiversity habitats, that anti-corruption interventions do not reproduce exclusion and marginalization or cause or worsen any human rights abuses. This should include establishing or strengthening a confidential and easily accessible complaints mechanism to facilitate individuals' reporting of human rights violations or abuses without fear of retribution or stigma.
- » Supporting the meaningful participation of women and marginalized and disadvantaged groups in designing, implementing, and evaluating anti-corruption strategies for addressing environmental crimes.
- » Establishing arrangements, including secure tenure and harvesting rights, with communities in high natural resource value areas to increase their control over the management of lands and natural resources and ensure they derive substantial benefits, as part of the efforts to end environmental crimes and associated corruption.
- » Ensuring that the human rights of state and non-state actors involved in natural resource management or in responding to environmental crimes are respected, protected, and fulfilled, to reduce the risk of their involvement in corrupt acts.

²⁴ A rights-based approach to effective remedy for human rights violations encompasses restitution, compensation, rehabilitation, and guarantees of non-repetition.

Civil society actors from the environment, anti-corruption, and human rights fields should contribute to strengthening the international human rights mechanisms, through:

- » Improving their documentation of corruption, including the specifics of the type and frequency of corrupt acts as well as the consequences of those acts on individuals and communities and their rights. Impacts on wildlife, forests, marine, and other natural resources that are the target of the crime should also be documented and disseminated.
- » Providing the relevant human rights mechanisms with expert knowledge about specific corrupt acts in the context of the environment, and how they cause or worsen human rights violations. This should be complemented, where possible, with in-person follow-up with the mechanism representatives and other involved parties to advocate for detailed and specific recommendations. Civil society actors from the intersecting fields should then use these recommendations in their work and review implementation by the State.
- » Developing shared strategies with other relevant groups working across corruption, environmental crimes, and human rights, including submitting joint reports.
- » Identifying particular connections with the human rights mechanisms. For example, the connections between environmental crimes and the right to food, as noted in this brief, warrant deeper investigation by the Special Rapporteur on the right to food.

Conservation organizations should increase efforts to support a rights-based approach to environmental crimes, including those facilitated by corruption, through:

- » Increasing efforts to fulfil their commitments to a rights-based approach to conservation. This includes implementing the recommendations of the UN Guiding Principles on Business and Human Rights and the recommendations of experts in the environment, human rights, and corruption nexus – for example, the Special Rapporteur on human rights and the environment, and the Special Rapporteur on the rights of indigenous peoples.²⁵
- » Undertaking political economy or other context analyses to examine the interlinked effects of politics, economics, and power on environmental crime, corruption, and human rights. This analysis relevant at both a national level and regional or district level. The point is to find the drivers and incentives that support achievable positive change – a point also emphasized in the Global assessment report on biodiversity and ecosystem services (IPBES 2019).
- » Building more active partnerships with human rights organizations and mechanisms at local, national, regional, and international levels.

Finally, **all parties should promote uptake and implementation of the UN Framework Principles** on Human Rights and the Environment as part of wider efforts to address environmental crimes.

²⁵ The biodiversity report of the Special Rapporteur on Human Rights and the Environment states: "conservation organizations should increase their efforts to fulfil their commitments to a rights-based approach to conservation, including by implementing the recommendations of the Special Rapporteur on the rights of indigenous peoples (see [A/71/229, paras. 77-82](#))" (UN 2017, para.73). See also paragraphs 79 and 90(b) of the Special Rapporteur's [healthy biosphere report](#) (UN 2020) regarding, respectively, human rights and corruption.

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About Targeting Natural Resource Corruption

The Targeting Natural Resource Corruption (TNRC) project is working to improve biodiversity outcomes by helping practitioners to address the threats posed by corruption to wildlife, fisheries and forests. TNRC harnesses existing knowledge, generates new evidence, and supports innovative policy and practice for more effective anti-corruption programming. Learn more at tnrcproject.org.

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