

# Operating Framework for the Office of the Ombudsperson (Operating Framework)<sup>1</sup>

## Background and Purpose

1. WWF's mission is a world in which both people and nature thrive. Positive outcomes for both people and nature depend on firmly and proactively anchoring and integrating human rights into conservation practices. To further this objective, WWF adopted the Environmental and Social Safeguards Framework (ESSF) in June 2019 to ensure the consistent, comprehensive application of safeguards across the entire WWF network and adopted a revised ESSF in 2023.<sup>2</sup>
2. The ESSF is designed to increase positive environmental and social outcomes. When ESSF standards are not met, affected individuals or groups need a trusted way to voice and resolve their concerns and complaints. WWF is committed to strengthening its accountability and to ensuring that transparent, legitimate and trustworthy mechanisms are established at relevant levels to enable affected stakeholders, including local communities and Indigenous Peoples, to raise concerns about ESSF compliance and have them addressed in a timely and consistent manner.<sup>3</sup>
3. Accordingly, the WWF Office of the Ombudsperson (Office) has been created, as a critical component of WWF's efforts to:
  - a. Strengthen its programmatic work through compliance with ESSF commitments;
  - b. Further strengthen its relationships with communities through stakeholder engagement;
  - c. Strengthen its institutional accountability in terms of the ESSF; and
  - d. Improve the environmental and social outcomes of its work.
4. This Operating Framework sets out the mandate, scope and functions for the Office.<sup>4</sup>
5. The Office will respond to, and meaningfully and fairly address, ESSF-related concerns relating to WWF activities.<sup>5</sup> The Office will also provide ongoing advice through lessons learnt to WWF, and build the capacity of communities and WWF to strengthen WWF grievance systems.
6. The Office has a mandate across WWF's global network and will work closely with WWF's offices and complainants as it responds to complaints.

## Adaptive Approach

7. The 2019 ESSF created the Independent Monitoring and Review Function ("IMRF") having three functions: high-level dispute resolution; compliance assessment; and advisory. This Operating Framework replaces the IMRF by providing a mandate to the Office and forms part of the ESSF.
8. WWF is a global network consisting of: (i) legally independent country offices (known as "National Organizations" or NOs, as well as "Associate" organizations), overseen by their respective boards;

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<sup>1</sup> Approved by the WWF International Board in September 2023.

<sup>2</sup> [WWF's E&S Safeguards Framework](#)

<sup>3</sup> Extract from the [WWF ESSF Standard on Grievance Mechanism](#), 2023

<sup>4</sup> All contact information for the Office of the Ombudsperson can be found at its website: [www.wwfombudsoffice.org](http://www.wwfombudsoffice.org).

<sup>5</sup> The term "WWF activities" throughout this document means WWF's place-based activities as defined in the ESSF.

and (ii) country offices that are managed and overseen by their respective executive teams and boards (by WWF International for country offices in Africa, Asia/Pacific and Europe/North Africa, and by WWF-US for country offices in Latin America and the Caribbean, Bhutan, Nepal and Namibia). The boards of these offices under (i) and (ii) are responsible for overseeing ESSF compliance by their offices, and they are referred to herein as "WWF Board".

9. The first phase of the Office's operations will span up to two years, during which the Office will, in terms of this Operating Framework:
  - a. Provide collaborative problem solving in response to ESSF-related complaints about WWF activities, and develop related procedures where necessary;
  - b. Provide advisory services to WWF; and
  - c. Develop and propose to WWF Boards draft provisions for addition to this Operating Framework that describe the support<sup>6</sup> the Office may offer WWF Boards in conducting ESSF Compliance Assessments.
10. During the second phase of the Office's operations, the Office will conduct collaborative problem-solving processes in terms of this Operating Framework, and will also provide any Compliance Assessment support in accordance with the provisions developed in terms of paragraph 9 (c) of this Operating Framework.

## **Grievance Mechanisms**

11. In terms of WWF's ESSF Safeguard on Grievance Mechanisms, each WWF office is responsible for developing and maintaining procedures to enable individuals or groups to raise and seek resolution to concerns and grievances about failure to observe ESSF commitments in WWF activities.
12. Office-level operational grievance mechanisms, including online complaints handling systems such as WhistleB and Ethics Point, are central to organizational accountability. A well-functioning national operational grievance mechanism is an appropriate forum to address complaints. The Office will provide an additional, complementary channel for communities to raise their concerns to an independent mechanism. The Office and the operational grievance mechanisms form part of an accountability framework through which ESSF compliance is assured.
13. Communities may choose which forum they would like to use. It is important that this choice is informed, and both the Office and WWF have a responsibility to ensure that complainants are made aware of the different forums available to them.<sup>7</sup> It is also the responsibility of the Office and WWF to coordinate their efforts in responding to complaints, particularly in instances where a complaint is brought by a complainant to both the Office and a WWF office-level operational grievance mechanism.

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<sup>6</sup> Examples of the type of support that may be offered include recommendations for Compliance Assessment criteria and, where requested to do so by an NO Board, conducting Compliance Assessments.

<sup>7</sup> The Office's procedures will detail the manner in which the Office will coordinate with WWF grievance mechanisms, especially where a concern is raised in more than one forum. The procedures will also detail the manner in which a complaint may be referred from the Office to the grievance mechanism and vice-versa. Once developed, the procedures will be presented to the WWF International Board for approval.

14. Where relevant<sup>8</sup>, the Office will cooperate with other independent accountability mechanisms as required.

## **Core Principles and Mandate**

15. The Office will take into consideration the following principles:

- a. Effectiveness criteria and related recommendations for non-state, non-judicial grievance mechanisms outlined in the United Nations Guiding Principles on Business and Human Rights (UNGPs), and the effectiveness criteria described in WWF's ESSF Safeguard on Grievance Mechanisms;
- b. Independence and impartiality;
- c. Cost effectiveness and efficiency in carrying out its work;
- d. Gender inclusivity;
- e. Respect for community agency and self-determination; and
- f. Inclusivity of Indigenous Peoples and local communities.

16. In summary, the Office's mandate is to:

- a. Meaningfully and fairly address ESSF-related concerns brought to the Office relating to WWF activities;
- b. Enhance the human rights, social and environmental performance of WWF activities by contributing toward institutional accountability for ESSF compliance; and
- c. Support the culture of continuous learning, and strengthen WWF's collaborative problem solving capabilities.

17. The Office is not a judicial or legal enforcement mechanism, nor a substitute for courts or regulatory processes. The Office will not determine the criminality of, or appropriate sanction for, any alleged criminal violence raised in a complaint. The Office will not mediate any complaints between persons alleging criminal violence and their alleged perpetrators.

18. With respect to any allegation of criminal violence raised in a complaint, the Office will advise the complainant to refer the allegation to the relevant law enforcement entity. The Office will also promptly inform WWF Organisational Management, which will follow the WWF Incident Response Protocol applicable to their office.

## **Eligibility Criteria for Accepting a Complaint**

19. The Office will accept complaints from individuals if the complaint:

- a. alleges ESSF-related concerns regarding a WWF activity or a WWF activity that is actively being considered by WWF<sup>9</sup>;
- b. relates to an event or occurrence in or after June 2019; and

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<sup>8</sup> There may be independent accountability mechanisms for public and/or private donors that deal with the same complaints and require cooperation with the Office. The Office's procedures will provide more detail regarding the Office's principles for cooperation.

<sup>9</sup> The Office's procedures will describe the manner in which the Office will determine what amounts to "active consideration", taking into account amongst other things: the role of the Conservation Quality Committee, NO Board, the context of the specific complaint and its authorizing environment.

- c. is brought by an individual/s adversely impacted, or potentially adversely impacted, by the ESSF-related concern.<sup>10</sup>

20. The Office will not deal with a complaint that:<sup>11</sup>

- a. is clearly fraudulent, frivolous or malicious;
- b. raises only allegations of fraud and/or corruption;
- c. relates exclusively to WWF procurement decisions;
- d. focuses exclusively on global impacts of a global public good;
- e. is brought by an individual and relates exclusively to an individual's working conditions and terms of employment;
- f. is brought by a WWF employee and pertains to that employee's terms and conditions of employment with WWF;
- g. is brought by a commercial entity and raises issues strictly pertaining to economic loss;
- h. is brought by a WWF donor or similar entity unless the Office considers the complaint meets the criteria for a self-initiated process;
- i. is the same in all material respects as a complaint that has previously been submitted to the Office, unless the Ombudsperson determines there has been a material change in the circumstances; or
- j. relates to an event or occurrence that took place prior to June 2019.

21. The Office will make the determination whether a complaint is eligible or not, and will take into account relevant information making such determination, including information provided by the complainant and WWF.

22. The Office has the discretion to close any complaint at any stage if it determines that there are reasonable grounds to believe that the complaint does not meet the eligibility criteria. The Office will provide the complainant with a clear and detailed explanation of the reasons for the determination.

23. The Office will notify the complainant, WWF, the relevant NO Board, and the International Board regarding all complaints received, and will specify whether such complaints are eligible or ineligible.

24. The Office will provide, in a format as agreed by the WWF International Board, public reporting at the aggregate level showing breakdowns according to region, and the status of the case (i.e. open, resolved, not resolved).

### **Collaborative Problem-Solving Process**

25. The complainant and WWF, and any other relevant stakeholders<sup>12</sup>, will engage in a collaborative problem-solving process to address the complaint and bring the activity into ESSF compliance. This is a voluntary, non-adversarial, and impartial process through which the complainant, WWF and any other relevant stakeholders may find mutually satisfactory solutions to the issues raised.

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<sup>10</sup> Complaints may be brought on behalf of an individual who has been adversely impacted. In these instances the representative must establish a mandate to represent the individual. The Office's procedures will go into more detail in this regard.

<sup>11</sup> The Office's procedures will describe the extent to which the Office may be able to refer these complaints elsewhere, either to appropriate WWF internal systems or externally.

<sup>12</sup> Relevant stakeholders are identified by the complainant and WWF and, with their consent, invited by the Office to participate in the process.

26. Collaborative problem solving is not focused on finding fault and does not judge the merits of a complaint. The Office does not undertake any independent fact finding as part of collaborative problem solving. The primary objective is to help the complainant, WWF and any other relevant stakeholders identify and implement their own solutions to address the complaint.
27. The Office will build understanding of the issues raised in the complaint, and ensure the complainant, WWF, and any other relevant stakeholders have the required capacity to participate and understand the process. This capacity building may entail a range of different activities:
- a. sharing information about the Office's mandate and how it addresses complaints with the complainant, WWF and other relevant stakeholders;
  - b. gathering and reviewing information about the issues and concerns raised;
  - c. providing capacity building and training to the complainant, WWF staff, and other relevant stakeholders; and
  - d. as possible and appropriate, providing funding towards the out-of-pocket costs for the complainant to participate in the process, including costs to travel to and attend meetings.
28. The Office actively supports the complainant, WWF, and other relevant stakeholders in engaging effectively with each other, with the objective of reaching agreement on a set of actions and outcomes to address the issues. The Office will take particular care to respect Indigenous Peoples and community-specific decision-making structures, gender inclusivity, customary practices, ancient traditions, language preferences, and existing legislation on prior consultation.
29. The complainant, WWF and other relevant stakeholders are expected to act in good faith and the Office has the discretion to terminate any process in the event it determines there is a lack of good faith or sufficient progress being made to justify continuation of the process.
30. A number of different tools can be used by the Office, including:
- a. mediation;
  - b. facilitation; and
  - c. information sharing.
31. Where the complainant, WWF and other relevant stakeholders reach agreement following the collaborative problem-solving process, the Office will monitor implementation of the terms of the agreement.
32. In pursuit of a resolution, the Office will not knowingly support agreements that would coerce one or more parties, be contrary to WWF policies, or violate applicable domestic laws or international law.
33. Once the agreement has been implemented, the Office will consider the complaint as having been dealt with and will close the case.
34. The Office will report to the complainant, WWF, relevant NO Board and the International Board summarizing the process used and the outcomes achieved.<sup>13</sup>
35. Where the complainant and WWF are not able to reach agreement, the Office will refer the matter to the relevant WWF Board and WWF senior management so that a Compliance Assessment can be

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<sup>13</sup> The Office's procedures will provide more detail regarding the timelines for report writing.

conducted. The WWF Board will take into account any concerns the complainant may have regarding the conducting of a Compliance Assessment.

36. The Office will notify the relevant WWF Board and WWF senior management of any allegations of human rights abuses. WWF will follow its WWF Incident Response Protocols. The Office will make complainants aware of the Response Protocol.

### **Processes Initiated by WWF Boards or NET**

37. WWF Boards or the Network Executive Team (NET) may request the Office to initiate a collaborative problem-solving process, in which instance the terms of this Operational Framework will apply. The requesting entity will provide the requisite funding for the process and will need to ensure that all stakeholders agree to the Office playing a role in conducting the process.

### **Advisory<sup>14</sup>**

38. The Office will play an advisory role for WWF. The ability for the Office to provide advice is based on the particular expertise of staff employed by the Office, lessons learnt through the Office's case work and international standards, and reflections from its practice.
39. The purpose of providing such advice is to enhance WWF's environmental, social and/or human rights performance, strengthen WWF's programmatic work, and reduce the risk of adverse impacts connected with WWF activities.
40. Advice given by the Office will focus on, inter alia:
- a. Systemic issues faced by WWF in ensuring the environmental and social sustainability of their activities;
  - b. Operational effectiveness of the ESSF, and related policies, processes and approaches or related issues;
  - c. Providing support to staff and management in strengthening the social and environmental impact of WWF activities;
  - d. Assisting WWF as it seeks to strengthen its local grievance systems; and
  - e. Supporting WWF as it builds collaborative problem-solving capabilities across its network, with its key stakeholders.
41. Where there is no perceived or actual conflict of interest in doing so<sup>15</sup>, the Office may also provide technical advice on WWF projects and programmes, where such advice furthers the aims of the Advisory function outlined above.
42. The Office will also implement a monitoring and evaluation programme to ensure that outcomes from its processes are meeting the intended objectives of the mandate.
43. The Office has the discretion at any stage to make confidential recommendations to WWF Boards concerning WWF activities that are the subject of a complaint process. This could include a

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<sup>14</sup> The Office's procedures will detail the manner in which advice can be given by, and sought from, the Office in terms of the Operating Framework.

<sup>15</sup> The Office will develop procedures that specify relevant safeguards to prevent potential future conflicts of interest.

recommendation that the WWF activity stops or does not commence due to concerns regarding imminent harm.

## **Data Protection**

44. The Office will utilise a third-party service provider to host a case management system. The system will offer the requisite data protection attributes required to meet legislative data protection provisions.
45. The Office will inform complainants that it will seek to respect confidentiality provisions as agreed by participants in its collaborative problem-solving processes, including the complainant and WWF, to the extent permitted under applicable national law and to the extent possible consistent with reporting obligations under the WWF Incident Response Protocols.
46. The Office will be bound by any WWF network policies regarding access to information and/or information disclosure that may be adopted in the future.

## **Communication and Outreach**

47. As part of ensuring accessibility and the effective implementation of its mandate, the Office will promote awareness and understanding of its mandate within WWF, and amongst external stakeholders.
48. Promoting awareness and understanding will include a range of initiatives, including:
  - a. Implementation of a communications and outreach programme;
  - b. Dissemination of information and training across WWF;
  - c. Annual public reporting at the aggregate level;
  - d. Responding to enquiries from potential complainants about the complaint process; and
  - e. Development of a website.
49. While the Office's working language is English, complaints may be submitted in any language.<sup>16</sup> The Office will be responsible for ensuring its ability to engage with the complainant in the language of their choice.
50. WWF will provide easily accessible information about the Office on its websites and annual reports, and will ensure that, as far as is reasonably possible, host communities are made aware of the existence of the Office and local WWF grievance mechanisms.
51. Where WWF is providing financing to its partners for an activity, WWF will work with its partners to disseminate information at the local level, and, wherever possible, include an explicit requirement in its financing arrangements to require partners to disseminate information about the Office.
52. The Office will participate in relevant workshops, conferences, practitioner networks and meetings to contribute to and learn from the communities of practice engaged in independent accountability, conservation and human rights.

## **Threats and Reprisals**

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<sup>16</sup> The Office's procedures will detail the way in which complaints may be submitted, including format and content.

53. WWF and the Office take seriously threats and reprisals against any person involved in a complaint process or other engagement of the Office.
54. While WWF and the Office will seek to support the safety and wellbeing of any complainant and their family members, all such persons will be advised by the Office that neither WWF nor the Office has the ability or capacity to provide or ensure the protection or anonymity of any person, and neither WWF nor the Office has judicial or enforcement authority. The Office will strongly encourage anyone who is threatened to seek help from the appropriate authority.
55. If requested by a complainant, WWF, the Office, and other relevant stakeholders may, as appropriate and within the scope of their respective roles and mandates, coordinate on measures that seek to assess, prevent, and/or respond to concerns about threats and reprisals and will attempt to do so in a way that is informed by the complainant.

## **Governance**

56. The independence and impartiality, credibility and integrity of the Office is central to its ability to conduct its work effectively and meaningfully for its stakeholders.
57. The Office is structured with the Ombudsperson as its head. The Ombudsperson reports directly to the Director General of WWF International. In addition to the Office notifying the WWF International Board of all complaints received, problem-solving processes used and outcomes achieved, the Office will also have direct access to escalate specific case files directly to the WWF International Board as and when relevant or required.
58. The independence and impartiality, credibility, and integrity of the Office is further reinforced as follows:
- a. The Ombudsperson will be selected through an independent, transparent and participatory process that includes stakeholders from diverse regional, relevant sectoral and cultural backgrounds.
  - b. The term of the Ombudsperson will be restricted to four years, renewable once, with the approval of the WWF International Board. Following their term(s) in office, the Ombudsperson is restricted for life from obtaining full time employment with WWF.
  - c. The WWF International Board approves the compensation package offered to the Ombudsperson.
  - d. The WWF International Board will provide the Office such budgetary resources as sufficient to carry out its activities. The budget will be determined on an annual basis taking into account a number of factors, including staffing and case management needs.
  - e. Office staff and consultants utilized by the Office are recruited by and report to the Ombudsperson. Senior staff will have a two-year cooling off period during which they will not be able to accept full-time employment with WWF after leaving the Office.
  - f. If a staff person or consultant of the Office has a conflict of interest in relation to a particular complaint, that person will withdraw from involvement in that complaint. In exceptional



circumstances, contractual arrangements for consultants may impose time-bound restrictions on their future involvement with WWF.

## **Roles and Responsibilities of the Ombudsperson, WWF Organisational Management, the Relevant NO Boards and the WWF International Board**

59. Accountability at WWF is an institution-wide effort, incorporating multiple and interconnected roles and responsibilities for the Office, WWF organisational management, the International Board and NO Boards.

### *Ombudsperson*

60. The Ombudsperson is responsible for the implementation of the mandate set out in this document, and for managing the operations of the Office.

61. The Ombudsperson and the Office will execute the mandate outlined in this document impartially, with integrity, credibility, and empathy, and following the exercise of sound judgment.

### *WWF Organisational Management*

62. Organisational management will support the effective and efficient execution of the Office's mandate as set out in this document, and to meet all its obligations as set out in this Operating Framework.

63. WWF organisational management takes its commitment to accountability seriously, including by using tools such as capacity building, performance indicators, and performance accountability to enable staff to meet ESSF commitments and engage effectively with the Office.

64. WWF organisational management and staff will:

- a. Actively participate in the Office's engagements and processes, as appropriate;
- b. Assist the Office in arranging travel to the field as required;
- c. Engage meaningfully with complainants wherever necessary in the context of this Operating Framework; and
- d. Raise awareness of the Office as required in terms of this Operating Framework.

65. WWF organisational management will ensure that WWF staff engage with complainants in a meaningful manner, participate in the processes of the Office, and seek wherever possible to adopt a collaborative problem-solving approach in engaging with the Office.

66. WWF organisational management should take all reasonable steps to raise awareness and understanding of the Office with relevant stakeholders, and facilitate access to relevant grievance mechanisms, including the Office, where requested to do so by stakeholders and/or complainants.

### *WWF Boards*

67. WWF Boards are encouraged to assist the Office wherever possible to carry out its activities.

68. Each relevant WWF Board is responsible for ensuring that its own Compliance Assessments are conducted as needed.

### *WWF International Board*

- 69. The WWF International Board has the final authority to interpret the provisions of this Operating Framework, and will oversee its implementation. Further, the WWF International Board maintains primary oversight over timelines, processes and outcomes in terms of this Operating Framework.
- 70. Recognising the importance of environmental, social and human rights accountability and due diligence, the WWF International Board will establish and maintain a specific committee to act as the primary liaison between the WWF International Board and the Office.
- 71. The WWF International Board will approve the Office's budget.
- 72. The WWF International Board will support the Office as fully as possible to develop and propose draft provisions for addition to this Operating Framework that describe the support the Office may offer WWF Boards in conducting ESSF Compliance Assessments, as referred to in paragraph 9 (c) above.

### **Review of Operating Framework**

This Operating Framework sets out the mandate, scope and functions for the Office. This Operating Framework may be amended at the end of phase one to include any Compliance Assessment provisions developed in terms of this Operating Framework. Thereafter the Operating Framework will be reviewed by the International Board every four years.

## Schedule of Core Principles

- **Independence and impartiality.** Not being identified with or beholden to any sector or interest and reporting directly to the Director General. Additionally, the Office will also have direct access to escalate specific case files directly to the WWF International Board as and when relevant or required. Conducting work without undue influence and ensuring the fair and objective conduct of staff; and making provisions to avoid conflicts of interest.
- **Rights-compatibility.** Dealing with complaints in a manner that respects and supports human rights per the inherent dignity of the human person.
- **Accessibility.** Being known and understandable to communities and Indigenous Peoples, and providing adequate assistance for those who may face particular barriers to access.
- **Predictability.** Offering clear and consistent processes and procedures with relevant timeframes and providing clarity with respect to the types of available outcomes and means of monitoring implementation to facilitate stakeholders' understanding and expectations of such processes and procedures.
- **Equitability.** Seeking to ensure that stakeholders have reasonable access to sources of information, advice and guidance necessary to engage in processes conducted by the Office on fair, informed and respectful terms.
- **Legitimacy.** Enabling trust from the complainant, WWF and other relevant stakeholders, and being accountable for the fair conduct of grievance processes.
- **Transparency.** Making every effort to keep the complainant, WWF and any other relevant stakeholders informed about processes and the progress of a complaint, and ensuring transparency of number of matters reviewed and resolved. This principle needs to be balanced with the requirement of confidentiality as it appears in this Operating Framework and in accordance with any Disclosure Operating Framework to be adopted by WWF.
- **Cost effectiveness and efficiency.** Ensuring appropriate use of resources and adoption of procedures that ensure efficient complaints handling
- **Gender inclusivity.** Ensuring specific measures are taken to adopt gender sensitive and inclusive processes.
- **Inclusivity of Indigenous Peoples and local communities.** Ensuring specific measures are taken to adopt processes that include Indigenous Peoples and Local Communities.
- **Continuous learning and consistency with good practice.** Consistently enhancing the Office's effectiveness based on feedback from stakeholders; contributing toward improvements in relevant WWF policies and practices; following international good practice standards consistent with this Framework.
- **Respecting community agency and self-determination.** Recognizing that people adversely impacted by a WWF project should be empowered to raise concerns as, when and where they choose, including at the project, country and/or Office level; and that complainants also have the right to provide input on the manner in which the Office handles complaints.