



Evaluation of the Western Grey Whale Advisory Panel

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7 November, 2011.

Preface

When I undertook the first evaluation of the IUCN Western Grey Whale Advisory Panel in 2008, the mood in the panel process was not good. It was hard to be confident that the panel would survive. As I presented my report in early 2009, there was a sense that it was on probation.

In the period reviewed by this second evaluation, there has been a considerable improvement. Problems and disagreements persist – some long-standing, others more recent. But the panel has continued to do important work. I hope that the comments in this report will enable it to do it more efficiently and effectively.

Grigory Shkalikov contributed Russian translation and interpretation services to this evaluation. I thank him for his efficient work and proactive attitude to getting the job done quickly and well.

Like others involved in the panel process, I have been impressed by the cheerful efficiency of Béatrice Riché of the IUCN Global Marine and Polar Programme. I thank her for all her support during this task.

I am grateful to have been given this second opportunity to engage with the fascinating issues and the interesting people involved in the WGWAP process. I join them all in wishing the western grey whale a strong and sustainable future, wherever it may travel.

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Abbreviations

BBP	Business and Biodiversity Programme
DAC	Development Assistance Committee
EIA	environmental impact assessment
ENL	Exxon Neftegas Ltd.
GMPP	Global Marine and Polar Programme
HSESAP	Health, Safety, Environmental and Social Action Plan
IISG	Interim Independent Scientists Group
ISRP	Independent Scientific Review Panel
IWC	International Whaling Commission
IWG	Interdepartmental Working Group
LNG	liquefied natural gas
nd	not dated
MMO	marine mammal observer
MNR	Ministry of Natural Resources
NGO	non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
SEIC	Sakhalin Energy Investment Company
TOR	terms of reference
UK	United Kingdom
GW	western grey whale
GWAP	Western Grey Whale Advisory Panel

Summary and recommendations

Background

The IUCN Western Grey Whale Advisory Panel (WGWAP) has now been operating for five years. Its terms of reference (TOR) require it to undergo an evaluation every two years. This is the second such evaluation, covering the period from the first quarter of 2009 to the third quarter of 2011.

During the review period, the panel has continued to work intensively, holding five more meetings (as well as several task force meetings). Two important developments have been the announcement by Sakhalin Energy that it is investigating development of a third platform on the Sakhalin Shelf in the **South Piltun** area; and the findings of **satellite tracking**, which have shown a western grey whale travelling across the Pacific to the west coast of North America.

This review therefore comes at a time of change for the panel. A second phase of operations will soon be launched, under a new contract between IUCN and Sakhalin Energy. The timing of this evaluation and IUCN's preparation of new TOR for the next panel contract were not synchronised. As it seemed that the new TOR might be finalised earlier, preliminary comments from the evaluation were submitted to IUCN as an input to the TOR.

The evaluation is based on review of the documentation; interviews with 31 informants; and a questionnaire survey.

Relevance

The WGWAP process is **relevant to the conservation and recovery of the western grey whale population**. But it is constrained by the fact that it still works with only one of the energy companies active on the Sakhalin Shelf; and its work is largely confined to one – critically important - part of the animal's range.

Recommendation 2.1¹. To enhance the relevance and effectiveness of the WGWAP process, IUCN, supported by Sakhalin Energy, must continue efforts to engage other energy companies on the Sakhalin Shelf in the process, both formally and informally.

Recommendation 2.2. To enhance the relevance of the WGWAP process, IUCN, in consultation with the IWC and NGOs, must intensify efforts to secure funding for the rangewide initiative for the western grey whale – which will remain important despite emerging evidence of trans-Pacific migration by the animals.

From a **scientific** perspective, the WGWAP's advice to Sakhalin Energy is strongly relevant. The challenge for the panel is to optimise the **operational** relevance of its advice so that industry managers and technicians can understand and act on it. The challenge for the company is to make the best use of such advice in ways that optimise both operational advantage and conservation impact – while understanding that relevant advice may take time to construct.

Thematically, the cutting edge work of the panel in a particular field of marine conservation is highly relevant to **IUCN**. The practical value of this relevance depends on how effectively IUCN exploits it. **Strategically**, the panel is relevant in IUCN's overall approach towards, and experience with, the private sector. IUCN has not been capitalising adequately on either of these aspects of the panel's relevance.

¹ Recommendation numbers are keyed to chapter numbers in the report.

Recommendation 2.3. To enhance the relevance of the GWAP process for IUCN, IUCN's Global Marine and Polar Programme (GMPP) should ensure adequate interaction, engagement and cross-fertilisation with and between the GWAP's work and that of its other projects and activities, as well as the Business and Biodiversity Programme and other relevant activities of the Secretariat and Commissions.

Recommendation 2.4. IUCN should affirm its commitment to, and clarify its procedures for, acting both as neutral convener of the GWAP and also as active conservation advocate on matters addressed by the panel.

Thematically, the issues with which the panel and Sakhalin Energy are grappling in the GWAP process are highly relevant to the **other companies** working on the Sakhalin Shelf and to the oil and gas industry more broadly. The GWAP process is also **strategically** relevant to the industry as it considers how to interact with environmental and conservation interests. It is not surprising that no other company has volunteered to join Sakhalin Energy in its collaboration with and funding of the panel. This does not diminish the strategic relevance of the GWAP process for the sector.

Effectiveness

Overall, the GWAP is complying with the **principles** laid down for it. However, several constraints make it difficult for it to perform all its tasks as intended.

The timely and adequate **provision of the relevant information by Sakhalin Energy to the GWAP** is fundamental to the panel process and central to the health of panel relationships. Following the crisis of poor company performance in this regard in 2008, there has been a significant improvement. Against the backdrop of this generally improved performance, there has been less satisfaction with Sakhalin Energy's transmission of information about the South Piltun development.

Recommendation 3.1. Sakhalin Energy should ensure that it delivers a full and timely flow of information regarding the South Piltun development to the panel.

Good progress has been made in the content and management of **GWAP recommendations** since 2008. IUCN and the GWAP are managing them more effectively. GWAP recommendations have become clearer, more practical and more usable (due partly to the way many of them emerge from task force discussions), while their number has become somewhat more manageable. More progress is needed in all these areas, although the panel cannot and should not guarantee that it will find fewer matters on which to make recommendations.

Recommendation 3.2. The panel should continue its efforts to improve the specificity, clarity and practicability of its recommendations.

Sakhalin Energy has acted effectively to implement some panel recommendations. The result is improved practice (sometimes at the cutting edge of best practice) with regard to potential disturbances like seismic surveys and boat traffic, probably leading to reduced disturbance for western grey whales. However, other recommendations have not led to a clear and effective result of this kind. The company may be reluctant to act as decisively as it should on some recommendations. It may find others difficult to act on in a practical and focused manner. Or various internal constraints – of which there have been several recently – may delay or diminish implementation.

IUCN needs to lift its game with regard to the GWAP. It gives its undoubted credibility and respected name as a neutral convener to the panel process, but not enough beyond that. This is ammunition for those who argue that it is too ready to make mutually beneficial arrangements with the private sector to lend environmental respectability to the latter's operations. Instead, it should stimulate much more active

and open communication and engagement with and between all stakeholders in the panel process, the GMPP, the Business and Biodiversity Programme (BBP) and other IUCN programmes about the conservation issues and opportunities arising from the panel's work for conservationists and the private sector. It should also work more strongly in strategic areas above and beyond the panel's reach. Not only does the panel co-ordinator in the Global Marine and Polar Programme (GMPP) need to combine conservation experience and the ability to engage constructively with the worlds of industry and state policy; IUCN management must also be proactive in engaging with the work the panel does and the opportunities it presents for the Union as a whole. Several informants expressed confusion about how the co-ordinator post is to be filled following the departure of the previous incumbent in May.

Recommendation 3.3. IUCN should ensure that arrangements for substantively filling the GWAP co-ordinator position are clearly communicated and fully understood by all stakeholders.

The broader priority for IUCN is to achieve more productive understanding and collaboration with the **Russian government**. Russian language proficiency on the part of the next GWAP co-ordinator would be a strong advantage in this regard. Working with NGOs, IUCN and the panel should also seek stronger links with the local oblast government on Sakhalin, which has relevant regulatory functions and scientific concerns.

Recommendation 3.4. IUCN, its GMPP and the GWAP should strengthen their engagement with the Russian authorities and the Interdepartmental Working Group with regard to the GWAP process.

Recommendation 3.5. IUCN and Sakhalin Energy should support closer interaction between the panel and local authorities and NGOs on Sakhalin.

At the same time, IUCN should communicate more effectively to all concerned about its administrative arrangements for the panel, and give a more convincing justification for the ways it uses the overheads that it charges on the project budget contributed by Sakhalin Energy. This has been a point of contention within the GMPP and in IUCN's relations with the company.

Panel meetings have included some useful self-assessment discussions, but the concept of a regular formal agenda item on this is not working out effectively.

Recommendation 3.6. Before each meeting, the panel chair and the IUCN co-ordinator should prepare a short document assessing the performance of the GWAP, referring to the previous meeting and the intervening period, and table this in the self-assessment slot on the agenda for discussion.

Changes at Sakhalin Energy have meant a sharper focus on risk-based justification for panel recommendations and consequent company action, and an evident impatience with any hint of science for the sake of science in the panel's deliberations. There have been frictions. A new and possibly more inclusive trust and process need to be built, with arguably more flexible thinking about how to involve other companies, NGOs and local and national government – even if these parties do not all take part in the formal panel process as currently constituted. There is commitment on all sides to build this broader trust and process, although it will take some facilitation to find mutually acceptable expression by and among all parties.

Recommendation 3.7. IUCN and Sakhalin Energy should work together to build a new and more inclusive trust and process in the GWAP, with more flexible thinking about how to involve other companies, NGOs and local and national government – even if these parties do not all take part in the formal panel process as currently constituted.

Efficiency

Five years into the GWAP process, **roles and responsibilities** are mostly clear and stable, although somewhat unsettled by this year's transition in the co-ordinator post at IUCN and changes in Sakhalin Energy. The management of meetings, reporting and work flow is generally satisfactory. The machinery of the GWAP can now function fairly smoothly.

From some perspectives, the GWAP process **costs** more than it might. From others, it costs less than any conceivable option. Both IUCN and Sakhalin Energy must work in good faith to maximise the conservation and business benefits through continuing attention to the cost-effectiveness of the process.

Relationship management in the panel process has generally been adequate. There is more good faith on the various sides of the GWAP process than some participants realise. Despite the changing personalities and shifts in emphasis, there is a good prospect that relationship management can develop from adequate to satisfactory.

GWAP members are commended for the enormous effort they devote to the panel process. It is now time to review panel membership.

Recommendation 4.1. IUCN and the GWAP chair should carry out a review of all panel members and determine whether to retain or replace them. Without increasing the size of the panel, they should aim to increase Russian representation and to ensure that at least one new member has strong practical experience of addressing environmental and technical concerns from within the oil and gas sector.

The idea of cutting each meeting to two days has rightly been resisted, as has that of having only one full meeting per year. There are criticisms of the task force approach as inadequately transparent and possibly generating conflicts of interest. The ultimate test must be whether the results of this *modus operandi*, as reflected in the company's actions and the mitigation and conservation results, adequately work towards the panel's goal of conservation and recovery of the western grey whale population. So far, the balance of the evidence is positive.

Recommendation 4.2. The panel should maintain its use of task forces, provided that panel members retain their independent stance in task force discussions, and that this independence is safeguarded by the private and plenary meetings of the panel as a whole.

Recommendation 4.3. The panel should ensure that its environmental monitoring task force functions effectively and catches up with its work.

Overall, the **transparency** of the GWAP process is judged good, within the realistic limits imposed by the nature of that process. IUCN has produced a commendably thorough **communications** strategy for the GWAP process. The fact that the responsible officer is also in charge of all routine GWAP administration has slowed implementation of the strategy somewhat. There has been some improvement in the availability of communications and documents on the process in Russian. IUCN continues to be criticised in some quarters for communications that paint too favourable a picture of Sakhalin Energy motives and performance. Given that influencing the private sector is an important part of its overall strategy, it must achieve a difficult balancing act. To publish communications implying a crusade to police and correct the private sector would be counter-productive. Not surprisingly, it fails to please all of the people all of the time. In communications on the GWAP, continuing vigilance is needed from panel members and communications staff to strike the appropriate balance and tone.

Open information sessions, and an online question and answer process, have not been effective.

Recommendation 4.4. Instead of attempting focused information or question and answer sessions on the western grey whale and the GWAP, IUCN should give prominence to its

and the panel's readiness to answer questions via the website, and actively seek the collaboration of Russian and other NGOs in spreading the word about this. It should also include a 'frequently asked questions' link to the fact sheet on the website.

IUCN provides generally strong and efficient **administrative and logistical support** to the GWAP process. Reports on all panel and most task force meetings are thorough and efficient.

The influence and impact of the GWAP

The GWAP process has had a modest but positive **impact** on the **conservation** of the western grey whale population, and a marginal but positive impact on its **recovery**. The potential for it to achieve positive impact on the animals' conservation and recovery would be much greater if its efforts were nested within a rangewide initiative for this purpose.

The panel process has had a positive **impact on Sakhalin Energy's practice** on the Sakhalin Shelf. It is harder to be positive about the sustainability of these positive impacts on Sakhalin Energy. Beyond the duration of current obligations to lenders, much will depend on whether the environmental attitudes and practice of Gazprom – seen in the context of the Russian oil and gas industry overall – have evolved beyond their present sub optimal state. It will depend, too, on the evolution of Russian regulatory practice and how effectively it can maintain the conservation standards that the panel is encouraging Sakhalin Energy to adopt.

So far, the GWAP process has had relatively little influence on **broader state and industry practice in the range of the western grey whale**.

There are two ways in which the GWAP process can affect the **marine conservation practices of the oil industry in general**. The first is for the panel model of interaction between independent experts and a company to be replicated. The second is for the industry to adopt approaches or practices that the panel has recommended. There is some evidence of the first type of impact, notably through the panel that IUCN set up to advise on oil and gas activities off the Mauritanian coast (2007 – 2009) and the Yemen LNG Independent Review Panel (operating since 2009). There is only limited, diffuse evidence of the second kind of impact.

The GWAP process has had a substantial and positive **influence on IUCN's approach to building partnerships with the private sector**, which in turn has some significance for the overall IUCN Programme.

1. Introduction

1.1. Background

On 2 October 2011, IUCN's Western Grey Whale Advisory Panel (GWAP) was five years old. This is the second of the biennial evaluations of the panel for which its terms of reference (TOR) provide (see Annex 2). The origins of the GWAP were summarised in the first evaluation (Turner, 2009: 1-2). Experience with its predecessor, the Independent Scientific Review Panel of 2004-2005, is discussed in another study commissioned by IUCN (Halle, 2009). The history will therefore not be repeated here.

The work of the GWAP has been funded by the Sakhalin Energy Investment Company through an agreement with IUCN that was due to expire at the end of 2011 but has been renewed for a further five years. The original aim to involve several or all of the companies exploiting oil and gas reserves on the Sakhalin Shelf has not yet been achieved. While the GWAP TOR speak of 'Contracting Companies' in the plural, Sakhalin Energy remains the only participating firm so far.

There have recently been two important developments. First, in December 2010, Sakhalin Energy briefed GWAP-9 (the ninth meeting of the panel) on its plans to investigate construction of a third platform on the Sakhalin Shelf, in a development known as South Piltun. (This followed an informal briefing in Copenhagen on 17 October 2010.) If it is developed, this would be a significant addition to activities likely to disturb western grey whales in the area. At GWAP 9, the panel emphasised that it had not implicitly endorsed the South Piltun development by the advice it put forward on the issue (IUCN 2010: 17). In fact, it recommended that construction not begin until there is better understanding of impacts of noise on whales. South Piltun activities are likely to be a major agenda item at future panel meetings, against a background of "continuing industrialisation and urbanisation of the Sakhalin Shelf" (see box).

Despite the considerable progress made over the last five or six years through IUCN engagement with Sakhalin Energy (ISRP, IISG, GWAP), the western gray whale population remains critically endangered, the scale of industrialisation and urbanisation of the Sakhalin shelf continues to expand, and it is still uncertain whether the whales will be able to adapt and recover under these circumstances of cumulatively increasing risks.

...we draw attention to a concept introduced by Kraus and Rolland (2007)...: 'urban whale syndrome'. As described by those authors (p. 504): "It is an open question whether reduced habitat availability, historic or newly introduced chemical pollutants, acoustic disturbance from vessel traffic, and other forms of habitat degradation are slowing the right whale population's recovery. There is no point in saving right whales from the direct kills of shipping and fishing if their habitats have been lost to the increasing urbanization of the ocean."

From report of GWAP-9 (IUCN, 2010: 15, 17).

Secondly, there have been significant advances in the tracking of western grey whales using satellite transmitters. In October 2010, one of the animals, named Flex when first identified some years earlier, was tagged off Sakhalin. Its last satellite location, on 5 February 2011, was 20 km off Siletz Bay, Oregon. More western grey whales have been tagged since. By early 2012, the extent of their travels should be known. Photo-ID and genetic data have shown that other grey whales have also moved across the Pacific. This has revived discussion about how distinct the western grey whale population is from the far more numerous eastern one. Much more tracking and analysis will be necessary before clarity is achieved on these issues. Whatever the outcome, it would not diminish the importance of environmentally responsible behaviour by the extractive industries on the Sakhalin Shelf. Meanwhile, the estimated population of western grey whales in 2009 was 134 adults, including 33 reproductive females and excluding calves (IUCN, 2010: 31).

This review therefore comes at a time of change for the panel. A second phase of activities will soon be launched, under a new contract between IUCN and Sakhalin Energy. As noted above, there are significant operational developments as the company explores a possible South Piltun development; and there is important new information about the movements of the western grey whale, although much remains

unknown. This evaluation aims to help IUCN, the panel and other stakeholders to enhance the GWAP's relevance, effectiveness and efficiency over the years ahead.

1.2. GWAP activities to date

The first evaluation of the GWAP, effectively covering the period to the end of 2008, was formally presented to GWAP-6 in April 2009. Table 1 shows all the meetings that the panel has held since its inception. As can be seen, it has continued to meet twice per year (its TOR, shown at Annex 2, require it to meet at least annually). Since 2008, Dr Randall Reeves has continued as chair of the panel. The ten other members have continued to serve, too. Three Associate Scientists have been invited to contribute to aspects of the panel's work and have attended some of the meetings.

While the days of panel meetings are periods of intensive activity for all involved, much other effort takes place between these events. Two specialist task forces have continued to play an important role (section 4.5). The Photo-ID Task Force met twice in 2009 and, although important photo-ID work continues, this group is not currently active. The Seismic Survey Task Force has held five meetings since early 2009 (and two before that), and is to be renamed the Noise Task Force to reflect the broader set of potential acoustic disturbances with which it is becoming engaged. The Oil Spill Task Force met only once, in 2007; but some of its members take part in the Environmental Monitoring Task Force that was established at GWAP-4 in 2008. This has made slow progress recently. The GWAP website, hosted by IUCN, does not list the dates of its meetings, as it does for the other task forces, and the site's most recent reference to its work concerns plans for a presentation at GWAP-7.

Table 1. GWAP meetings

1	9-11 November 2006	Prangins, Switzerland
2	15-18 April 2007	St Petersburg, Russia
3	10-13 November 2007	Lausanne, Switzerland
4	22-25 April 2008	Lausanne, Switzerland
5	3-6 December 2008	Lausanne, Switzerland
6	21-24 April 2009	Geneva, Switzerland
7	11-14 December 2009	Geneva, Switzerland
8	16-18 April 2010	Geneva, Switzerland
9	4-6 December 2010	Geneva, Switzerland
10	13-15 May 2011	Geneva, Switzerland

The GWAP website (<http://www.iucn.org/gwap/>) provides detailed reports on the meetings of the panel and of three of the four task forces. NGO and lender representatives continue to attend the open sessions of the panel meetings as observers; overall their levels of representation have remained fairly constant. At GWAP-10, an administrative error by IUCN led to more than the stipulated maximum of four NGO observers coming to the meeting. The chair decided to let them all in, but only to permit one person to speak on behalf of each NGO present (IUCN, 2011a: 5). The panel's TOR also allocate up to four seats to observers from the Russian government. The only meetings in the review period at which a Russian government representative was present were GWAP-7 and GWAP-8.

1.3. Performance assessment arrangements

The GWAP TOR (Annex 2, section 10) emphasise the importance of regular assessment of the panel's performance as an advisory body, of IUCN as a convenor and of the contracting companies' implementation of GWAP advice. They therefore commit the panel to making self-assessment "a recurring item on the agenda". During the review period, this agenda item has indeed appeared, although some of the discussions have focused on future arrangements for the panel process (section 3.10).

As noted, the panel’s TOR also provide for an independent external evaluation every two years of “the performance of the collaboration under these TOR and the effectiveness with which IUCN, GWAP, and the Contracting Companies have played their respective roles”. The first such evaluation was completed early in 2009; this is the second evaluation.

1.4. Terms of reference for the evaluation

The TOR for this second evaluation, covering the period from the first quarter of 2009 to the third quarter of 2011, are shown at Annex 1. They state that

The overall objective of this evaluation is... to assess the effectiveness of the engagement between the implementing parties of this initiative, namely IUCN, the GWAP and its Chair, and Sakhalin Energy (hereafter referred to as the “GWAP process”) in terms of:

- a) *the specific roles and responsibilities attributed to each of the implementing parties as defined in the Agreement and the GWAP TOR; and*
- b) *the broader objective of conservation of western grey whales, throughout the extent of its range.*

Guided by and required to comply with the IUCN evaluation policy, this evaluation should address the following issues:

- *the **relevance** of the GWAP process;*
- *the **effectiveness** of the results of the GWAP process;*
- *the **cost effectiveness and efficiency** of the GWAP process;*
- *the **influence, impact and sustainability** of the GWAP process;*
- ***factors affecting the performance** of the GWAP.*

Finally, it is required to make recommendations about how better to achieve the objectives and fulfil the TOR of the GWAP.

1.5. Evaluation approach and activities

Following briefings by IUCN, the assignment began with preparation of an inception report, submitted on 10 June 2011. The report set out the proposed approach to the task, structured according to an evaluation matrix that is reproduced here at Annex 3. It explained that the data specified by the evaluation matrix would be gathered by the following methods:

- review of the relevant documentation, including the records of self-assessments by the Panel at its meetings over the last two years;

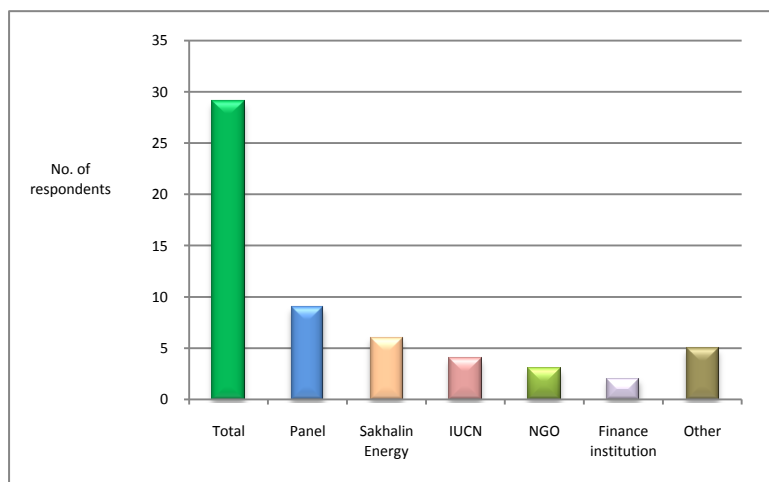


Figure 1. Survey respondents

- face to face or telephone interviews with key informants, including some held during a visit to IUCN headquarters at Gland and attendance at two days of the GWAP-10 meeting in Geneva;
- an online questionnaire survey (shown at Annex 5 below) to which a broader group of informants would be invited to respond.

The 31 people interviewed in the course of the evaluation are listed at Annex 6. A Russian interpreter was used for some of the discussions with Russian interviewees. Unfortunately, despite various contacts and reminders, it was ultimately not possible to interview four of the panel members. No reply was received to messages sent to the Russian Ministry of Natural Resources. Efforts to get a telephone interview with Sakhalin Environment Watch were also unsuccessful.

The questionnaire was presented in both Russian and English. The interpreter assisted with translation of comments included by Russian respondents. The survey invitation was sent to 43 people, drawn mainly from the IUCN database and including panel members, representatives of NGOs and lenders, Sakhalin Energy staff, IUCN staff and the Russian Ministry of Natural Resources. Twenty-nine responses were received, constituting a 67% response rate (Figure 1 above).

Unfortunately, the timing of this review and of the revision of the GWAP TOR were not synchronised. Although the deadline for agreement of the new TOR by IUCN and Sakhalin Energy fluctuated somewhat during this assignment, it seemed that they might finalise the matter before the evaluation report could be submitted. Preliminary comments on the new TOR were therefore sent to IUCN, on the basis of the emerging evaluation findings, on 17 September.

2. The relevance of the GWAP process

2.1. Relevance to the conservation and recovery of the western grey whale population

Before addressing the relevance questions posed for this evaluation, one issue will be raised and parked. This concerns the character and identity of the western grey whale population. As was noted in section 1.1 above, recent findings about these animals' movements across the Pacific have raised some questions about whether there is a distinct western (or eastern) grey whale. The consensus seems to be that it is too soon to answer these questions definitively. For the purposes of this evaluation it will continue to be assumed that there is an endangered population of grey whales in the western Pacific that urgently needs effective conservation measures to promote its recovery – and that oil and gas extraction activities on the Sakhalin Shelf pose significant threats to that recovery.

From this perspective, the GWAP process is clearly relevant to the conservation and recovery of western grey whales. Respondents to the questionnaire survey confirmed this strongly (Figure 2). Throughout the panel's operations to date, however, that relevance is constrained by two facts.

First, it still works with only one of the energy companies that are active on the Sakhalin Shelf

(section 3.7). For Sakhalin Energy, the GWAP process is absolutely relevant to addressing the impact of the company's operations on western grey whales. The panel does address issues relevant to the wider oil and gas industry operating on the Sakhalin Shelf, as most survey respondents agreed (Figure 3). But however relevant these issues, the GWAP's work on them does not necessarily lead to effective conservation action.

The key question about relevance in the evaluation matrix asks
To what extent does the GWAP process address the priority issues?

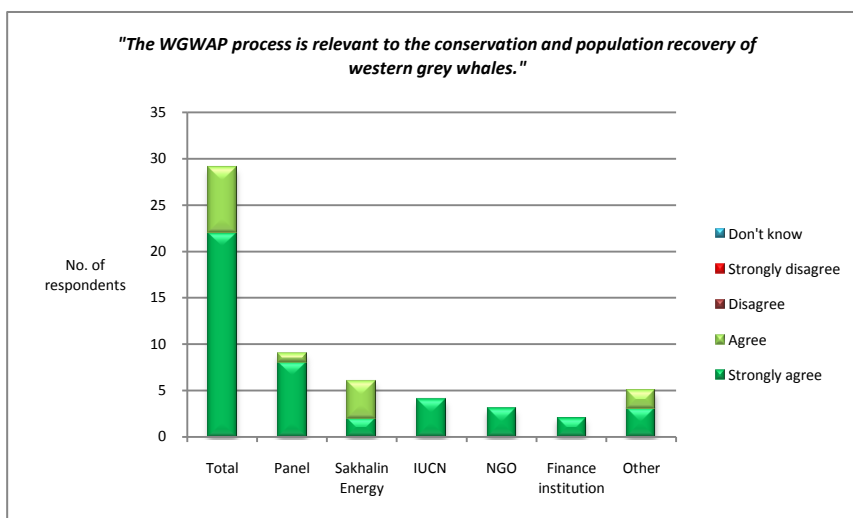


Figure 2. Survey: relevance of GWAP process to conservation and recovery of western grey whales

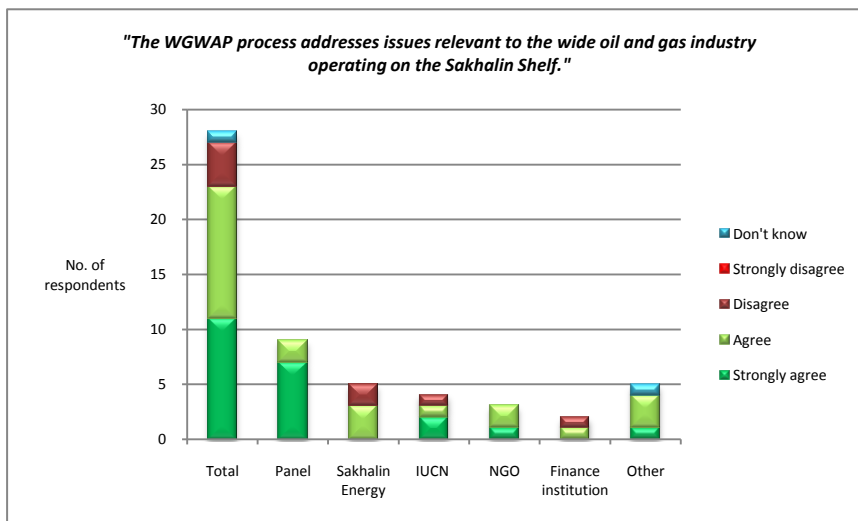


Figure 3. Survey: relevance to wider oil and gas industry operating on the Sakhalin Shelf

Secondly, the panel's work has been largely confined to one – critically important – part of the animal's range. Although heavily dependent on the science and experience that its members generate around the Pacific and beyond, the WGWAP has not engaged effectively in conservation efforts for the western grey whale across the rest of its range (section 5.1). While no western grey whale mortality has been attributed to Sakhalin Energy activities since the panel was established, a number of the animals have died in fishing gear, for example. Sakhalin Energy operations are definitely a priority issue for the conservation and recovery of the western grey whale; but so are the activities of other energy companies and of fishers – not to mention the recent nuclear accident in Japan. The panel only addresses some of the priority issues directly, however great its concern about the others. In principle, its work is relevant to addressing the impact of other human activities like fishing and shipping on western grey whales. In practice, that relevance is constrained by the lack of co-ordinated international effort to address such impacts.

2.2. Relevance of WGWAP advice and SEIC responses

Sakhalin Energy can use the advice of the WGWAP to understand its environmental impacts and conservation challenges. It must also operate within legal and regulatory frameworks. The most immediate of these is local and national Russian legislation and procedures, with which the company must comply. In the background are contractual obligations to lenders with regard to environmentally responsible behaviour – which are the fundamental reason why Sakhalin Energy must co-operate with the panel. The WGWAP chair has emphasised that the panel cannot advise on legal and regulatory matters. At the start of WGWAP-10, for example, he noted that “that it is not qualified to comment on legal or regulatory issues. The Panel's expertise lies primarily in areas of biological sciences and some relevant aspects of oil industry practice” (IUCN, 2011a: 5).

From a scientific perspective, however, WGWAP advice is strongly relevant. It deals with the primary concerns about understanding, monitoring and mitigating the real and potential impacts of oil and gas exploration and production on western grey whales: noise; environmental degradation (notably of feeding areas and resources); and the general disturbance caused by human presence and movement. This means monitoring and studying the behaviour, movements and population dynamics of the animals. In all these fields, the panel is providing highly relevant advice. Working closely and usually constructively with the panel, the company and its scientists offer equally relevant responses, as required by the WGWAP TOR and by Sakhalin Energy's agreements with its lenders. As this report will show, there have been many scientific disagreements and frequent complaints by panel members and observers about the technical adequacy or timeliness of company responses; but their general relevance is not in doubt.

One of the most interesting facets of the panel process is that it constitutes an interface between advanced science and industrial practice. Questions are often raised about the operational relevance of WGWAP advice, coming as it does from a group of distinguished scientists who mostly lack much direct experience of the operations of the oil industry. There have certainly been misunderstandings and failures to communicate, in both directions. The challenge for the panel is to optimise this operational relevance so that industry managers and technicians can understand and act on its advice. The challenge for the company is to make the best use of such scientific advice in ways that optimise both operational advantage and conservation impact – while understanding that relevant advice may take time to construct.

2.3. Relevance to IUCN

The WGWAP is relevant to IUCN in a thematic sense and in a broader, strategic sense. Thematically, its cutting edge work in a particular field of marine conservation is highly relevant, particularly if the technical and institutional lessons learned from interaction with Sakhalin Energy over western grey whale conservation can be applied in other marine and polar conservation contexts – most notably mitigation of the impacts of oil and gas activities in the Arctic.

The practical value of this relevance depends on how effectively IUCN exploits it. To capitalise fully on it, IUCN's Global Marine and Polar Programme (GMPP) should ensure adequate interaction, engagement and

cross-fertilisation with and between the GWAP's work and that of its other projects and activities. There should be scope for this in the job description of the GWAP co-ordinator employed by the Programme. She/he should focus not only on supporting the work of the panel, but also on optimising the interface between the panel and other aspects of the Programme's work. The holder of the post should therefore combine technical and organisational skills with a broader perspective on the marine and polar conservation sectors and a proactive attitude to outreach across the Union and its conservation constituencies.

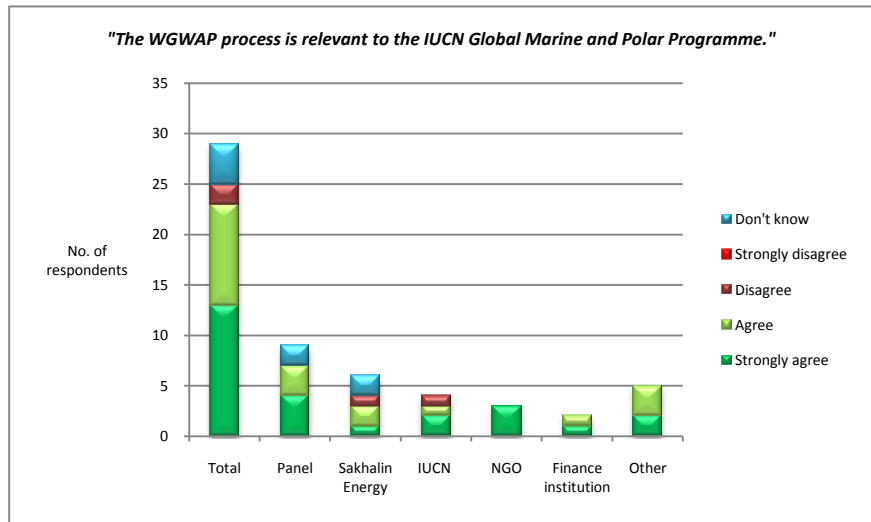


Figure 4. Survey: relevance of the GWAP to the IUCN Global Marine and Polar Programme

Capitalising on the relevance of the GWAP for IUCN is a challenge not only for the co-ordinator, but also for the management of the GMPP, as well as the Union's other management structures – including those of the Species Survival Commission. As in most human organisations, communication is inadequate within the IUCN Secretariat, with too many projects and programmes operating in silos and too few opportunities to compare experience and build synergies. This has also been true of the GWAP. Within IUCN, it is generally seen as a success and a credit to the Union but has too low a profile in terms of its thematic and operational relevance.

Converse arguments have been put forward about the need to operate some sort of firewall within IUCN in order to maintain the Union's neutrality as convenor as the panel as well as its active commitment to conservation. Original arrangements for the panel's predecessor, the Independent Scientific Review Panel (ISRP), strictly segregated the role of the IUCN Business and Biodiversity Programme (BBP) from the roles of the rest of the Secretariat. The BBP handled relations with Sakhalin Energy's then majority shareholder, Shell, and with the ISRP and direct stakeholders. Other parts of the Secretariat were to handle IUCN's outside profile and stance in this regard as well as substantive issues arising from the ISRP's work. (Halle, 2009: 13). Recently, there has been less evidence of such 'firewalling', although concern has still been raised about the need for IUCN to have its own positions as a conservation union on issues emerging from a panel process of which it is, at the same time, the neutral convenor (Turner, 2009: 24). The BBP has little direct engagement with the GWAP now. The challenge of being both neutral convenor and committed conservation organisation persists. But the most immediate challenge is for the GMPP: to treat the GWAP not as a separate project but as an integral part of its broader conservation strategy.

The GWAP can achieve additional relevance for IUCN through the publicity that it can generate. Like elephants, whales are charismatic species creating positive conservation publicity opportunities – as well as negative ones, when controversies arise about sustainable use or, in this case, the impacts of the oil and gas industry and IUCN's stance on such matters. The emergence of fascinating new information about the trans-Pacific travels of Flex and his colleagues is an opportunity for IUCN to emphasise its conservation relevance to the world. At the same time IUCN is strongly criticised by NGO critics for publicity about the GWAP that, in their eyes, is not neutral enough. This publicity, they argue, puts too positive a spin on the performance of Sakhalin Energy and is not candid enough about IUCN's relations with the private sector.

This leads to the broader, strategic relevance of the GWAP to IUCN. It concerns the part the panel plays in IUCN's overall strategy towards, and experience with, the private sector. These have been difficult issues for the Union for many years, and this is not the place to discuss them in any detail. But the GWAP has been prominent in IUCN's broader history of panel and round table processes for interaction with individual companies or broader private sector groupings. That history has recently been the subject of an internal IUCN review (Martin Mehers, nd). Partly because of the links with Shell, it has attracted significant levels of criticism about the wisdom of, and motives, for, such strategies. But there are obvious questions to be asked and lessons to be learned about whether the GWAP model is a justifiable or effective way to work with business to mitigate environmental impacts and/or to achieve conservation goals. While it offers much useful guidance on strengths, weaknesses, pitfalls and opportunities, the recent review focuses mainly on operational aspects of these questions, rather than the more fundamental ones about where IUCN is going with such relationships, what it is achieving and whether it is right to try. From these perspectives, the GWAP is absolutely relevant to the vision and mission of IUCN.

2.4. Relevance to the oil and gas industry

As was shown in Figure 3 above, the majority of this evaluation's survey respondents confirmed the relevance of the GWAP process to the wider oil and gas industry operating on the Sakhalin Shelf – although two of the five respondents connected with Sakhalin Energy did not agree. Again, the thematic relevance of the panel process can be distinguished from its broader, strategic relevance.

Thematically, the issues with which the panel and Sakhalin Energy are grappling in the GWAP process are highly relevant to the other companies working on the Sakhalin Shelf and to the oil and gas industry more broadly. Understanding how offshore oil and gas operations affect whales, and designing effective and feasible ways to address these impacts, are relevant in many other local and global contexts. There is no doubt that other energy companies are interested in the results of the panel's work and the ways in which Sakhalin Energy is using those results. There is much for them to learn, too.

Equally relevant for the industry as a whole are the strategic questions: what to do about environmental impacts, conservation and conservationists. However genuine an oil company's environmental concerns might be, is a GWAP-type process a sensible way for it to address them? Sakhalin Energy's experience is instructive for its colleagues and competitors in the sector. Funding and working with the panel imposes costs, inconvenience and doubtless periodic frustrations. It requires a fundamental shift in attitude among company managers, who must be willing to take advice and accept recommendations from outsiders. Conversely, it achieves reputational benefits and the confidence that the company is being guided by some of the world's best expertise in seeking to minimise its adverse impacts on an endangered and charismatic species. It is not surprising that no other company has volunteered to join Sakhalin Energy in its collaboration with the panel (section 3.7). Sakhalin Energy, of course, had no choice: collaboration with the panel was a condition imposed by its lenders. This does not diminish the strategic relevance of the GWAP process for the sector. Indeed, IUCN has had some success in setting up other panels with oil and gas interests in Yemen and Mauritania (Martin Mehers, nd).

3. The effectiveness of the GWAP

3.1. Introduction

As in the previous evaluation, the effectiveness of the GWAP process is the heart of the matter. Whether the various components and stakeholders in the process are achieving the intended results affects the ultimate impact of the work that the panel and the company are trying to do (chapter 5) and is partly determined by the efficiency with which they do it (chapter 4). In structuring an assessment of the panel's effectiveness, the review is guided by the 15 questions posed by the relevant section of the evaluation matrix (Annex 3).

The key question about effectiveness in the evaluation matrix asks <i>To what extent is the GWAP process achieving its intended results?</i>

3.2. Information provided to the GWAP

The timely and adequate provision of the relevant information by Sakhalin Energy to the GWAP is fundamental to the panel process and central to the health of panel relationships. The company's performance in this regard is seen as the key indicator of its good faith towards the panel. It may be an indicator of other factors too, such as whether the company is adequately managed and resourced to deliver the data that the panel asks for, and whether its subcontractors perform as required. Critics tend to assume that, especially in an era of high energy prices, a company like Sakhalin Energy can easily resource whatever level of effort is needed to generate and deliver the data needed for a conservation process. While that ought to be true, the apparently omnipotent giants of the energy sector can still turn out to be disorganised and/or under-resourced in specific facets of their business.

Sakhalin Energy has had its share of such problems. At the time of the first evaluation of the GWAP, an air of crisis and gloom pervaded the panel process. After GWAP-5, held in December 2008, the panel said:

Elsewhere in this report, the Panel has set forth its concerns and frustrations in regard to the GWAP process and how it has functioned to date. The lack of recent progress on various matters, primarily as a result of inadequate provision of data and information, has led Panel members to question whether the process is serving its central purpose: to promote the necessary protection for this critically endangered whale population and thus improve its chances for full recovery. As a result, unless there is significant and immediate improvement, members are increasingly reluctant to continue investing their time and energies in a process that seems to be of questionable effectiveness.

IUCN, 2008: 33-34.

The company did take steps to rectify the situation. While the sense in early 2009 was that the panel process was on probation until a significant improvement took place, the mood soon began to improve and has remained generally positive since. As soon as GWAP-6, in April 2009, the panel chair acknowledged that

in the months since the December 2008 meeting (GWAP-5), there has been a welcome change. Communications and responsiveness have greatly improved, and Sakhalin Energy officials have made clear that the company remains committed to the GWAP process. In terms of communications with IUCN and the delivery of documents and data for this meeting and for inter-sessional work of the task forces, the company has largely met its commitments and done so in timely fashion. On the part of the Panel, some members, due to their extremely heavy workloads arising from other professional responsibilities, were

unable to deliver documents on time for GWAP-6. However, this should in no way be interpreted as a sign of lack of commitment to the process on the panellists' part.

IUCN, 2009a: 4.

Indeed, the boot has since sometimes been on the other foot, with the company generally managing to deliver its data inputs by the agreed deadline of two weeks before a panel meeting, and panel members sometimes scrambling to set aside other commitments and be ready with their own contributions. There have been further disruptions to Sakhalin Energy's research and monitoring programmes that have adversely affected delivery of data to the panel, and recent work has had to be done within an operational phase of company budgeting, more restricted than the funding available during the earlier construction phase. There was one case of an oversight by IUCN delaying transmission of data supplied by the company to the relevant panel members. Nevertheless, efforts have been made by both sides to enhance information flows and manage expectations – which links to enhancing the realism of panel recommendations (section 3.3). In some fields, more intensive relations between panel members and company scientists through task force work programmes (section 4.5) have streamlined information flows. More could be done, suggest some panel members, by delivering data to them further in advance of panel meetings, and, where appropriate, processing and summarising large data sets rather than transmitting them in raw form.

As can be seen from Figure 5, there is general satisfaction with the way in which the GWAP addresses issues of data integrity and reliability. But the panel continues to work with one hand tied behind its back, because of its lack of access to data collected on the Sakhalin Shelf by other companies, and restrictions on its access to data collected jointly by Sakhalin Energy and Exxon Neftegas Ltd. (ENL). Even with the datasets for which Sakhalin Energy is solely responsible, respondents from several sides urge greater effort to ensure that they are comprehensive, accurate and clean.

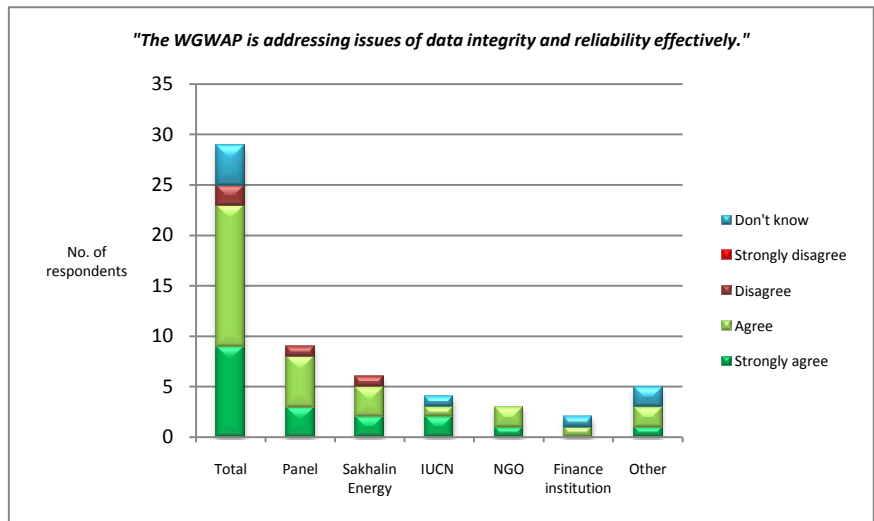


Figure 5. Survey: GWAP's handling of data integrity and reliability issues

Against the backdrop of this generally improved performance, there has been less satisfaction with Sakhalin Energy's transmission of information about the South Piltun development. The widespread inference from the company's earlier environmental impact assessment had been that two platforms would be enough for it to exploit all its reserves, and that the panel should build its assessment of impacts and mitigation regarding western grey whales on a two platform scenario. The conclusion drawn by many outside the company when it became clear that a third platform is now under consideration was that Sakhalin Energy had not been properly transparent in its communications. The company argues that emerging knowledge about the reserves and the production options led to a reassessment (which is not yet complete); that it acted in good faith by briefing the panel about the evolving situation at a meeting in Copenhagen in October 2010; and that it is committed to taking the panel's advice as it explores the South Piltun options and possibly develops the third platform. The challenges now will be to repair the damaged trust in company-panel communications; to ensure that the panel is fully briefed, and fully able to understand, the

technical issues and options surrounding possible development of the third platform; and that a full and timely flow of relevant information to the panel on this matter is achieved.

3.3. The recommendations made by the WGWAP

The panel’s recommendations to Sakhalin Energy are at the core of the WGWAP process. The company is required to comply with all ‘reasonable’ recommendations of the panel, and to explain its reasons when it does not comply. The conservation impact of the panel’s work depends on the company’s implementation of its recommendations. This depends in turn, partially, on the relevance and clarity of the recommendations.

Good progress has been made in the content and management of

WGWAP recommendations since 2008. IUCN and the WGWAP are managing them more effectively. As Figure 6 shows, there has been some reduction in the number that are made at each panel meeting - although WGWAP-9 is clearly an outlier in this respect, and the small number made at WGWAP-5 in December 2008 was, according to the chair, because the company brought so little information to the meeting for the panel to review. (The chart also shows the number of recommendations made at the meetings that preceded the establishment of the WGWAP.)

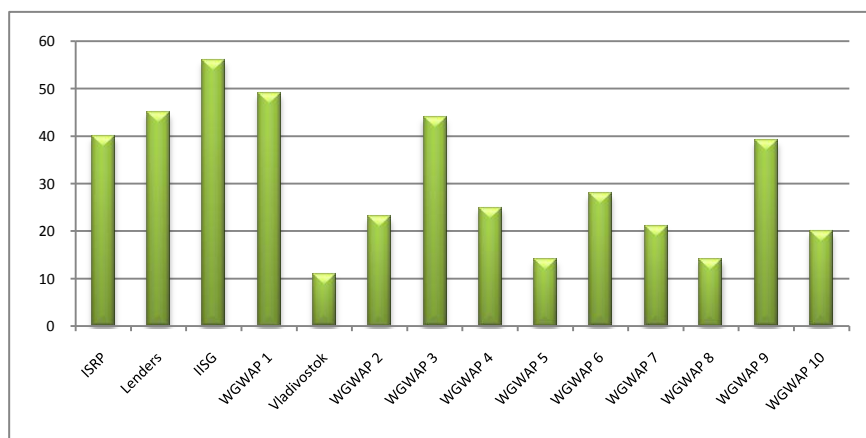


Figure 6. Number of recommendations made at each WGWAP and previous meeting

As in the first evaluation of the WGWAP, data on its recommendations are not presented with any mechanistic assumption that enumerating their features describes the quality of the panel process (see box). But it is instructive to consider how this central currency of the process is evolving, and how much of it is converted into action that the panel finds satisfactory. The former IUCN co-ordinator (Finn Larsen, who left in May 2011) and the panel chair worked hard to sort and sift the recommendations into a more manageable set of tables, which are now available on the WGWAP website - covering meetings up to WGWAP-9 at the time of writing. Figure 6 is based on the 429

...it is the Panel’s expectation that those who use the list will do so with respect for the process, bearing in mind the limitations of any such list, including the fact that at a given point in time, many of the recommendations will not fit exactly into only one status category and some status designations may not be entirely up to date. In other words, the list should not be treated as a precisely kept scorecard of performance but rather as a mechanism to ensure that nothing important ‘falls through the cracks’ and that progress is always being made towards full compliance with the WGWAP Terms of Reference.

IUCN, 2009b: 6.

recommendations now recorded from the ISRP meeting up to and including WGWAP-10, but the other charts shown here are based on the classifications in the website tables, up to WGWAP-9.

Each recommendation that the panel makes creates work for the company. Naturally, those on the company side would prefer a lower number of recommendations, and want them to be SMART – specific, measurable, attainable, realistic and time-bound (there are, of course, several variants of this acronym). There are calls now from Sakhalin Energy for the panel’s recommendations to be risk-based; to distinguish whether they are of a scientific nature or address a specific business risk; and to be reduced further in number. Part of the challenge at this interface between science and operational practice is that panel members, most of whom are leading scientists in their fields, cast a broader and deeper frame around the

process of research and explanation than company staff, who need maximum efficiency in delivering the focused operational advice they require to achieve the desired mitigation or conservation outcome.

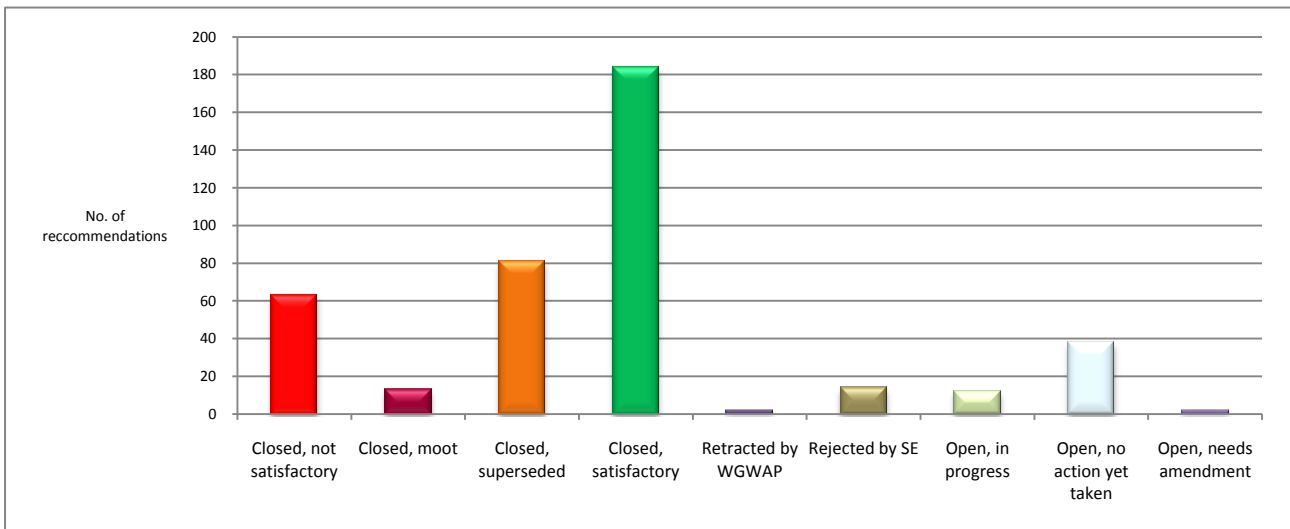


Figure 7. Status of all GWAP and prior recommendations (to GWAP-9)

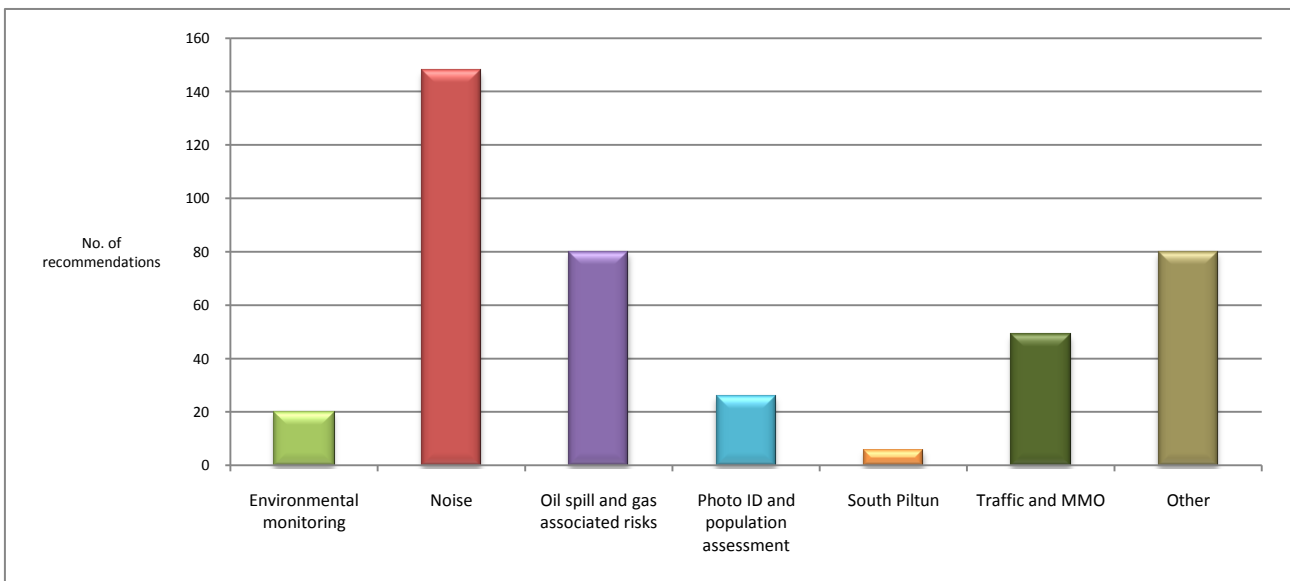


Figure 8. GWAP and prior recommendations by subject (to GWAP-9)

The charts shown in Figure 6 - Figure 10 are based on the detailed table of recommendations shown in Table 2 at Annex 4 (page 60). As in the previous evaluation, the detailed category labels used by IUCN and the panel have been simplified for use in the charts, and it seems more useful to omit the recommendations (shown in Figure 7) that are ‘closed – superseded by a new recommendation’. Not surprisingly, Figure 9 shows that the proportion of a meeting’s recommendations classed as ‘closed, satisfactory’ shrinks for the more recent meetings. Overall, the proportion described as ‘closed, not satisfactory’, is lower for GWAP meetings than for the meetings that preceded establishment of the panel. Viewed by subject, recommendations concerning noise have the highest proportion classed as ‘closed, not satisfactory’. Recommendations about traffic and marine mammal observers (MMOs) show the highest proportion as ‘closed, satisfactory’; those on oil spill and gas associated risks, and those on photo ID and population assessment, also show more than 60% in this category.

The consensus on both sides is that WGWAP recommendations have become clearer, more practical and more usable, while their number has become somewhat more manageable. More progress is needed in all these areas, although the panel cannot and should not guarantee that it will find fewer matters on which to make recommendations. As further meetings generate still more recommendations, the challenges of managing them, remembering what has been recommended before, preventing duplication and ensuring

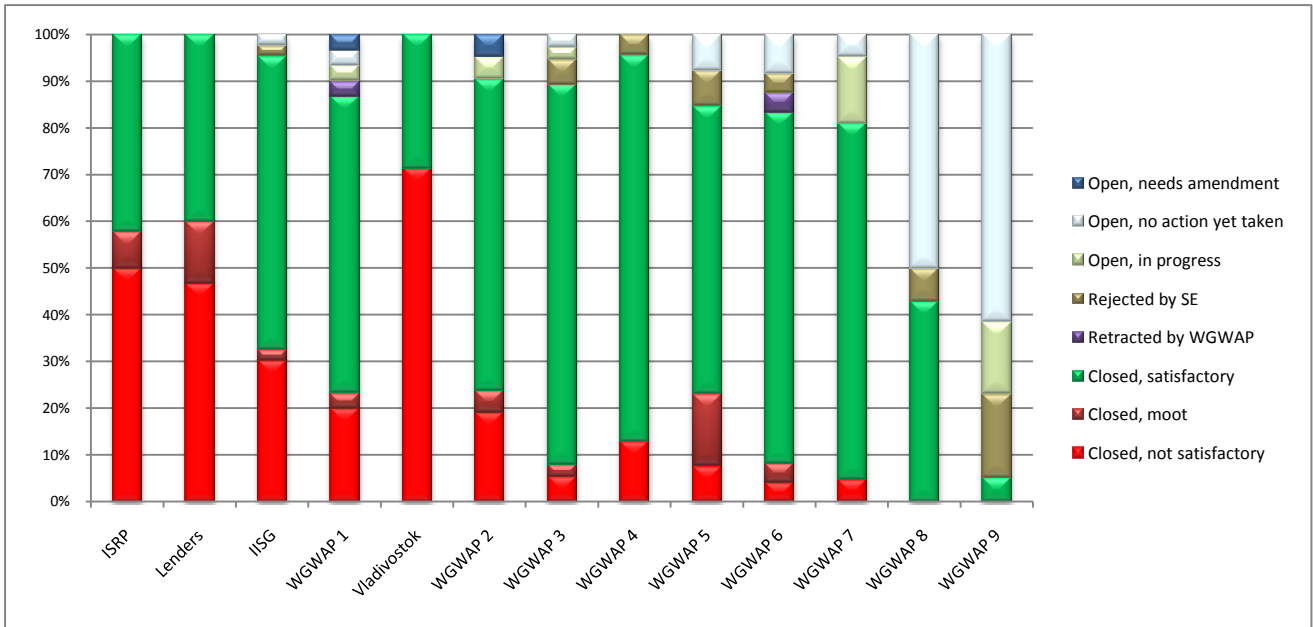


Figure 9. WGWAP and prior recommendations by meeting and category (to WGWAP-9)

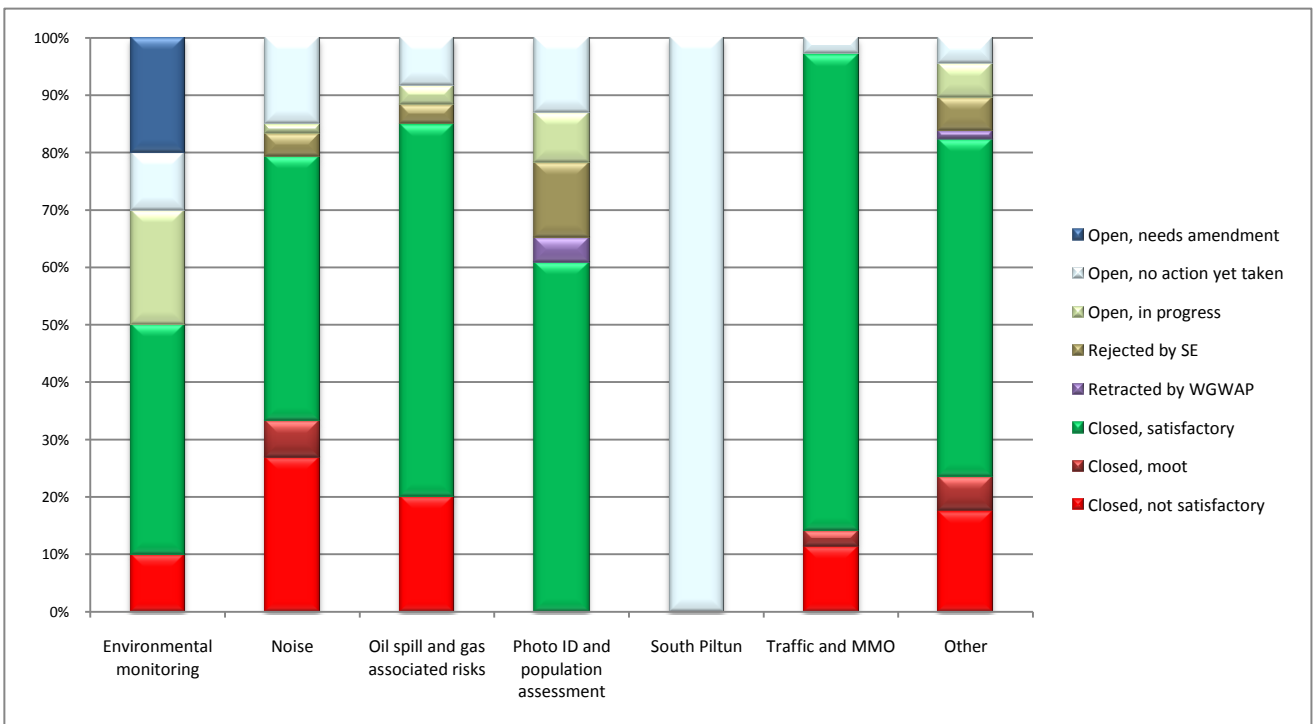


Figure 10. WGWAP and prior recommendations by subject and category (to WGWAP-9)

appropriate cross-referencing will multiply. The progress that IUCN and the panel have made in systematising recommendation management is laudable. It will have to be maintained and intensified.

The increased use of task forces in conducting WGWAP business has had important implications for the recommendations process. In these closed scientific sessions, there is much interaction as recommendations emerge for later review and probable endorsement by a full panel meeting. The chances of making a recommendation that the company will find unreasonable, unclear or impractical should be diminished, and participants on both sides suggest that task force work does enhance the quality of recommendations. Nevertheless, Figure 9 shows that it was the WGWAP-9 meeting that had the highest proportion of its recommendations rejected by Sakhalin Energy.

Meanwhile, as will be shown in section 4.5, there are accusations that the task force process creates conflicts of interest. Recommendations are no longer the independent work of the panel, it is argued; instead, the company, whose work the panel is supposed to evaluate impartially, helps to develop the recommendations with which it has to comply. Full panel meetings are reviewing plans influenced by task force meetings in which panel members were themselves involved, and whose intent may be reflected in recommendations emerging from a task force. From a strict evaluation perspective, or in the sense that some have of the panel as a court passing judgement on the company's performance, there is strength in these arguments. From the most direct and urgent perspective of achieving efficient and effective mitigation and conservation action, they are less valid. Consultation, collaboration and mutually constructive engagement are not inappropriate in the panel process, provided that the principles of the WGWAP TOR continue to be respected. On balance, recent trends in the process and management of recommendations are positive. But they will require continuing vigilance and further operational enhancement.

3.4. The use of WGWAP recommendations

Figure 11 shows the mixed views of questionnaire respondents as to whether Sakhalin Energy is using WGWAP recommendations and advice effectively. There are several potential reasons for the company not to achieve this effective use. One could be that the recommendation is not phrased or structured in a way that enables the company to get to grips with it. Even if it does not reject the recommendation as 'unreasonable', Sakhalin Energy may not be able to do anything very useful or practical with it. As was noted above, the company is increasingly concerned that panel recommendations should be defined as either 'risk-based' or 'scientific', with the clear intention of giving the former its priority attention. Another reason could be company reluctance to act as decisively as it should on some recommendations. A third set of reasons may concern various factors that hinder company implementation of a recommendation – such as lack of staff, difficulties with sub-contractors, conflicting regulatory or contractual requirements, failure to make necessary arrangements with other companies with whom data are shared, difficult field conditions etc.

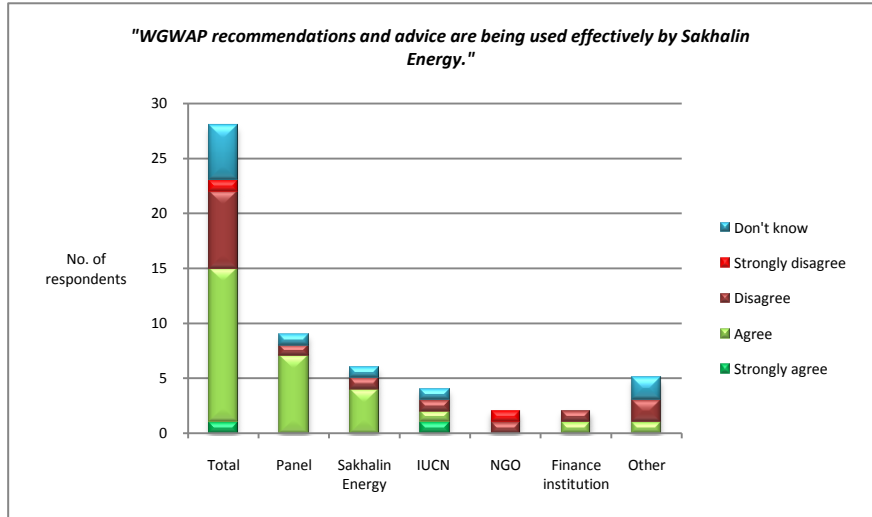


Figure 11. Survey: use of WGWAP recommendations and advice by Sakhalin Energy

Two things are clear. First, Sakhalin Energy has acted effectively to implement some panel recommendations. The result is improved practice (sometimes at the cutting edge of best practice) with regard to potential disturbances like seismic surveys and boat traffic, probably leading to reduced disturbance for western grey whales. Secondly, many recommendations have not led to a clear and effective result of this kind, for the various reasons mentioned above. Up to and including WGAP-9, the panel had had to close 63 (15%) of its 409 recommendations as 'no longer relevant but had not been implemented satisfactorily at the time [they] became moot'. Sakhalin Energy had rejected 14 (3%), although there are those in the company who feel that they should have rejected more as too vague and/or insufficiently risk-based.

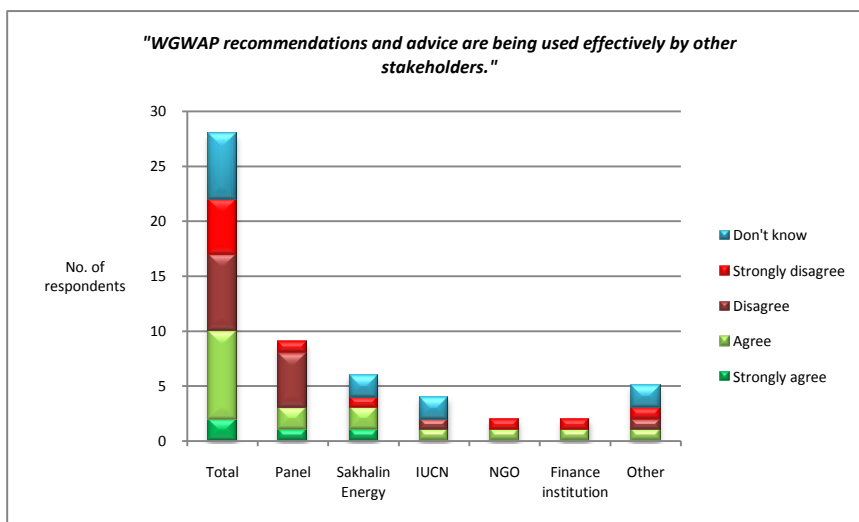


Figure 12. Survey: use of WGAP recommendations and advice by other stakeholders

Questionnaire respondents were still less positive about the effectiveness with which other stakeholders are using WGAP recommendations and advice (Figure 12). Other energy companies on the Sakhalin Shelf are under no obligation to take any notice of the WGAP, although it seems that they actually follow its deliberations and recommendations closely, are not always averse to unofficial communication and consultation, and may adopt some kinds of improved practice that flow from the panel's work. More broadly, the energy industry and the conservation community are aware of the WGAP and building its ideas into their corpus of best practice. The California State Lands Commission, for example, recently referred to the panel's acoustic work in a regulatory discussion about a proposed offshore seismic survey.

3.5. The effectiveness of IUCN

Although questionnaire respondents gave a broadly positive assessment of IUCN's effectiveness in performing the roles assigned to it by the WGAP TOR, the consensus among interviewees is that IUCN needs to lift its game with regard to the WGAP.

The daily administration and routine logistics of the panel are handled very competently by the responsible officer in the IUCN Global Marine and Polar Programme. She has had an extra load to carry since the departure of the WGAP co-ordinator at the end of May, and has impressed many by her efficiency in this regard. There are more mixed views about the co-ordinator position. The previous incumbent was noted

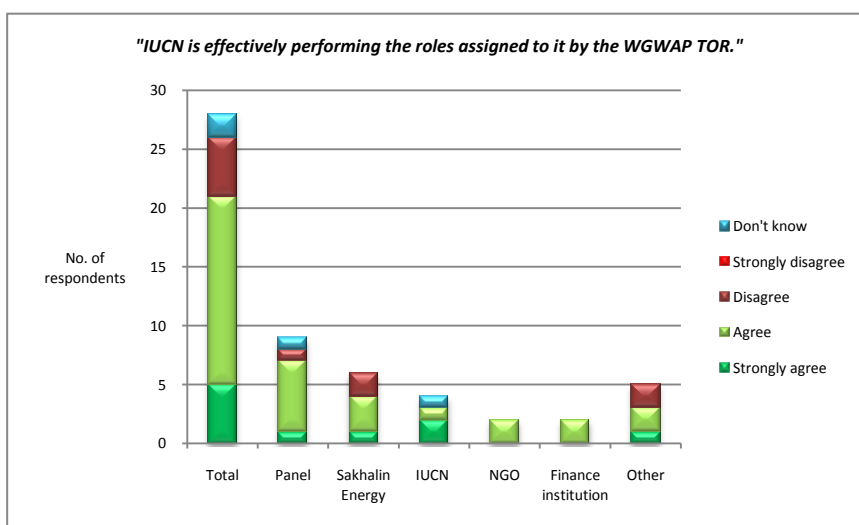


Figure 13. Survey: IUCN effectiveness in roles assigned to it by WGAP TOR

for his strong scientific background, conservation commitment and systematic approach to recommendations management and related tasks - but was seen as less active in broader advocacy and engagement that could have raised the profile and impact of the panel for IUCN and for marine conservation.

As in any other organisational endeavour, personal politics have affected IUCN's performance with regard to the GWAP. The conservation scientist whom panel members or NGOs might find congenial may not have the hard-nosed pragmatism, organisational insights and understanding of private sector priorities and constraints that the company would prefer to see in the GWAP co-ordinator. The two sets of qualities are rarely combined in one individual. Whoever fills the post must also be able to find her or his way through the personalities and power structures of the IUCN Secretariat. (Regrettably, the Commissions have a much lower profile in this panel's work than they should.) She or he must be able to work constructively with the management of the GMPP, of the BBP and of the Secretariat as a whole. Conversely, those management structures must be proactive in engaging with the work the panel does and the opportunities it presents for the Union as a whole. Instead, there have been signs of resentment and complacency: resentment that so little about the GWAP seems to leak beyond the GMPP, and complacency that the panel seems to be doing well, so can mostly be left to get on with it.

Some combination of complacency and poor communication has affected many perceptions of IUCN's current arrangements for the co-ordinator position. IUCN has not been able to advertise the substantive position (now vacant for over four months, likely to stretch to seven or eight) because a new contract with Sakhalin Energy for the next five years of the panel's work had to be in place first. The GMPP therefore placed Patricio Bernal, formally employed as co-ordinator of the Global Ocean Biodiversity Initiative, to work approximately half time as GWAP co-ordinator. His long experience in multilateral organisations has been an important asset in IUCN's negotiation of the new contract with Sakhalin Energy. But many stakeholders, including panel members, seem vague about his role, how long it is to last, and whether, how and when he will be replaced by a full-time co-ordinator. Some sense neglect by IUCN. They never saw much of its higher echelons above and beyond the co-ordinator position. Now more than ever, their main contact is with the administrative officer. However efficient she may be, this is not enough.

IUCN thus gives its undoubted credibility and respected name as a neutral convenor to the panel process, but not enough beyond that. This is ammunition for those who argue that it is too ready to make mutually beneficial arrangements with the private sector to lend environmental respectability to the latter's

Strategic engagement has probably been insufficient – needs people higher in IUCN.

IUCN lent credibility to process, not much more. A couple of young admin assistants – they've been quite good. Not much other apparent contribution from IUCN. But it certainly gave credibility.

He's a bit worried about IUCN. What he'd like to see them do with a bit more enthusiasm is to act on problems panel can't deal with, e.g. Russian government oil companies etc. IUCN ought to be good at this sort of stuff. Lot more help from IUCN needed at that type of level.

His main concern is that IUCN should take responsibility seriously.

He doesn't see much IUCN engagement in the process.

IUCN needs to lift its game.

Current IUCN person on GWAP is 3rd or 4th she's seen – they change quite often, doesn't know why. Hopes new person will make IUCN more effective.

IUCN does virtually nothing on the advocacy, profiling, engagement side... on [the] higher level of engagement, IUCN has performed badly or not at all.

Maybe IUCN as world conservation union with its constituency, influential board members etc. – could be doing more to raise profile of panel, get it heard, without compromising their role as neutral facilitator. As an organisation they could do a lot more.

IUCN could be more proactive.

Disappointed now in support from IUCN.

Comments from interviewees.

operations. Instead, it should stimulate much more active and open communication and engagement with and between all stakeholders in the panel process, the GMPP, the BBP and other IUCN programmes about the conservation issues and opportunities arising from the panel’s work for conservationists and the private sector. It should also work more strongly in strategic areas above and beyond the panel’s reach – although there are certainly no easy answers in dealing with the Russian government (section 3.8) or other energy companies (section 3.7). This more proactive engagement need not conflict with its neutrality as convenor of the panel. As was noted above, it is both feasible and appropriate for IUCN to take its own positions on issues addressed by the panel, without seeking to influence the way the panel debates or decides them.

At the same time, IUCN should communicate more effectively to all concerned about its administrative arrangements for the panel, and give a more convincing justification for the ways it uses the overheads that it charges on the project budget contributed by Sakhalin Energy. This has been a point of contention within the GMPP and in IUCN’s relations with the company.

3.6. The GWAP chair

Dr Reeves continues to be widely praised for the way he chairs the GWAP. On first experiencing a panel meeting, many people find the pace rather slow and are impatient for tighter time management. Greater acquaintance with the panel process leads them to realise that a slower and more inclusive style is necessary to build the necessary mutual understanding and allow often disparate viewpoints and personalities to express themselves and maintain their commitment. Knowing when to let the scientific conversation flow and when to cut it off (possibly to be resumed in a task force) is a constant challenge. Suggestions that the length of each panel meeting should be reduced by a day have been rightly resisted. The chair’s tolerant but firm approach to observers is also appreciated.

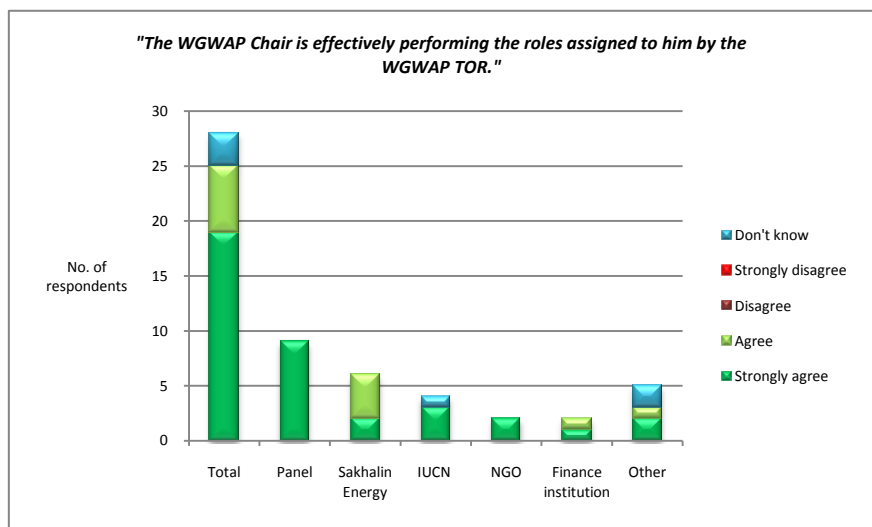


Figure 14. Survey: effectiveness of the GWAP chair

3.7. Interaction with other companies

The fact that the GWAP works with only one of the energy companies working on the Sakhalin Shelf remains a major constraint on its effectiveness. Only very modest progress has been made in this regard during the review period. A general meeting between the IUCN Director General and the oil sector had no significant consequences for the work of the panel. There has been some improvement in communications with ExxonMobil, part of the ENL consortium with which Sakhalin Energy shares a research programme – although the joint nature of this programme often frustrates panel members, who are unable to access data generated by this programme because they are confidential to the two companies. GWAP-8 in April 2010 heard of an exchange of letters with ExxonMobil about the latter’s pipeline construction work in the Piltun Lagoon. There have been hints that changes in ExxonMobil management might presage a more open attitude towards the panel; that the old history of hostility between some panel members and Exxon may eventually recede; that ENL has been close to sending an observer to a panel meeting, as it has often been invited to do; and that this breakthrough might still occur.

As ever, it should be borne in mind that the GWAP process is just one permutation in many interactions and engagements across the broader scientific and industrial community regarding the impacts of oil and gas activities on marine life. Panel members meet industry representatives in other forums; they and Sakhalin Energy's contracted scientists also work with the other companies from time to time. Other companies commit significant resources to their own scientific studies, which are often of high quality. Nevertheless, there seems to be no prospect of ENL or any other company formally joining the panel process. Their calculations of the costs and benefits are likely to suggest that they keep their distance, even if they do become more willing to provide some information about their work. As has already been noted, they undoubtedly read the panel's reports with interest, and probably take its findings and recommendations into account in designing their own operations. One interviewee described other companies' attitude as 'friendly, but non-committal'. But vicious circles can easily develop in which the panel criticises other companies which are not present to explain and defend themselves, or misinterprets activities that have been incompletely communicated to them.

Meanwhile, the panel's frustration continues – working, as noted above, with one hand tied behind its back. However valuable and effective its work with Sakhalin Energy may turn out to be, it is bound to achieve much less than originally intended by the architects of the GWAP process.

3.8. Interaction with the Russian government

As the questionnaire responses show (Figure 15), the GWAP's interaction with the Russian government has remained wholly inadequate. This is another source of frustration for panel members and all committed to the panel process. A representative of the Ministry of Natural Resources (MNR, which holds Russia's State Membership of IUCN) did attend GWAP-7 in December 2009, and gave an introductory description of the Interdepartmental Working Group (IWG) that the Ministry had recently established to address western grey whale conservation issues. The MNR official chairing the IWG then attended one day of the GWAP-8 meeting in April 2010, and made a presentation that gave further information about the work of the IWG. One of the three Russian members of the GWAP is also a member of the IWG. Overall, communications with the new group, and with the MNR, have remained inadequate. There was no MNR representative at the last two panel meetings, despite invitations – which, like most of IUCN's and the panel's other communications to the Ministry, go unanswered.

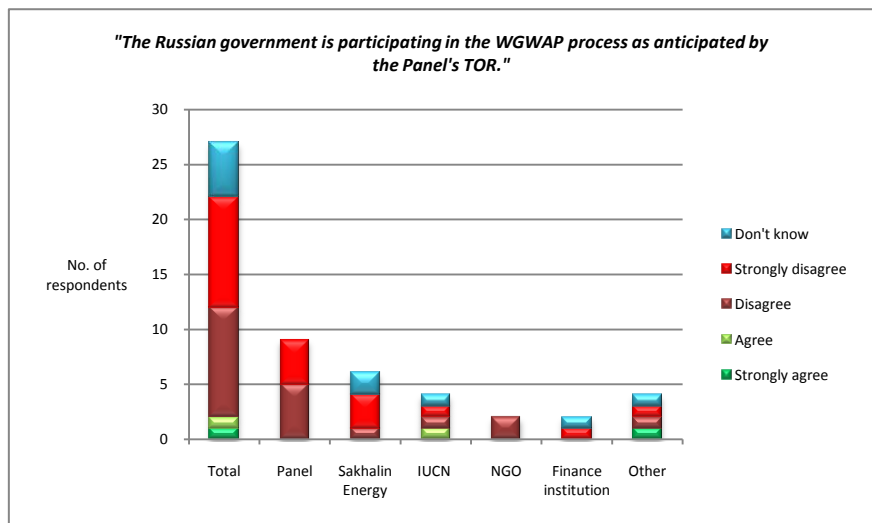


Figure 15. Survey: Russian government participation in the GWAP process

In addition to the IWG, an inter-agency advisory group on western grey whales was set up under the auspices of the Marine Mammal Council, chaired by Dr A. Yablokov, a GWAP member. This is a less formal body of specialists who meet periodically to exchange information and ideas.

Western participants in the panel process are likely to conclude, as westerners often do, that Russia is impossibly enigmatic and that there can be no clear way forward through the confusion that clouds relations with the MNR and the IWG. But several points are clear.

- In general, the Russian government has a strongly nationalistic attitude. IUCN and the panel need to take the obvious sensitivities into account in presenting the WGWAP and its work to Russian audiences. External advocacy rarely gets a good reception – or is acknowledged at all.
- IUCN’s Moscow office was not as effective as it should have been in promoting better understanding and collaboration between the Russian government and the WGWAP. It has since been closed – probably as a general victim of a government drive against various local and foreign organisations, rather than a targeted attack on IUCN. The WGWAP is just one of many reasons why IUCN must work urgently to strengthen co-operation with the Russian government, despite its current lack of representation in Moscow. Stronger Russian language proficiency in the GMPP, and in the WGWAP co-ordinator position itself, would be advantageous.
- Sakhalin Energy and all other operators on the Sakhalin Shelf must comply with comprehensive, detailed but not always clearly explained or consistently applied environmental regulations. This regulatory compliance with government requirements is a heavier and more urgent burden than collaboration with the panel. All parties need to find ways to make these tasks synergistic rather than competing.
- The earlier Ministry of Environment was downgraded to a State Committee on the Environment, and then closed in 2001. There is now an environment department within the MNR, with only a fraction of the capacity of the previous Ministry. Staff there are heavily overloaded, which is one reason why it is hard to communicate with them. The fact that the MNR is responsible for the extractive industries as well as for environmental protection sets up predictable tensions and conflicts of interest but should also create opportunities for tighter management of environmental impacts.
- All oil and gas operators off Sakhalin are supposed to participate in the IWG, but only ENL and Sakhalin Energy attend regularly. The group’s meetings have so far had relatively little scientific content or impact, and the scope has apparently spread beyond the western grey whales to all marine mammals in the area. They have consisted mainly of statements by the energy companies on their activities. The IWG only has two marine mammal specialists, and lacks the capacity to work at anything like the technical level of the WGWAP.

Some progress has recently been made with the issue of a multiple entry visa for Russia to the WGWAP chair. He plans to use this to attend IWG meetings regularly. This should be a priority for the WGWAP. Whatever the weaknesses of the IWG, active engagement with it is the most promising way of strengthening progress with the Russian government towards the panel’s objectives of closer collaboration with other companies working on the Sakhalin Shelf, and more effective conservation of the western grey whale.

The broader priority for IUCN is to achieve more productive understanding and collaboration with the Russian government. Russian proficiency on the part of the next WGWAP co-ordinator would be a strong advantage in this regard. Working with NGOs, IUCN and the panel should also seek stronger links with the local oblast government on Sakhalin, which has regulatory functions and scientific concerns of its own.

3.9. Interaction with other interested parties

Only two of 28 people who answered the relevant survey questions (Annex 5) felt that civil society and NGOs in Russia and elsewhere are not participating in the WGWAP process as anticipated by the panel’s TOR. NGOs’ level of participation in the panel process is influenced by the funding they have available – which is partially dependent, in turn, on how high a profile the panel’s subject matter has in their public constituencies. Recent news about western grey whale migrations is significant in this regard. At the same time, NGOs need clear and unambiguous statements for their advocacy work. Looking for that kind of clear

wording in WGWAP reports, they are sometimes disappointed. Panel scientists often make conditional, contingent statements that are less amenable to NGO publicity.

As far as NGOs are concerned, relations on both sides have become fairly realistic and cordial. NGOs still see many weaknesses in the panel process, and some are particularly critical of what they see as IUCN's apparent endorsement of Sakhalin Energy performance in the Union's publicity about the WGWAP. But NGOs also recognise the significance and value of the panel process, as a leading example of how to build constructive joint scrutiny of a private sector operation's impacts on a key conservation concern. Some are keen to explore how the WGWAP model can be replicated. NGOs feel glad to be able to participate as observers, and are grateful for the space that the panel chair gives them for their statements – although they believe that the restriction on the number of NGO observers should be lifted.

Panel members, too, generally endorse the presence of NGO observers and consider that they make a worthwhile contribution to the process. Both sides effectively weigh the advantages and disadvantages of the panel's interaction with NGOs and find that the balance is positive. NGOs often make a useful contribution by bringing independent information to panel meetings, for example what they have heard about the activities and plans of other companies or the Russian authorities. To a limited extent, they relieve the constraints that the panel suffers in being able to collaborate formally with only one of the companies active on the Sakhalin Shelf.

The panel held an informal meeting with representatives of NGOs and other observers (notably those representing financial institutions) just before WGWAP-9 in December 2010. The main topics were how to enhance the panel's engagement with the Russian authorities, and what amendments should be made to the panel TOR for the next contract period.

One important gap in the panel's interaction with NGOs concerns local Sakhalin organisations, and in particular Sakhalin Environment Watch, which is widely respected for its vigilant and professional activities. Attempts to get an interview appointment with this NGO were unfortunately unsuccessful (section 1.5). It has had some communication with the panel, although reportedly less in recent years. Funding and time pressures make it difficult for a representative to travel from Yuzhno to Switzerland for panel meetings. A stronger effort by the panel to engage with local Sakhalin NGOs would be productive.

The environmental requirements of some lending institutions are the fundamental reason why Sakhalin Energy began and continues an engagement with IUCN and the WGWAP. Like NGOs, lending institutions are allowed to send four observers to WGWAP meetings. They have consistently done so, apart from WGWAP-1 (three observers), WGWAP-4 and 5 (two observers at each) and WGWAP-5 (five observers). All 28 questionnaire respondents who could answer the question confirmed that financial institutions are participating in the WGWAP process as anticipated by the panel's TOR. It is reassuring that lending institutions are maintaining their profile in the panel process. As some NGOs have noted, the requirements for a panel process that were imposed by Sakhalin Energy's lenders are an important model for development elsewhere.

3.10. Performance assessment

IUCN and the WGWAP responded positively to the first biennial evaluation (IUCN 2009a: 35). As its evaluation policy requires, IUCN put the evaluation report on its website, together with its response to each of the evaluation recommendations.

The WGWAP TOR (Annex 2, section 10) require it to maintain self-assessment as a regular agenda item. This has been done during the review period. Only two of 28 questionnaire respondents felt that the panel was not assessing its own performance effectively. However, the fact that this is one of the last agenda items is likely to detract from the time and energy that the panel can devote to it. At WGWAP-6 in April 2009, the self-assessment slot was devoted to presentation of the previous evaluation. WGWAP-7 (December 2009) undertook quite a detailed evaluative discussion of progress and priorities. The same was

done at GWAP-8 (April 2010), with attention turning to TOR for the next five year period; the second biennial evaluation; and possible shifts in the panel’s TOR. The session at GWAP-9 (December 2010) was used for a report on the meeting held with NGOs and other observers (section 3.9), to receive a presentation on the GWAP communications strategy; and for further discussion of revisions to the TOR, as well as the forthcoming evaluation. The GWAP-10 session (April 2011) again focused, appropriately, on the TOR for the coming period.

The previous evaluation suggested a simple agenda for the self-assessment session at each panel meeting (Turner, 2009: 30-31). It has not been followed, although some of these sessions have certainly been useful. It is evidently unrealistic to suppose that panel members will have the time, interest or resources for this level of self-assessment during these meetings. An alternative would be for the panel chair and the IUCN co-ordinator to prepare a two page paper before each meeting, referring to the previous meeting and the intervening period, and table this in the self-assessment slot on the agenda for discussion.

3.11. Overview

Section 3 of the GWAP TOR (Annex 2) requires the panel and the contracting companies it advises to be guided by a number of principles. The first concerns the important roles of the Russian government and the relevant regulatory agencies. The constraints on the panel in this regard were outlined in section 3.8 above. The second principle requires “all reasonable efforts” to ensure that development activities are environmentally risk-averse and to minimise “to the maximum extent possible” negative impacts on western grey whales and related biodiversity. The panel has followed this principle in its work with Sakhalin Energy; but, as explained in section 3.7, it has not been able to make much progress with other companies in the area. The third principle urges openness and transparency in conservation decision-making. The panel process has promoted and achieved this to some extent, although the building of trust with Sakhalin Energy has taken time and some stakeholders would still argue that more openness is needed. Fourthly, the TOR intend that the panel’s

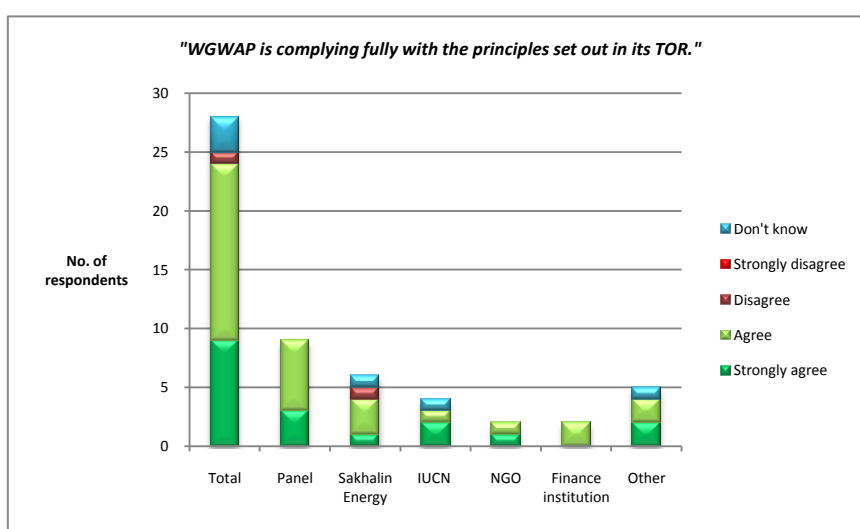


Figure 16. Survey: GWAP compliance with principles set out in its TOR

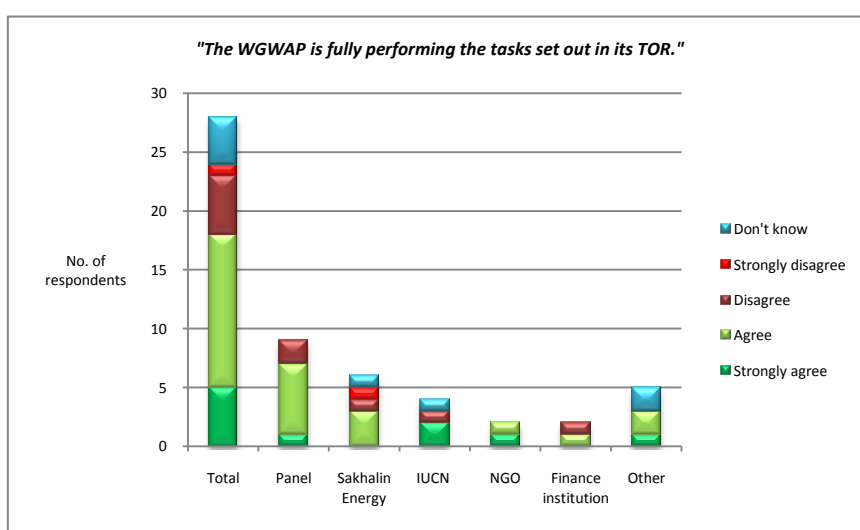


Figure 17. Survey: GWAP performance of tasks in its TOR

advice, guidelines and recommendations should be based on the best expertise, data and methods available, be impartial, and be developed and conveyed transparently. Few doubt that the panel works with the best science available. There are significant constraints on its using the best and most comprehensive data, as explained above – meaning that compliance with the fifth principle, on full access to all the data, has been far from complete (section 3.2 and Figure 5 above). ‘Impartial’ is a difficult word in this context. The panel can be excused for being partial in favour of conserving western grey whales. Critics suggest that their recommendations are sometimes too scientifically expansive, aimed at optimising knowledge and understanding of an issue rather than focusing on the immediate conservation or operational problem at hand. The final principle concerns confidentiality. There have been few complaints in this regard.

Overall, this evaluation endorses the general view of questionnaire respondents (Figure 16 above) that the GWAP is complying with the principles laid down for it. However, the many constraints outlined in this chapter make it difficult for it to perform all its tasks as intended. The dissatisfaction of some survey respondents about this can be seen in Figure 17. But the overall conclusion of survey respondents about the effectiveness of the GWAP was more favourable (Figure 18).

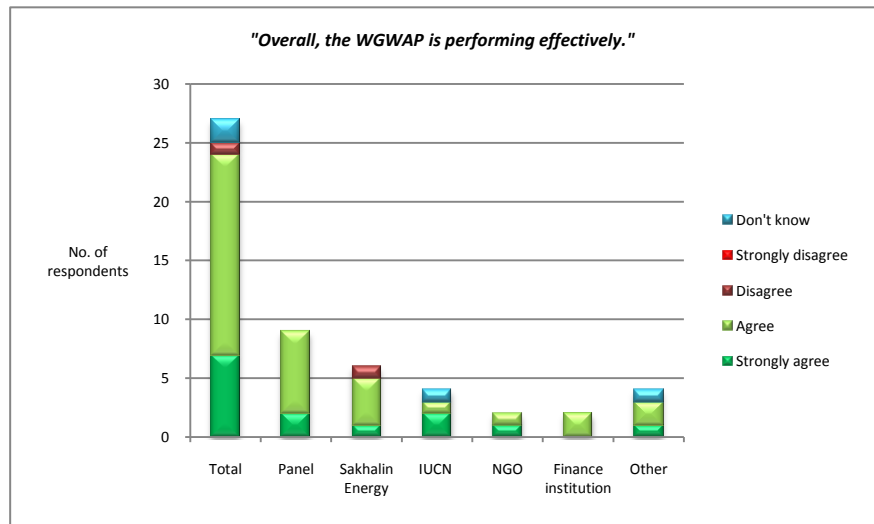


Figure 18. Survey: overall effectiveness of GWAP performance

Sakhalin Energy is performing most of the roles assigned to it by the GWAP TOR effectively. Those roles are listed in section 6 of the TOR (Annex 2). It has, of course, entered into a contract with IUCN (role a) and contributes to – in fact, completely supplies – the budget of the panel (e). How actively it has “supported IUCN in maintaining its credibility as the GWAP impartial convenor” (f) is debatable, but it has not detracted from or obstructed that effort. It is primarily up to IUCN to maintain its credibility in this regard. Sakhalin Energy does not appear actively to have solicited the participation of other companies in the panel process (b) – and it is uncertain how appropriate or feasible such a role is. Its contracted scientists play an active role in the panel process (including task forces), and its provision of these individuals’ inputs can be construed as contribution of the services of qualified Associate Scientists (d). The company’s timely provision of relevant information and documentation to the panel (c) was discussed in section 3.2 above.

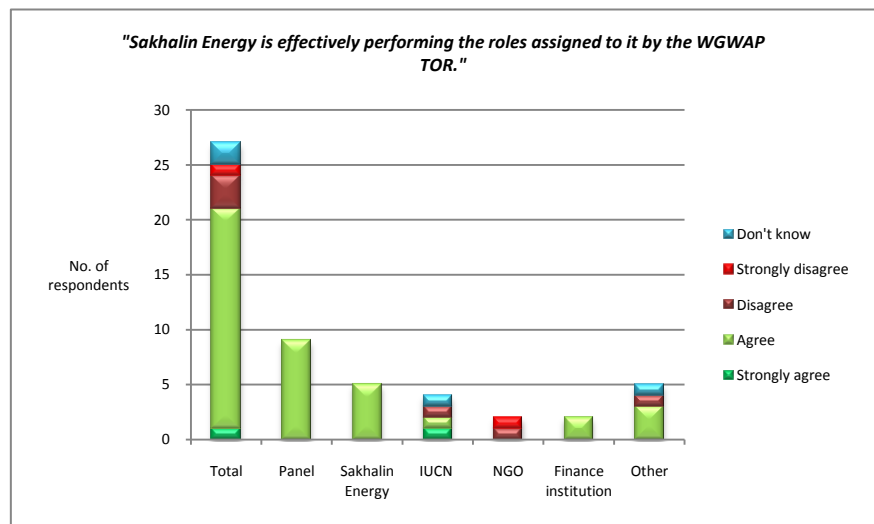


Figure 19. Survey: Sakhalin Energy's performance of roles assigned to it by GWAP TOR

Overall, there has been an improvement in this regard during the review period. The performance of roles (g) and (h) has effectively merged: the company responds to the panel's recommendations, and not necessarily to "all the points raised by the GWAP in each GWAP report". The process of response has become routine, although the panel may not always feel that the company's responses to its recommendations are adequate or convincing.

With changes in management responsibility for the panel process at Sakhalin Energy (linked to a significant reduction in staffing for environmental work), there has not surprisingly been a change in management style and the need for a readjustment of the relationship between the panel and the company – in which there had been significant strengthening of trust and communication in previous years. The wind of change in the company has meant a sharper focus on risk-based justification for panel recommendations and consequent company action, and an evident impatience with any hint of science for the sake of science in the panel's deliberations. There have been frictions. A new and more inclusive trust and process need to be built, with arguably more flexible thinking about how to involve other companies, NGOs and local and national government – even if these parties do not all take part in the formal panel process as currently constituted.

There is commitment on all sides to build this broader trust and process, although it will take some facilitation to find mutually acceptable expression by and among all parties. This is a task for IUCN, although the Union has not recently shown itself very well committed or capacitated for the role.

The adjustments of relationships and attitudes that have occurred, and will continue, are all features of the interesting and important interface between science and practice that the GWAP constitutes. In many fields, including most of IUCN's work, there is a spectrum of values and procedures from those of science and scholarship to those of daily operational practice - in industry, agriculture and government, for example. IUCN's recent internal review of its experience with advisory panels (Martin-Mehers, nd) did not adequately explore this issue, which deserves a study of its own. The GWAP brings together the language and practice of academic science and the very different world of industrial operations. Quite predictably, it is taking time to optimise the engagement and communication between these worlds.

3.12. Factors supporting the performance of the GWAP process

The factors that currently support the performance of the GWAP process have not changed much since the previous evaluation. They can be summarised as follows:

- the commitment and expertise of panel members, who are individuals of high standing in their respective scientific and technical communities;
- continuity of panel membership;
- the effective chairmanship of the panel, combining scientific and procedural rigour with tolerance of differing views and the willingness to build consensus;
- the use of task forces to make focused progress and build consensus on difficult technical issues – although the panel must avoid any impression of partiality or conflict of interest when this is done;
- stronger management of GWAP recommendations – in terms of organisation of the recommendations database and in some reduction in the number, and improvement in the clarity and practicality, of the recommendations – with room for further improvement;
- the global reputation of IUCN as a neutral facilitator of debate and decision-making between often opposing groups and views with regard to conservation;

- the ongoing commitment of Sakhalin Energy's lenders to ensuring that the company complies with its obligations with regard to use of the panel in support of appropriate environmental performance;
- the adequate funding that Sakhalin Energy consequently provides for the GWAP process;
- the efforts that Sakhalin Energy has made to fulfil its roles with regard to the panel process – although there are areas in which it has fallen short;
- the critical but mostly constructive inputs provided by NGO observers, including additional information to which the panel has not always had access itself;
- the strong administrative support provided by the responsible staff in the IUCN Secretariat;
- the enhanced communications, including website services, that are provided by IUCN – although some aspects of these communications have been criticised (section 4.6).

3.13. Factors hindering the performance of the GWAP process

The GWAP has made significant progress and done valuable work during the review period. But a number of factors have hindered the performance of the panel process. The list appears shorter, but these are significant obstacles:

- failure to involve other companies operating on the Sakhalin Shelf in the process, leading *inter alia* to inadequate panel access to the relevant data;
- failure to engage the local and national Russian government substantively in the panel process, due partly to the reluctance or inability of the MNR to respond to the approaches that have been made;
- the inadequate engagement of IUCN in strategic facilitation and advocacy for the process, partly linked to a further decline in its profile in Russia;
- the current gap in substantive occupancy of the GWAP co-ordinator position in the IUCN Secretariat, and uncertainty in some quarters about provisional arrangements;
- constant pressure on the time that panel members and company staff and contractors can make available for the process;
- the lack of progress with the rangewide initiative for western grey whale conservation, meaning that the panel's work is not adequately framed by a broader process of monitoring, research and advocacy.

4. The efficiency of the GWAP

4.1. Introduction

The TOR for the evaluation (Annex 1) only devote three lines to ‘cost effectiveness – efficiency’. Apart from cost-effectiveness itself, the only other issue mentioned is the transparency of the GWAP process. This chapter addresses these points but also covers some of the other aspects of efficiency that were raised in the first evaluation.

The key question about efficiency in the evaluation matrix asks
How cost-effective is the GWAP process?

4.2. Cost-effectiveness

The subjective question of the cost-effectiveness of the GWAP continues to generate different answers from the various interests involved in the process. There are those who consider the whole process a bargain; others think the same results could be achieved for significantly less outlay. It is not surprising to see in Figure 20 that the negative views were concentrated among Sakhalin Energy respondents to the questionnaire survey.

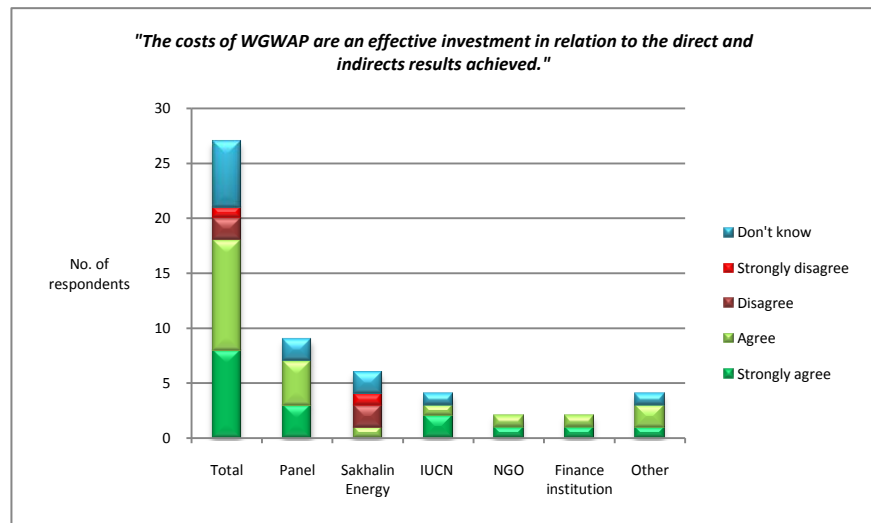


Figure 20. Survey: cost-effectiveness of GWAP

In addition to its annual contributions to IUCN for the operation of the GWAP, Sakhalin Energy has been contributing funds for the satellite tagging exercise (ExxonMobil also contributes to this). IUCN transfers the satellite tagging funds directly to the International Whaling Commission (IWC), which is responsible for this exercise. Over and above the tagging and panel budgets, Sakhalin Energy also spends substantial amounts on its joint western grey whale research programme with ENL. Overall, the company contributes an arguably disproportionate amount of its total environment budget to western grey whales. To some extent this is inevitable, given its commitments to its lenders. To some extent it is understandable, given the charismatic nature of the species. To some extent it is unwise, given that completely different types of environmental damage might occur and then be attributed to underfunding of the relevant prevention or mitigation measures. But this means that Sakhalin Energy should have a higher overall environment budget, not that it should spend less on the GWAP or on western grey whales.

There is no other direct contribution, from IUCN or elsewhere, to the costs of the GWAP process. However, some panel members, and/or their employing institutions, subsidise their inputs by not charging a fee at all or agreeing to charge for less time than panel members actually devote to the work. IUCN levies a 20% overhead on the funding for the panel that it receives from Sakhalin Energy. As in many of its funding arrangements, this is controversial. Sakhalin Energy, like other outside funders, cannot see why the overhead should be so high, or how the money is used in connection with the GWAP process. IUCN insists that an overhead at this level is necessary for the core operating costs of the organisation – and that the gross costs of its work, including this overhead, are still less than a commercial service provider would charge. IUCN managers can certainly use project overheads for other activities, unconnected with the project from which they derive, which they consider important. It is right that IUCN should have sole

discretion over how the overheads are used. It is wrong for IUCN to use the money for other purposes if it is not adequately fulfilling its roles with regard to the activity from which the overheads come. Section 3.5 showed that IUCN is not being effective enough in the GWAP process. It should therefore be committed to using more or all of its GWAP budget overheads to help redress this situation.

Overall, and not surprisingly, Sakhalin Energy tends to overlook the hidden subsidies involved in the GWAP process and to conclude that the costs incurred are not an optimally effective investment in relation to the direct and indirect results achieved. Like other newcomers to the process, recent company participants have initially felt that at least one day could be cut from each panel meeting – which, as argued in section 3.6, would be inappropriate. From the company point of view, and that of some participating scientists, the task forces are where the real and useful work gets done and are therefore the most cost-effective part of the process. The full, public panel meetings, however, are an essential part of building and maintaining the credibility that gives the GWAP process its value. This sort of effectiveness cannot be empirically valued; but the cost has to be met. There have been suggestions, in both the company and IUCN, that one full meeting a year would suffice. This would impair the continuity of the panel’s work and – given the volume of business that full meetings must get through – would not save much money because the single meeting would have to be considerably longer. It is not recommended.

From Sakhalin Energy’s perspective, there is certainly recognition that, apart from the necessity of complying with loan conditions, there are real reputational benefits to be gained from the panel process and its association with IUCN. The company’s environmental profile has benefited. At the same time, companies like ENL can do the same amount of equally high quality science at lower financial and institutional cost. Some panel work may even distract Sakhalin Energy staff from their joint monitoring programme with ENL. From a narrow business perspective, the panel probably does not add enough value to make it worthwhile for a company like Sakhalin Energy – which would also argue that a slimmer, cheaper process should operate during operations phases. As the new South Piltun development appears on the horizon, however, the volume of environmental work will increase again and the GWAP will have even more to do. Meanwhile, of course, existing loan conditions mean that the panel will continue. Both IUCN and Sakhalin Energy must work in good faith to maximise the conservation and business benefits through continuing attention to the cost-effectiveness of the process.

4.3. Roles and expertise in the panel process

The GWAP TOR (Annex 2) specify the roles of the various participants in some detail. Questionnaire respondents for this evaluation were generally positive about the clarity with which roles and responsibilities are defined and assigned. As ever, given the theoretical clarity, what matters more is whether roles are fulfilled in practice. During the review period, the biggest question mark in this regard has hung over the effectiveness of IUCN (section 3.5). Relationship management has generally been adequate, particularly during the 2008 – 2010 period when the key cast of characters was stable and familiarity and trust between

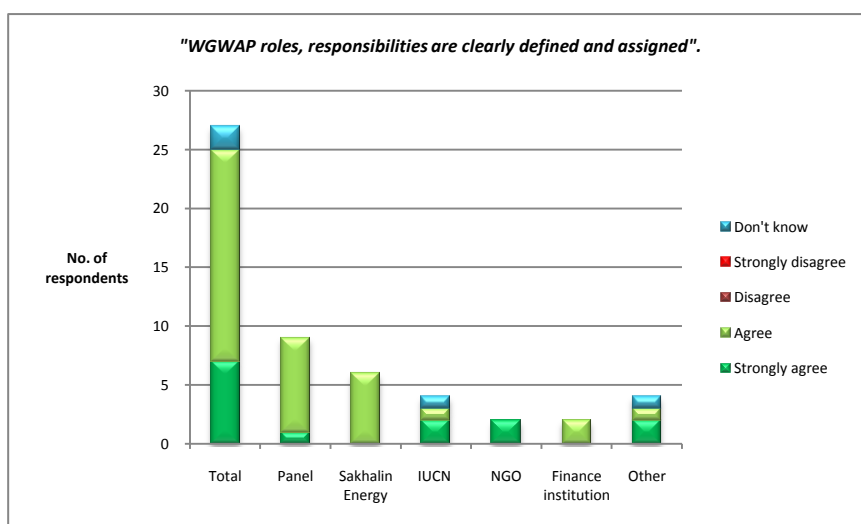


Figure 21. Survey: clarity with which GWAP roles and responsibilities defined and assigned

them improved. There has been some instability since, due to changes at Sakhalin Energy and the current interregnum at IUCN. But there is more good faith on the various sides of the GWAP process than some participants realise. Despite the changing personalities and shifts in emphasis, there is a good prospect that relationship management can develop from adequate to satisfactory.

A related issue has had more attention recently, although some of those interviewed had given it less thought than might have been expected. This concerns the composition of the panel. Should some turnover be expected or required after five years? Has the panel had the right mix of expertise, and does it still? Should it become smaller, or larger? Would adjustments to the types of expertise represented make the GWAP more effective?

After five years, a formal review of panel membership is due. The professional seniority of panel members means that they are all very busy – most are probably too busy. There may be cases when it is in the best interests of the panel and the individual to replace him. The GWAP chair and IUCN should in any event institute a simple annual joint check on panel membership and be ready to take the necessary decisions. This is easier said than done, of course, because available people with the required levels of expertise are hard to find. However huge the tasks and however short the time, the panel should not become larger. Any overall expansion would not only increase the challenges of co-ordination and funding; it would also begin to seem disproportionate to the issue at hand, and make the GWAP model less applicable to the countless other industry/conservation interfaces for which it should be considered.

Overall, the current fields of expertise represented on the panel remain appropriate. Maintaining, and if possible increasing, the level of Russian representation is important. It should also be noted that, especially in the Russian context, panel members may serve not only a scientific purpose but also a political or institutional one through the links, influence and reputation that they may have in sectors or organisations that affect the GWAP's effectiveness. But such roles do not diminish the technical responsibilities that they, like all panel members are expected to fulfil. Furthermore, the political and institutional roles should be fulfilled convincingly too.

If some Russian panel members have an institutional or political role as well as a technical one, it is justifiable to ensure that at least one person on the panel has an analogous role in a different sector. The gap between the science of the panel and the practical concerns of the company (section 3.11) should not be exaggerated. Panel meetings are not simply a dialogue of the partially hearing between biologists and engineers, as they are sometimes described. But communications, efficiency and effectiveness would certainly be enhanced if at least one more panel member had detailed, practical experience of the oil and gas sector (over and above the oil spill expertise of Dr Brian Dicks). Ideally this would be a senior (probably retired) person with experience of working on environmental mitigation and compliance for companies in the sector.

Another helpful stylistic change would be to describe panel members as specialists rather than scientists. This should also apply to the 'associate scientists' who have made valuable contributions when brought in to work on specified issues. Again, the panel should consider using a broader range of *ad hoc* specialists in this way – in technical and engineering fields as well as scientific ones.

GWAP members are commended for the enormous effort they devote to the panel process. They must always be careful to avoid two kinds of bias in this work. First, personal feelings about the behaviour of the oil and gas industry, Sakhalin Energy or specific individuals, however strong or justified, detract from the panel's performance if they influence its behaviour or outputs. Secondly, the natural bias towards comprehensive scientific exploration of issues – often hard to disentangle from one's personal scientific development – must be set aside in favour of a tighter focus on specific aspects of monitoring, mitigation and conservation. This may be less intellectually satisfactory, but it is what the panel is for.

4.4. Work plans

Section 8.2 of the panel’s TOR requires it to undertake an annual work planning process with IUCN. This has become less formal than originally envisaged. But the chair and his IUCN counterparts do meet late each year to identify what panel and task force meetings and related activities are need in the year ahead. This is linked to the budget planning process. Although there are no formal work plan documents, or systematic reviews of delivery on work plan targets in the self-assessment process or elsewhere, the planning and co-ordination of WGWAP activities are reasonably systematic and conducive to efficient delivery of the intended outputs.

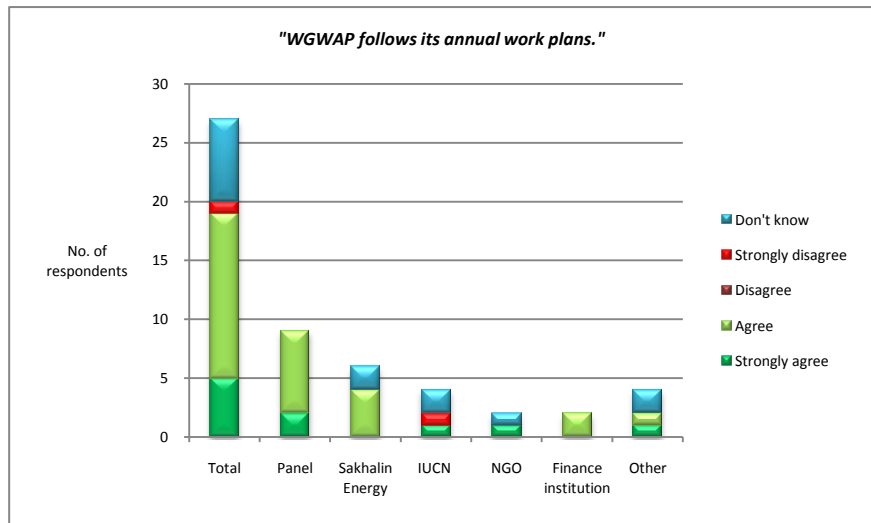


Figure 22. Survey: WGWAP adherence to its work plans

The panel’s work planning should dovetail with that of Sakhalin Energy. It was originally hoped that the company would develop a three year research and monitoring plan that would help the panel to schedule its own activities. This did not happen, as the panel reluctantly accepted at WGWAP-5 (December 2008) (IUCN, 2008: 28). However, the panel does debate various aspects of the company’s plans with it – most notably for seismic surveys – and has had significant influence on some of them. The company is obviously engaged in a new round of medium-term planning as it explores the options for the South Piltun development. Once again, it is vital that the panel gain full opportunity to comment on these plans so that it can make the most constructive contributions in this regard.

4.5. Plenary meetings and task forces

Outwardly, little seems to have changed during the review period in the way the panel conducts its business at plenary meetings. Time is always too short. There is constant tension between the need to move business along and the need to ensure that all relevant views are heard. The idea of cutting each meeting to two days has been resisted, as has that of having only one full meeting per year (section 4.2).

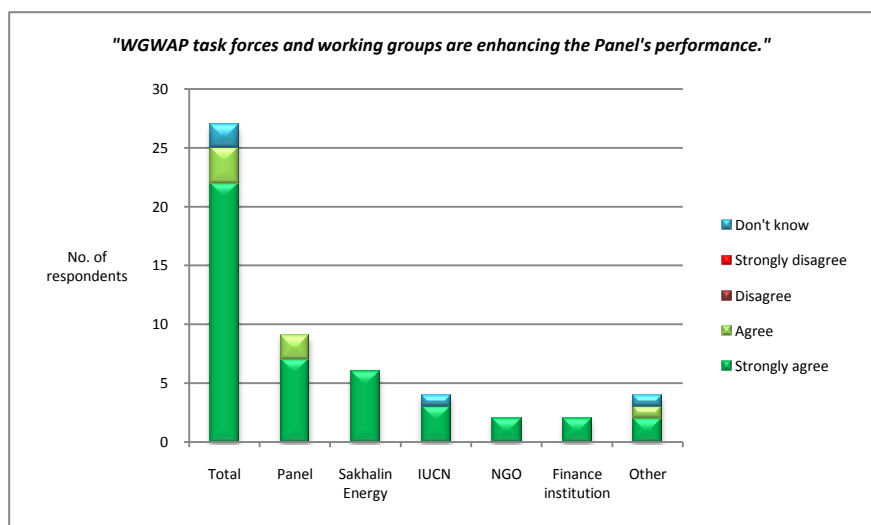


Figure 23. Survey: enhancement of panel performance by task forces and working groups

However, there is an emerging feeling that the plenary meeting (not to be confused with the private meetings attended by

panel members only) is becoming a more formal affair – the tip of the iceberg, in a sense. In front of observers, panel members and company representatives may be careful with their wording and economical in their disclosures. In front of company representatives, panel members may obviously choose different language than they do in their private meetings.

Most significantly, there is a sense that plenary meetings – and private members’ meetings – do less of the substantive, analytical work of the panel, and that most of this is now done in task forces. As shown in section 3.3, there are significantly differing views about this (see box). Many feel that the task forces have enabled the panel to make real progress towards its objectives, becoming less adversarial and more productive. Others believe that they lead the panel into conflicts of interest, as it now comments and decides in its plenary meetings on plans that it has helped the company to develop in its task force meetings. This is the heart of the matter. Is the GWAP’s only acceptable *modus operandi* that of formally reviewing data, plans and reports submitted by the company? Do more collaborative modes of operation jeopardise the independent scientific and conservation quality of the panel’s reports and recommendations?

Views on task forces

Lots of disagreements, heated discussions [in my task force]. Panel meetings are more formal, less emotional, because there are third parties like NGOs and banks present. The more animated discussions are more productive, detailed.

Some of work that was done in task forces was excellent. Main reason for that was that it took the politics out of the process. Background work in task force context is more valuable in terms of whale conservation. For reputational management, open meetings may be more important.

Panel members on [seismic] task force have moved beyond role of providing independent review and recommendations – have become deeply involved in design of mitigation measures. This could be praised – top scientists involved – but it creates conflict of interest, they’re supposed to be involved in evaluation – shouldn’t evaluate what you’ve designed! When task force recommendations come back to Panel, Panel members support them!

Task forces are most successful and relevant engagements of whole process.

There is good science going on in GWAP. It does now lead to better procedures. At first, Sakhalin Energy and its people did the thinking, panel did the critical review. Now, because of task force framework, they think and work together, Panel is now really beneficial to Sakhalin Energy. Task force makes process more efficient too.

More than secrecy concern is whether it’s a conflict of interest. Solutions developed in task force, then Panel has to pronounce on them. Most of NGOs are critical about this.

Comments by interviewees.

The first of the GWAP’s two overall objectives (Annex 2) is “to provide independent scientific and technical advice to decision makers in industry, government and civil society”. There is no reason in principle why this independent advice cannot be provided in a consultative process, as opposed to an evaluative one. The all-important condition, of course, is that panel members retain their independent stance in task force discussions, and that this independence is safeguarded by the private and plenary meetings of the panel as a whole. For observers not privy to any but the plenary discussions, this may not be reassuring. The ultimate test must be whether the results of this *modus operandi*, as reflected in the company’s actions and the mitigation and conservation results, adequately work towards the panel’s goal of conservation and recovery of the western grey whale population. So far, the balance of the evidence is positive.

Task forces should also provide more opportunity for the company’s field scientists – and other specialists brought in to specific task force meetings – to contribute more to the deliberations. In plenary meetings the time available for them to present and debate their work is limited, and some feel that they should be given a broader opportunity to engage with the panel process.

As was noted in section 1.2, the seismic survey task force has been active during the review period, and is now, appropriately, expanding its scope to serve as a noise task force. The photo ID task force has effectively stood down, as has the oil spill task force – which will merge with the environmental monitoring

task force. Throughout the review period, this last task force has lagged badly behind, making much less progress than was intended (IUCN, 2010: 33). Reviving this task force and ensuring that it catches up with its work should be a priority for the GWAP.

4.6. Communications and transparency

Communications within the GWAP process need to be improved. Despite the apparently better relationships that developed between the panel and Sakhalin Energy over the reporting period and the significant improvements in transmission of information from the company to the panel, many questionnaire respondents still disagreed with the proposition that the two sides communicate efficiently (Figure 24). They all agreed that the GWAP and IUCN communicate efficiently, although it has been shown above that many on the panel currently seem uncertain about interim and substantive arrangements to

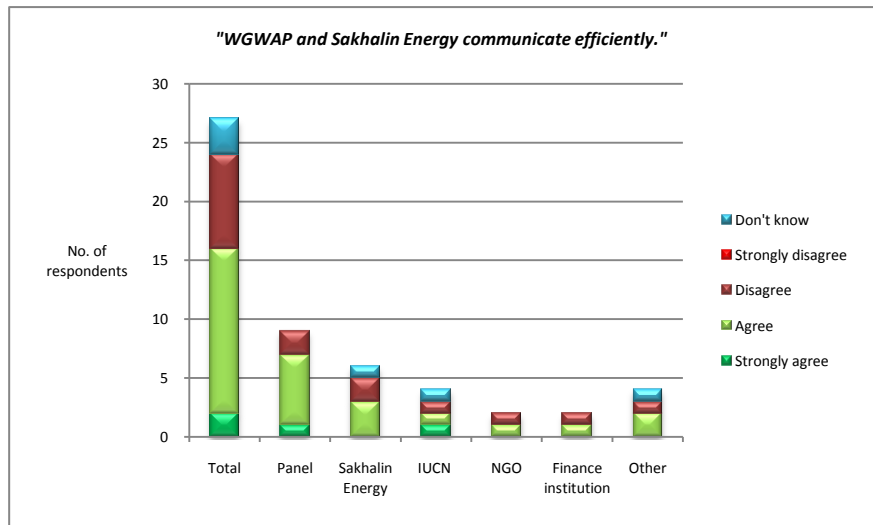


Figure 24. Survey: efficiency of communications between GWAP and Sakhalin Energy

replace the programme co-ordinator who left in May 2011. It has also been shown that the persistence of the silo mentality in the IUCN Secretariat leads to complaints from other programmes that the GMPP does not tell them enough, or anything, about the GWAP process. One interviewee in the Secretariat, for example, reported receiving the new (August 2011) brochure on the GWAP (IUCN, nd) from outside IUCN rather than from the GMPP.

With regard to external communications, IUCN prepared a first five year GWAP communications strategy in 2006. The current IUCN GWAP administrator holds the substantive post of Logistics and Communications Officer in the GMPP. Since taking up her GWAP responsibilities she has developed a new communications strategy for the IUCN Western Grey Whale Conservation Initiative, covering the proposed rangewide initiative for the species (still not funded) as well as the GWAP process (IUCN, 2011b). Most recently updated in July 2011, the strategy includes a detailed response to the recommendations on communications made in the first evaluation of the GWAP. Its stated objectives are to build awareness about the Western Grey Whale Conservation Initiative and to ensure transparency "by providing to all stakeholders timely, easy and equal access to relevant information and documentation" (IUCN, 2011b: 8). It includes commitments and initiatives to improve the availability of panel-related material in Russian. A detailed table of planned activities and outputs includes the new brochure; GWAP meeting reports and recommendations tables; updated and enhanced website content in Russian and English; and a two monthly internal IUCN newsletter. All communications activities undertaken since December 2006 are listed in a comprehensive annex.

This is a commendable effort. The quality, accessibility and ease of use of the GWAP website have certainly improved during the review period, enhancing civil society's awareness of the threats to the western grey whale. However, the pressures of day to day GWAP administration have slowed implementation of the communications strategy (not that there is much to do on the rangewide initiative at present (section 5.1)). At the time of writing, reports on the GWAP-6 and GWAP-7 meetings are not yet available in Russian on the website, although they have reportedly been produced. The new brochure,

and a fact sheet on the western grey whale, are available in Russian, as are summary reports on all the panel meetings.

Russian informants consider that IUCN has made some progress in publishing and promoting communications about the GWAP process in their language. Not many survey respondents felt qualified to answer a question about this; some of those who did remained critical (Figure 25). They warn that officials in Russia are unlikely to go to websites, or even to respond to e-mails, and that they must be approached directly with written communications such as the brochure that are followed up

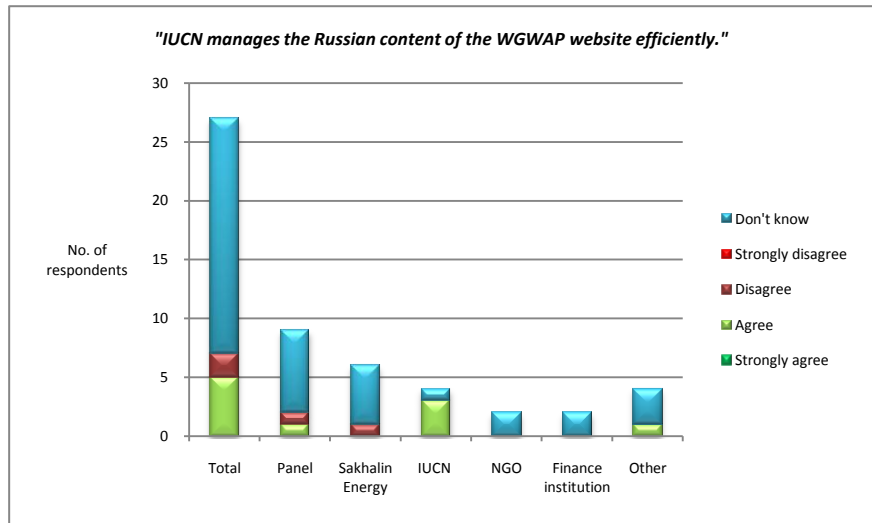


Figure 25. Survey: IUCN management of Russian content of GWAP website

with face-to-face interactions. But the profile of IUCN’s GWAP efforts remains too low in Russia – not helped by the closure of its Moscow office. Informant suggestions include more visits by IUCN staff; press releases (for example in the two leading Russian newspapers focused on business and finance); links to a Russian press agency; and more use of social networks in Russian.

Critical voices still argue that IUCN’s communications about the GWAP are too generous to Sakhalin Energy. These critics continue to conflate the GWAP process with IUCN’s partnership with Shell – which is widely criticised in NGO circles, including many IUCN Members. They see IUCN’s communications as suggesting that the GWAP was a Sakhalin Energy (or Shell) initiative, rather than something insisted upon by their lenders. They dispute the “fragile recovery” that the new brochure claims in western grey whale numbers and the description of Sakhalin Energy’s engagement with IUCN as “extremely positive”. At the heart of these critiques is the visceral distaste of many people for the idea of harmonious collaboration between IUCN and the private sector, in particular the extractive industries. Given that influencing the private sector is an important part of its overall strategy, IUCN must achieve a difficult balancing act. To publish communications implying a crusade to police and correct the private sector would be counter-productive. Not surprisingly, it fails to please all of the people all of the time. In communications on the GWAP, continuing vigilance is needed from panel members and communications staff to strike the appropriate balance and tone.

Section 9(c) of the GWAP TOR (Annex 2) say that open information sessions should be held at least once a year to discuss the GWAP’s progress in implementing its TOR. There has certainly been little progress in implementing this part of the TOR (Turner, 2009: 36). Only one such session was held, and attendance was poor. In November – December 2010, IUCN tried a different strategy, with an online question and answer session hosted on the GWAP website. Only three questions were submitted, even though a variety of strategies were used in English and Russian to draw people’s attention to the opportunity. It is best to conclude that, although whales are charismatic animals whose conservation is dear to the hearts of millions, the conservation of the western grey whale remains a more specialised interest. Instead of attempting focused information or question and answer sessions, IUCN should give prominence to its and the panel’s readiness to answer questions via the website, and actively seek the collaboration of Russian and other NGOs in spreading the word about this. It should also include a frequently answered questions page on the website.

Overall, the transparency of the WGWAP process is judged good, within the realistic limits imposed by the nature of that process. As noted above, ensuring transparency is one of the two objectives of IUCN’s communications strategy for the western grey whale initiative. Improvements to the website and expanded Russian language content have helped to enhance transparency. Efforts in this direction through question and answer sessions have been unsuccessful, as has just been shown. There is scope for further improvements in communications that would improve transparency further.

There are two major restrictions on transparency. One concerns the data confidentiality agreements that frame the panel process. Trying to change these would be counter-productive and would make it even less likely that any other company would join the process. The other is the increased use of task forces, whose meetings are not attended by observers – although their reports are published on the website. The conservation advantages of the task force approach are likely to outweigh potential drawbacks with regard to conflicts of interest and lack of transparency.

4.7. Administration and logistics

IUCN provides generally strong and efficient administrative and logistical support to the WGWAP process, thanks largely to the current holder of the administrator position. The rapporteur who has worked at all WGWAP meetings since WGWAP-5 (and some task forces) has also made a strong contribution to the accurate, comprehensive and prompt reporting of each meeting. There have been some breakdowns in communication and administrative services, most recently due to IUCN’s introduction of a new accounting system in mid-2011. This, as often happens, reduced efficiency in the short term rather than improving it.

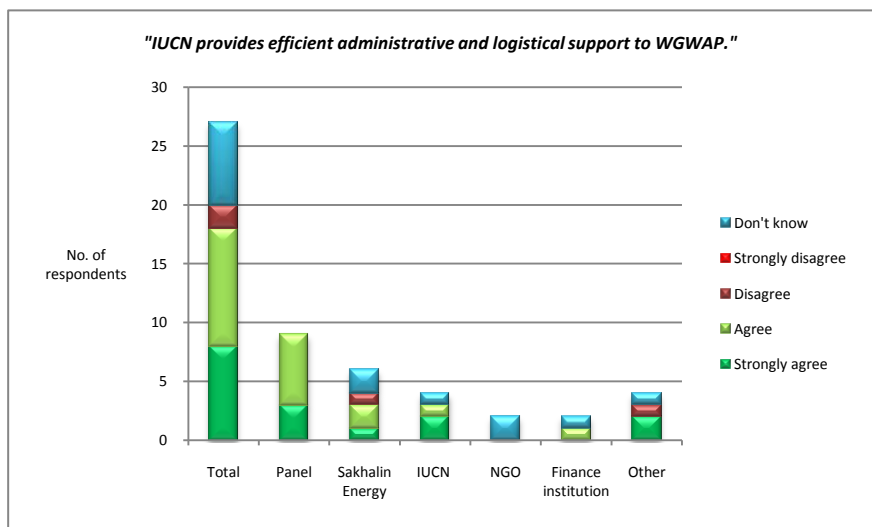


Figure 26. Survey: efficiency of IUCN administrative and logistical support to WGWAP

Five years into the WGWAP process, roles and responsibilities are mostly clear and stable (section 4.3), although somewhat unsettled by this year’s transition in the co-ordinator post at IUCN and last year’s changes in Sakhalin Energy. The management of meetings, reporting and work flow is generally satisfactory. The machinery of the WGWAP can now function fairly smoothly. The principal challenges lie at the strategic levels of achieving effectiveness, as explained in chapter 3 above.

Building on the increasing importance of task forces within the WGWAP process, and the stronger achievement of technical consensus that they achieve around the table, some suggestions are emerging that the overall structure and character of WGWAP meetings be revised. This would mean agreement (or agreement to disagree) between the panel and the company around the plenary meeting table on the points under discussion at the meeting. The meeting report would then be a report on agreements, rather than the current report of the panel’s position. This would establish a direct and (on most points) agreed agenda for action over the period until the next meeting (and, in some cases, longer). Full adoption of this model, however, could detract from the WGWAP’s perceived independence as a scientific adviser on the company’s operations. It could, of course, be combined with private meetings of the panel and continuing provision for it to make separate and independent statements in addition to the agreed meeting report.

Although immediate adoption of this revised approach is not recommended, all parties should recognise that the GWAP's *modus operandi* is not required to be static. Indeed, it should adapt to revised circumstances, as long as the panel's principles are sustained and respected.

5. The influence, impact and sustainability of the WGWAP

5.1. Conservation and recovery of the western grey whale population

No western grey whale mortality has been attributed to Sakhalin Energy activities since the panel was established (section 2.1). The countless hours of research and analysis devoted to western grey whale behaviour indicate the difficulty of understanding how the animals have reacted to the undoubted disturbance caused to them by those activities. Speculation about the counterfactual – whether there would have been any mortality, or increased disturbance, without a WGWAP – must by definition be inconclusive.

Questionnaire respondents' views about conservation and recovery impact are generally favourable, with less certainty and some disagreement about a positive impact on recovery – described as 'fragile' by the recent brochure (section 4.6) and certainly still too marginal to be celebrated. The best judgement at this point is that the WGWAP process has had a modest but positive impact on the conservation of the western grey whale population, and a marginal but positive impact on its recovery.

The question of positive impact is clouded by several factors. The first is whether the avoidance of disturbance or harm, and the mitigation of identified actual or likely impacts, constitute conservation. This is, at best, debatable. The second factor concerns the identity of the western grey whale as a discrete population. Some may now question whether it is meaningful to work towards the conservation of the western grey whale specifically. As was argued in section 1.1, the most meaningful response to this debate is that there is a vulnerable population of grey whales that risks harm from oil and gas operations on the Sakhalin Shelf and that the conservation of these animals, leading to a recovery in their numbers, is important.

Given the limitations on the WGWAP's scope – working with just one of the energy companies, in a limited part of the western grey whale's range – the potential for it to achieve positive impact on these animals' conservation and recovery would be much greater if its efforts were nested within a rangewide initiative for this purpose. IUCN has made little progress during the review period with its efforts to launch such an initiative. Its GMPP was meant to be carrying the initiative forward with the Scientific Committee of the IWC. A two year plan and budget are in place, but efforts to secure Australian funding for it through the IWC were ultimately unsuccessful. Little progress will be made until that funding is in place and/or a full time co-ordinator for the effort is employed – an obvious chicken-and-egg problem. Some observers argue that more effort should have been made to involve key governments in the preparation of the initiative, although the difficulty of dealing with the Russian government and

The key question about impact in the evaluation matrix asks

To what extent is the WGWAP process contributing to the overall conservation and recovery of the western grey whale population?

Comments on impact on conservation and recovery

It is not quite clear what distinction you were making with respect to 'conservation' versus 'recovery' – I believe the WGWAP is having a positive effect on conservation but whether that is sufficient for 'recovery' remains to be seen.

It is certain that the WGWAP project has put mechanisms in place that will help conserve the WGW population, but it is not yet clear if these mechanisms have yet contributed to a recovery trend – there is just not enough data/observation time yet.

It is very difficult to assess the impact of the WGWAP process on the conservation and recovery of the western grey whale population. The population is slowly increasing, but it is difficult to know if this is due to the WGWAP process or to other factors.

Process is good. A reasonably true process. Not being done just for window dressing by company or for scientific papers/sponsored research by scientists. There's something genuine behind it. Not much conservation in the process. Scientists have to be neutral, company has to be pragmatic. So don't often reach through to direct question of whether there will be population impact in terms of the activity. Alarm bells don't get rung about operational issues as often as they should be. NGOs in room is important – even if don't say much, that additional independent group is important.

Survey respondents and interviewees.

IUCN’s low profile in Japan both hinder this. There are arguments, too, that the Convention on Migratory Species should be more closely involved. Some specialists feel that, in any event, if further research shows that western grey whales are effectively part of a pan-Pacific population of grey whales, the idea of a rangewide initiative for the western population becomes moot. Meanwhile, at least, funds are available (from Sakhalin Energy and other sources) for the tagging work that should cast more light on these questions in the coming years.

5.2. Sakhalin Energy practice

The question about the GWAP’s impact on Sakhalin Energy practice in the evaluation matrix (Annex 3) has two parts: first, whether the panel process has achieved positive changes in the company’s practice, and secondly, whether any such changes are likely to persist beyond the life of the GWAP project. The balance of respondents to the survey question on this – which spanned both issues – was positive.

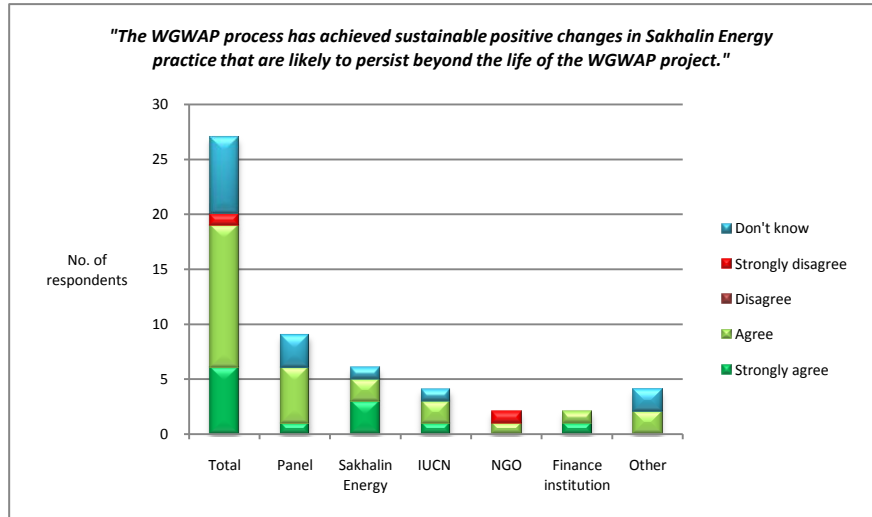


Figure 27. Survey: impact on Sakhalin Energy practice

People working for SEIC and ENL take their monitoring jobs very seriously these days – result of interaction with panel. GWAP has had an impact on industry practice.

Some general good practice about e.g. helicopter flights, ship routings – all this is very likely to be making a difference. Have educated the industry people on these things.

On science side, keeping industry accountable and keeping scientific programmes robust, panel has made a big difference and should keep up the good work.

Comments by an interviewee.

The panel process has certainly had a positive impact on Sakhalin Energy’s practice on the Sakhalin Shelf, particularly with regard to the disturbance to whales by seismic surveys, other noise, and boat and helicopter traffic. One informant suggested that the GWAP has brought Sakhalin Energy up to the scientific standards of ENL, which it did not previously equal. Others argue that ENL, too, has adopted some improved practices after seeing the panel’s

recommendations and the way Sakhalin Energy has responded. There are also suggestions that the panel has prevented any backsliding in environmental performance, which would otherwise have been likely as Russian ownership of and influence in Sakhalin Energy increased.

It is harder to be positive about the sustainability of these positive impacts on Sakhalin Energy. The evaluation question refers to the life of the GWAP project. The length of that life is largely contingent on the duration of Sakhalin Energy’s obligations to its lenders. For that period, the impacts will be maintained and probably further enhanced. Beyond it, much will depend on whether the environmental attitudes and practice of Gazprom – seen in the context of the Russian oil and gas industry overall – have evolved beyond their present sub optimal state. It will depend, too, on the evolution of Russian regulatory practice and how effectively it can maintain the conservation standards that the panel is encouraging Sakhalin Energy to adopt.

5.3. Broader state and industry practice in the western grey whale’s range

So far, the GWAP process has had relatively little influence over broader state and industry practice in the range of the western grey whale (Figure 28 below). There is no doubt that its activities and recommendations, and Sakhalin Energy’s response to them, are carefully tracked by other companies working on the Sakhalin Shelf. Furthermore, there are suggestions, just quoted above, that ENL, at least, has adopted some of the improved practices that the panel has been recommending. However, the failure of the rangewide initiative to gain any traction (section 5.1) means that the panel has had no significant broader influence. It is left to Japanese NGOs and the IWC, for example, to address the impacts of the Japanese fishing industry on the species.

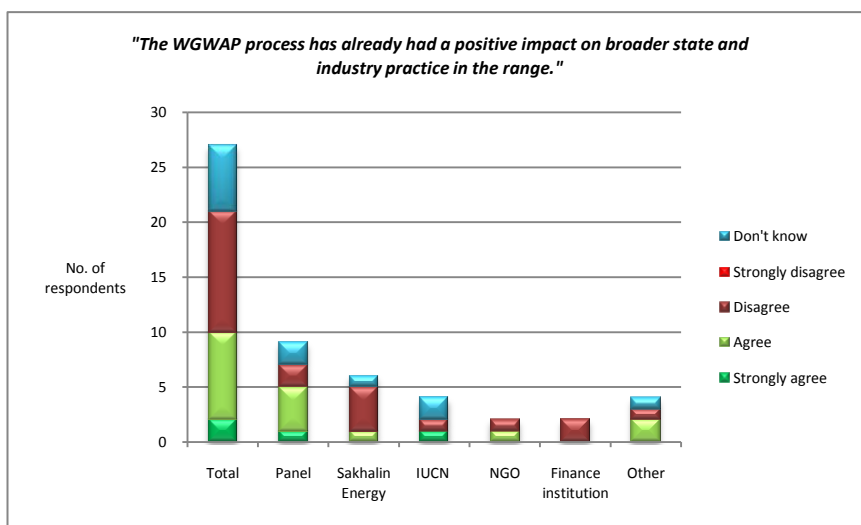


Figure 28. Survey: impact of GWAP process on broader state and industry practice in the range

5.4. Marine conservation practice in the oil industry in general

There are two ways in which the GWAP process can affect the marine conservation practices of the oil industry in general. The first is for the panel model of interaction between independent experts and a company to be replicated. The second is for the industry to adopt approaches or practices that the panel has recommended.

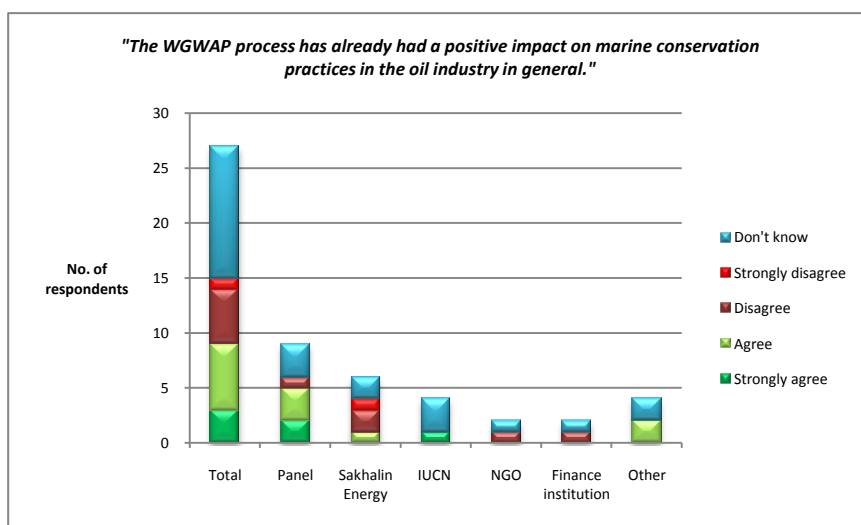


Figure 29. Survey: impact of GWAP process on marine conservation in the oil industry in general

There is some evidence of the first type of impact, notably through the panel that IUCN set up to advise on oil and gas activities off the Mauritanian coast (2007 – 2009) and the Yemen LNG Independent Review Panel (operating since 2009) (Martin Mehers, nd). There is only limited, diffuse evidence of the second kind of impact, beyond the reported effects on the Sakhalin Shelf itself that were noted above. One questionnaire respondent argued that “The fact that the GWAP's efforts are targeted to the preservation of a single and highly unique population (because of behavioural and geographic considerations) means that their recommendations are very specific to the Sakhalin environment and not readily recognized as useful by the global hydrocarbon industry.” On the other hand, there is at least one case in which the panel’s seismic work has been recognised as pertinent by a United States regulatory authority (section 3.4).

Another respondent asked “do we even know if other oil companies are aware of the project and the positive impact it has had?” For the most part, the answer is no. What is known is that IUCN’s BBP and GMPP should be doing more together to engage with the oil and gas industry and inform them about the panel model in general and the GWAP experience in particular.

5.5. IUCN’s approach to partnerships with the private sector

The GWAP process has had a substantial and positive influence on IUCN’s approach to building partnerships with the private sector, which in turn has some significance for the overall IUCN Programme. It has been operating for longer than the three other IUCN panels with which it is most comparable, namely the Mauritania and Yemen ones already mentioned and the expert panel set up in 2008 as part of the IUCN-Holcim agreement. The GWAP and its forebears have thus served as something of a founding model for the panel approach in IUCN. There are significant differences, however. The GWAP is the only panel process in which the company is required to comply by the terms of its loans. The other panels have a more voluntary character and, in the case of Holcim, the panel is only one part (though a very prominent part) of a broader partnership.

The extent of the GWAP’s influence on IUCN’s broader approach to private sector partnerships has been restricted by its comparative isolation – at least in recent years – from the BBP (section 2.3). Although the BBP remains committed to the concept of independent advisory panels, IUCN management needs to achieve more effective engagement between it and the GMPP so that optimum use can be made of GWAP experience. The BBP’s original approach was to facilitate the launch of partnerships and panels but then to hand over the work to the relevant thematic programme(s). That remains appropriate, but it should not mean losing contact with the panel. As a new co-ordinator is appointed for the GWAP and the BBP undergoes restructuring and appoints new management, IUCN should ensure that more productive links are built.

Adjustments of direction and emphasis in IUCN’s overall approach to the private sector will have broad consequences for the Union’s Programme as a whole. It is premature to predict how GWAP experience and practice will fit into any refocused approach. But the central relevance of the GWAP process will remain. It constitutes an agreed and detailed relationship with a company to address specified environmental mitigation and conservation challenges in the company’s operations. It is thus at the heart of the challenges that IUCN constantly faces in building acceptable and effective relations with the private sector. Despite shortcomings and criticisms, the GWAP process has shown that the approach can help IUCN pursue its mission.

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Annex 1. Terms of reference for the evaluation

1. Purpose of the review

In October 2006, IUCN convened a long-term western grey whale advisory panel (GWAP), to provide advice to Sakhalin Energy Investment Company² (Sakhalin Energy) on how to minimize and mitigate the impact of its Sakhalin II operations on western grey whales in the vicinity of Sakhalin Island in the Russian Far East.

The overall goal of the GWAP is the conservation and recovery of the western grey whale population. The GWAP's specific objectives are:

- a) to provide independent scientific and technical advice to decision makers in industry, government and civil society with respect to the potential effects of human activities, particularly oil and gas development activities, on the western grey whale population; and
- b) co-ordinate research to: achieve synergies between various field programmes; minimise disturbance to western grey whales, e.g. by avoiding overlap and redundancy of field research programmes; identify and mitigate potential risks associated with scientific research activities; and maximise the contributions of research to understanding the status and conservation needs of the western grey whale population.

The terms of reference (TOR) for the GWAP set out *inter alia* the following assessment requirements:

i) *Self Assessment at GWAP meetings (para. 10(a) TOR):*

Self-assessment will be a recurring item on the agenda of the GWAP. In each of its meetings, it will (i) evaluate its own performance and the extent to which, in its opinion and on the basis of available information, the Contracting Companies are implementing its advice and (ii) provide any recommendations to IUCN for changes needed in the GWAP process.

ii) *2-yearly independent review process (para. 10(b) TOR):*

IUCN will, in consultation with the GWAP Chair and the Contracting Companies, appoint an independent agency to evaluate, once every two years, the performance of the collaboration under these TOR and the effectiveness with which IUCN, GWAP, and the Contracting Companies have played their respective roles. The evaluation will be conducted against a set of indicators that will be developed by IUCN and agreed with the Contracting Companies and GWAP. The independent agency will make recommendations on how the performance might be improved.

A self-assessment was undertaken at the 2nd meeting of the GWAP, held 15-18 April 2007 and a range of improvements made subsequently. Self-assessment became a permanent item on the GWAP agenda from the 7th meeting, held 12-14 December 2009.

Given that the GWAP was established in October 2006, the first independent evaluation was conducted during the 4th quarter of 2008. It resulted in a number of recommendations for improvement aimed both at IUCN and Sakhalin Energy. The report of the evaluation and the IUCN management response are found at <http://www.iucn.org/gwap/gwap/evaluations/>. The second evaluation will cover the period from 1st quarter of 2009 to 3rd quarter of 2011.

² Sakhalin Energy is a consortium of companies including the following shareholders:

Gazprom 50%

Shell Sakhalin Holdings B.V. (Shell) 27.5%

Mitsui Sakhalin Holdings B.V. (Mitsui) 12.5%

Diamond Gas Sakhalin, (Mitsubishi) 10%

The independent evaluations serve both a learning and an accountability purpose for IUCN and the implementing parties to this initiative. The GWAP represents a departure from the “normal” approach of engaging with the private sector and the success, or otherwise, of this approach may have broader implications for future engagement with the private sector. Thus a broader objective of this initiative, from IUCN’s perspective, is as a “test case” for IUCN’s role as a provider of independent scientific advice as one tool that can be applied when resolving conservation problems.

2. Audiences for the evaluation

The evaluation is commissioned by the Head of the Global Marine and Polar Programme (IUCN) and will be managed under the supervision of the Programme Cycle Management Unit responsible for IUCN’s evaluation work

The primary audiences for the evaluation are the three implementing parties of the initiative, namely: the Global Marine and Polar Programme of IUCN (design and management and quality control of the process); the GWAP Chair and Panel members (delivery of advice, recommendations and other technical products); and the senior managers and research scientists of Sakhalin Energy (the users of the technical products and advice).

Together these parties are accountable for the achievement of the results specifically defined at the outset of this initiative.³ Each of the three parties is therefore expected to act on the results of the evaluation in terms of improving the effectiveness of their respective role.

In addition, the various interested parties to the initiative,⁴ including civil society groups, international financial institutions and the Government of the Russian Federation, will also have a significant interest in the outcome of this evaluation. The IUCN membership may also find this evaluation useful in demonstrating the value and effectiveness of such independent scientific advisory processes.

As noted above, the GWAP represents a departure from the normal approach to private sector engagement. Thus, a broader audience exists within IUCN, which will be focussing more broadly on this evaluation, in terms of this approach to private sector engagement.

3. Background and context of the evaluation

The critical status of the western grey whale population is well documented.⁵ The total population is estimated at about 135 individuals, with only 25-35 reproductive females. Little is known about its breeding grounds or migration routes; its only known feeding grounds lie along the coast of north-eastern Sakhalin Island, in the Russian Far East. As a result, the western grey whale is listed as *Critically Endangered* on the IUCN Red List of Threatened Species. The International Whaling Commission (IWC) has also expressed serious concern about the status of this population. It has urged States to make every effort to minimize accidental death to these animals and to minimize disturbance to the population and its habitat. The western grey whale is therefore a conservation priority.

3.1 Threats

The few surviving animals face a number of potential hazards throughout their range, including entanglement in fishing gear, underwater noise, collisions with ships and modifications of their physical

³ Defined in the Agreement for the convening and administration of the Western Grey Whale Advisory Panel, and the GWAP Terms of Reference.

⁴ Defined under section 11 of the GWAP TOR.

⁵ Impacts of Sakhalin II phase 2 on western north Pacific grey whales and related biodiversity. Report of the Independent Scientific Review Panel; IWC Resolution 2001-3 & IWC Resolution 2005-3.

habitat. However, particular concerns have been raised about the impact of offshore oil and gas activities along the coast of Sakhalin Island, eastern Russia.

The waters off Sakhalin are of particular significance to the conservation of the western grey whales, as the only known feeding grounds for this population lie in these waters. Whales only feed during the summer months, and stock energy and fat for their winter calving and mating season. Their primary feeding ground is therefore of major importance for the health and survival of the population.

The area is also rich in oil and gas deposits, which have been explored and exploited since the mid-1990s. To date, the area has been divided into nine different development blocks, three of which are currently under development. One of these, the Sakhalin II oil and gas development, lies in close proximity to the only two identified feeding areas of the western grey whales. The Sakhalin II development has an operational lifecycle of over 40 years. Its impact on the survival of the population is therefore potentially critical.

As part of the commitment under the Sakhalin II Production Sharing Agreement, Sakhalin Energy is now exploring opportunities on how to recover the undeveloped hydrocarbons in the Piltun-Astokh area. Various development concepts have been considered, of which now only the installation of an additional offshore production platform in the area remains. This notional future development is referred to as 'South Piltun'. It is a phased development, with a first phase of oil development, followed by a later expansion phase for gas.

3.2 History of IUCN Engagement

In response to widespread concerns about the threat to this population, and at the request of Sakhalin Energy, in 2004 IUCN convened the Independent Scientific Review Panel (ISRP) to evaluate the science around the western grey whales and provide advice to Sakhalin Energy. The ISRP met four times before completing its report, which was published by IUCN on February 16, 2005. Subsequently, IUCN convened a **follow-up meeting** to provide Sakhalin Energy with feedback on their response to the ISRP Report and to contribute to the potential international lenders' understanding of that response. One of the main recommendations of the follow-up meeting was the establishment of a long-term scientific advisory panel.

In September 2005, at the request of the potential international lenders for the Sakhalin-II project, a third meeting was convened in Vancouver, Canada. At that time, some of the issues raised in the ISRP report were judged as resolved or moot, but numerous others were deferred for further consideration and resolution by a planned long-term advisory body, the Western Grey Whale Advisory Panel (WGWAP). The meeting in Vancouver reaffirmed the proposal for establishing a permanent body, and suggested a framework for the purpose. Following the Lenders' Workshop, IUCN received and agreed to a request by Sakhalin Energy to convene the WGWAP.

When it became evident that the WGWAP was not going to be established in time to evaluate Sakhalin Energy's plans for grey whale protection and monitoring during the 2006 construction season, IUCN decided to convene the **Interim Independent Scientists Group** to bridge the gap. The IISG Workshop was held on 3-5 April 2006 in Vancouver. At that meeting, the IISG concluded that the *modus operandi* of the WGWAP should shift from the reactive or review-only approach of the previous panels, to a more proactive approach. This would mean that the deliberations and meetings of the WGWAP would be timed and organized to allow it, not only to assess, comment on, and develop recommendations from documents produced by Sakhalin Energy and other participating companies, but also to prescribe the types of research and monitoring needed for adequate western grey whale protection.

3.3 Western Grey Whale Advisory Panel

IUCN finally established the **WGWAP** on 2 October 2006. The WGWAP has been established for an initial period of five years (with the possibility of extension) to provide an independent review process and advice

regarding the management of risks to the western grey whales. Its main roles and responsibilities are *inter alia*:

- to focus on the conservation of western grey whales and related biodiversity;
- to assess the status of the western grey whale population;
- to independently assess the contracting companies' plans and assessments, and review the effectiveness of the mitigation measures put into place to minimize their impact on the whales; and
- to provide advice and recommendations to the contracting companies regarding research and operational plans for the conservation of the whales.

Comprehensive terms of reference for the GWAP were finalised by IUCN, based on input received from a range of stakeholders including scientists, potential lenders, Sakhalin Energy, and interested NGOs. As noted above, periodic performance assessments are an integral part of the TOR.

3.4 GWAP 2012-2016

The present Agreement between IUCN and Sakhalin Energy comes to a close at the end of 2011. However, Sakhalin Energy has informed the Panel that it is committed to a new 5 year period for the Panel, and preliminary talks have begun between Sakhalin Energy, the Panel chairman and IUCN regarding the TOR for the new engagement. Sakhalin Energy needs to put a funding request concerning the Panel in front of its board of directors around June 2011, which means that the results of the 2009-11 evaluation will come too late to feed directly into the discussions about the draft new TOR, but will be taken into account in the final TOR.

3.5 Other "Lessons learned"?

Two documents have been produced which looked at lessons learned from the GWAP or its preceding panel:

- International Union for Conservation of Nature. 2010. *IUCN Independent Advice for Biodiversity Conservation in Business*. (Internal document)
- Mark Halle (consultant) with research assistance from Chloe Hill. 2009. *Learning for the Future: Lessons Learned and Documentation of the Process of Independent Scientific Review Panel for Western Gray Whales in Sakhalin*. Gland, Switzerland: IUCN. 34pp. Available here:

http://cmsdata.iucn.org/downloads/learning_for_the_future_report_final.pdf

4. Objectives of the evaluation

The GWAP is governed by two key documents: the *Agreement for the convening and administration of the Western Grey Whale Advisory Panel*, signed between Sakhalin Energy and IUCN on 21 July 2006 (hereafter defined as "the Agreement"⁶), and the GWAP TOR (attached as Annex 1). These two documents specify the roles and responsibilities of the various implementing parties to the project.

The overall objective of this evaluation is therefore to assess the effectiveness of the engagement between the implementing parties of this initiative, namely IUCN, the GWAP and its Chair, and Sakhalin Energy (hereafter referred to as the "GWAP process") in terms of:

⁶ A copy of the Agreement will be made available to the lead evaluator once a contract has been signed with IUCN for undertaking the review.

- a) the specific roles and responsibilities attributed to each of the implementing parties as defined in the Agreement and the WGWAP TOR; and
- b) the broader objective of conservation of western grey whales, throughout the extent of its range.

This should include the following specific objectives:

4.1 Relevance

Assess the relevance of the WGWAP process in relation to:

- the objectives of conservation and recovery of western grey whales;
- delivery of advice by the WGWAP and implementation by Sakhalin Energy (do the skills, products and advice provided by the WGWAP and their implementation by Sakhalin Energy and other parties address critical issues with regard to grey whale conservation?);
- the IUCN Global Marine and Polar Programme (Does the process address issues of relevance to the IUCN Global Marine and Polar Programme?); and
- the oil and gas industry (Does the process address issues of relevance to the wider oil and gas industry operating on the Sakhalin shelf?).

4.2 Effectiveness

Assess the effectiveness of the results of the WGWAP process in relation to each of the stated roles and responsibilities:

- the quality and relevance of the information provided to the WGWAP;
- the quality and relevance of the recommendations, advice and other outputs delivered by the WGWAP (How useful are they?); and
- the application and implementation of WGWAP recommendations and advice by Sakhalin Energy and other stakeholders in the process (How effectively are they being used?).

Assess the effectiveness of the management, leadership and governance of the WGWAP process, including:

- *the role of the IUCN in facilitating and coordinating the work of the WGWAP;*
- *the role of the WGWAP Chair in coordinating the work of the WGWAP;*
- *relationship management between WGWAP, IUCN and Sakhalin Energy and the management of meetings and reporting (clarity of roles and responsibilities, work plans, management of work flow, communication, etc.).*

4.3 Cost Effectiveness – Efficiency

Assess the cost effectiveness of the WGWAP process in relation to the results achieved. In particular assess the costs and benefits to both Sakhalin Energy and IUCN, the added value of the process and products to IUCN and to Sakhalin Energy, and the transparency of the process.

4.4 Influence, Impact and Sustainability

Assess the extent to which the WGWAP process is contributing to the overall conservation and recovery of the population. In particular, assess whether the WGWAP process achieved sustainable positive changes in SEIC practice that are likely to persist beyond the life of the WGWAP project, and whether the process is having an influence over:

- broader State and industry practice, especially the adoption of measures to mitigate the threats posed by oil and gas exploration and production, in the western grey whales' range;
- marine conservation practices in the oil industry in general; and
- IUCN's approach to building partnerships with the private sector (or oil industry specifically). What has been the influence of the GWAP process in the broader IUCN programme regionally, globally?

4.5 Factors Affecting Performance

Identify the current factors that support and hinder the performance of the GWAP process.

4.6 Recommendations

Make recommendations for improvements to the achievement of the results and fulfilment of the TOR, including amendments, alternative approaches and new elements if appropriate.

The senior evaluator is expected to assist IUCN with the development of the evaluation indicators and the matrix defining key issues and questions relating to each of the objectives listed above. IUCN will be responsible for consulting with both Sakhalin Energy and the GWAP over the development of these two key outputs.

The final evaluation matrix will be prepared as the first deliverable of the evaluation and will provide a framework for the key issues to be addressed and the data sources that will be used in the evaluation. Adequately addressing the key questions in the matrix will be the basis for IUCN to sign off on the completeness of the evaluation report.

5. Methodology

The IUCN Evaluation Policy⁷ sets out IUCN's institutional commitment to evaluation, and the criteria and standards for the evaluation and evaluation of its projects, programmes, organizational units. IUCN's evaluation standards and criteria are based on the widely accepted OECD DAC Evaluation criteria of relevance, effectiveness, efficiency, impact and sustainability.

Mixed methods will be used for the evaluation. A combination of semi-structured interviews, a survey of participants and stakeholders and a review of lessons learned in partnerships and inter-organizational relationships are among the methods that will be explored in finalizing the methodology and work plan for the evaluation. Innovative and new approaches to assessing partnerships are welcomed in finalizing the methodology.

All data collection tools are to be included as an Annex to the final evaluation report. The link between evaluation questions, data collection, analysis, findings and conclusions must be clearly made and set out in a transparent manner in the presentation of the evaluation findings.

The evaluation will seek the views of the range of stakeholders who have been engaged in the process to date including managers and staff of IUCN and Sakhalin Energy, members of the GWAP and representatives from civil society and financial institutions.

⁷ IUCN Evaluation Policy, approved by the IUCN Council in 2001. <http://www.iucn.org/themes/eval/index.htm>

5.1 Composition and Qualifications of the Evaluation Team

The evaluation will be conducted by one senior evaluator, supported by a second evaluator with Russian language skills or by a Russian interpreter.

The senior evaluator must be an experienced evaluator with a minimum of 10 years' experience conducting and managing organizational reviews in international science based organizations and with private sector. He/she must also meet the following requirements.

- Relevant degrees at the Masters level or higher in development, environmental management, business or organizational development.
- Minimum 10 years' experience working with international organizations in the not-for-profit and/or business sector in regions such as Asia, Latin America, Africa, Europe and North America.
- Minimum 10years experience in evaluation.
- Ability to work and write in English.
- Ability to interact and communicate well with senior managers in IUCN, Sakhalin Energy and related stakeholder groups.
- Excellent interview and qualitative data analysis skills.

5.2 Travel Required

The senior evaluator will be required to spend approximately one week at IUCN HQ to further develop the approach and methods for data collection. Attendance during the 10th meeting of the GWAP, to be held in Switzerland on 13-15 May 2011, will also be required.

The senior evaluator will be required to travel for orientation and interviews to IUCN Switzerland. No travel to field sites is anticipated, as the data required from users in the field can be collected by telephone interviews and through document review. The senior evaluator will be expected to attend any GWAP meetings that take place during the course of the evaluation process. Such meetings will be held in Switzerland.

5.3 Management of the Evaluation

The IUCN Programme Officer (the Logistics and Communications Officer) responsible for the GWAP project will manage the evaluation on a day to day basis, under the supervision of the Programme Cycle Management Unit, This includes overseeing the design and hiring of evaluators, ensuring the quality and independence of the evaluation process and evaluation report, and the dissemination and use of results (including preparation of the management response and action plan).

6. Reporting of the Evaluation Results

The evaluation findings and recommendations will be presented by the senior evaluator to the senior managers of the Global Marine and Polar Programme and the Chair of the GWAP, and will also be presented to GWAP members, Sakhalin Energy and meeting observers during the GWAP-11 meeting, which will be held in December 2011 or early 2012.

The IUCN Marine Programme Officer responsible for the project will present and discuss the results of the evaluation with the GWAP and Sakhalin Energy following acceptance of the final report by IUCN.

A Management Response Action Plan to each and every recommendation will be developed with the GWAP and Sakhalin Energy for improvements in 2012-2013.

The evaluation, as well as the Management Response Action Plan, will be posted on the IUCN website (<http://www.iucn.org/gwap/gwap/evaluations/>) as soon as they are finalized.

6.1 Timeframe

The 2-yearly independent evaluation will take place between April and December 2011.

A more detailed time schedule will be developed with the senior evaluator, including an agreed timeframe for the following steps in the evaluation.

Milestone	Indicative completion date
Start date and senior evaluator contacted	1 April 2011
Further develop Terms of Reference and draft evaluation matrix for discussion at GWAP meeting in May	20 April 2011
Appoint senior evaluator	1 May 2011
Senior evaluator to attend 10 th GWAP meeting	13-15 May 2011
Finalise evaluation matrix of key issues and questions, and data collection tools, work plan and schedule	1 June 2011
Undertake data collection and analysis	June-September 2011
Preliminary findings presented to the IUCN Global Marine and Polar Programme	September 2011
Final report	31 October 2011
Senior evaluator to present results at 11 th GWAP meeting	December 2011/early 2012
Action Plan developed	December 2011

Annex 2. Terms of reference of the WGWAP

1. BACKGROUND

The critical status of the western North Pacific gray whale (WGW) population is well known. The total population numbers only around 120 individuals and may include only 20-25 reproductive females. Little is known about its breeding grounds or migration routes; its only known feeding grounds lie along the coast of north-eastern Sakhalin Island. These feeding grounds are occupied typically from late May/early June until November. Existing and planned large-scale gas and oil activities in this region may pose a serious threat to the population's survival. Threats also arise from other human activities (e.g. fishing) and in other areas of the population's range (e.g. the coastal waters of Japan where three gray whale deaths in fishing gear were recorded in 2005 alone).

WGW were little studied until the 1990s. The program to improve Russia-United States environmental cooperation in the North Pacific region, started in 1994, provided initial support for studies to improve understanding of WGW. The oil and gas development activities off Sakhalin Island caused those initial efforts to be expanded. Collectively, the monitoring and research activities over the last decade, sponsored by both the public and private sectors, have made this one of the better-studied baleen whale populations in the world. Moreover, these activities have brought the population's conservation status and the threats it faces to world attention.

Sakhalin Energy Investment Company Limited (Sakhalin Energy) is a consortium of companies developing oil and gas reserves in the Sea of Okhotsk off the northeast coast of Sakhalin Island in the Russian Far East. The shareholders in Sakhalin Energy are:

- Shell Sakhalin Holdings B.V. (Shell) 55%
- Mitsui Sakhalin Holdings B.V. (Mitsui) 25%
- Diamond Gas Sakhalin, (Mitsubishi) 20%

Sakhalin Energy is implementing the Sakhalin II Production-Sharing Agreement (PSA), an agreement between the Government of the Russian Federation, the Sakhalin Oblast, and Sakhalin Energy. Sakhalin II is a phased development project. Phase 1, an oil-only development, went into production in 1999 and produces approximately six months of the year during the ice-free period. Phase 2 is an integrated oil and gas development that will allow year-round oil and gas production, and includes two additional offshore platforms, offshore and onshore pipelines, and onshore processing and exporting facilities. Production from Phase 2 of the Sakhalin II Project is planned to commence in 2007. Phase 2 of the Sakhalin II Project is the largest international oil and gas investment in Russia.

To evaluate the science around the WGW in the context of Sakhalin-II, Phase – 2, at Sakhalin Energy's request, an independent scientific review Panel (ISRP) was established in 2004 under the auspices of IUCN – The World Conservation Union. The report of the ISRP (ISRP Report) became publicly available on Feb 16, 2005. The Sakhalin Energy response to the ISRP Report was reviewed in a workshop held on May 11-12, 2005 at IUCN's World Headquarters in Gland, Switzerland and again in a meeting held on Sep 17-19, 2005 in Vancouver, Canada. The Vancouver meeting reaffirmed the proposal for establishing a Western Gray Whale Advisory Panel (WGWAP) that had emerged from the Gland workshop, and suggested a framework for the purpose. Subsequently, Sakhalin Energy requested and IUCN accepted to convene the WGWAP. During the ensuing period of deliberation and negotiation on the terms of reference for the WGWAP, and in response to a need for further independent scientific review of Sakhalin Energy's research, monitoring and mitigation plans for the 2006 construction season, IUCN convened the Interim Independent Scientists Group which met in Vancouver from 3 to 5 April 2006.

This document sets forth the terms of reference for the GWAP (TOR). The TOR are based on the framework proposed at the Vancouver meetings.

2. GOAL AND OBJECTIVES

The overall goal of the GWAP is the conservation and recovery of the GW population. The GWAP's specific objectives are:

- (a) To provide independent scientific and technical advice to decision makers in industry, government and civil society with respect to the potential effects of human activities, particularly oil and gas development activities, on the GW population; and
- (b) Co-ordinate research to: achieve synergies between various field programmes; minimise disturbance to GW, e.g. by avoiding overlap and redundancy of field research programmes; identify and mitigate potential risks associated with scientific research activities; and maximise the contributions of research to understanding the status and conservation needs of the GW population.

3. PRINCIPLES

In carrying out these TOR, the GWAP and the contracting companies it advises will be guided by the following principles:

- (a) The Russian Government and relevant regulatory agencies have an important role to play with regard to various developments and GW conservation on the Sakhalin Shelf. The same holds true of other range States in their respective jurisdictions.
- (b) All reasonable efforts must be made to ensure that development activities, especially oil and gas exploration and production activities on and around Sakhalin Island are environmentally risk-averse and minimise to the maximum extent possible the negative impacts on GW and related biodiversity (as discussed in the ISRP report).
- (c) Conservation recommendations shall be made and management decisions taken with openness and transparency; the consequences of any decisions must be monitored and, if necessary, decisions must be withdrawn or modified over time.
- (d) The advice, recommendations and guidance regarding GW conservation provided by the GWAP shall strive to:
 - (i) involve the best local, national and international scientific expertise;
 - (ii) be derived from the best scientific methods, data and information available;
 - (iii) be impartial; and,
 - (iv) be developed and conveyed in a transparent manner.
- (e) To this end the GWAP must have access to all the relevant information and data from all interested parties. This will require the cooperation of those collecting and generating such information and data. The intellectual property rights of those involved in the collection of data must be respected (e.g., the right to first publication as well as confidentiality concerns, whether of

commercial or other nature). The information and data exchange between IUCN and Contracting Companies will take place according to the following considerations:

- (i) Data represent the product of a significant time and money investment – use of data by persons having no rights thereto will be accompanied by appropriate measures aimed at safeguarding the legitimate interests of persons holding rights thereto;
 - (ii) The right of first publication is a generally accepted scientific norm that will be respected and complied with
 - (iii) If recommendations are to be made that have important implications for both conservation of GW and industry, they should be based on a full scientific review of both data quality and analysis that can be independently verified;
 - (iv) Whilst the results of analyses of the data and broad summaries of the data may be included in GWAP reports if required to explain the rationale for recommendations, the raw data themselves will remain confidential and the property of the rightful data collectors or providers;
 - (v) The information and level of resolution of the data to be made available to the GWAP will be determined by the GWAP and will depend on the analysis for which the data are required; and
 - (vi) Data may be subjected to quality control and verification by the GWAP and may be excluded from consideration if the GWAP determines that their integrity or reliability is doubtful.
- (f) Each GWAP member will be required to sign an individual non-disclosure agreement (NDA) pursuant to which he/she will have an obligation, *inter alia*, not to disclose outside the GWAP information designated as confidential pursuant to 9.d. of this TOR and to respect the rights of first publication. Provided, however, that the NDA will not preclude the GWAP from reporting any conclusions relevant to its mandate hereunder that it may base upon such information, as long as none of the confidential information is disclosed in such conclusions.

4. SCOPE

- (a) The GWAP provides the opportunity for coordination and cooperation between interested parties, including contracting companies, governments, financial institutions, and civil society, and builds upon and expands the ISRP process.
- (b) The GWAP is an advisory rather than a prescriptive body, and its decisions will be in the nature of recommendations rather than prescriptions.. It will provide guidance and recommendations it considers necessary, useful and/or advisable for the conservation of GW on a proactive basis; however, it may also respond to specific requests for guidance on relevant issues within its mandate and approved by IUCN. And within the scope of the said mandate, it will be free to seek any information that it decides is necessary and relevant
- (c) The contracting companies advised by the GWAP are expected to follow its conclusions, advice and recommendations- and to clearly identify and document specific areas and points where (i) they were/will be accepted and/or implemented or (ii) they were not/will not be accepted and/or implemented (including a clear explanation therefore)

- (d) Substantively, the GWAP shall focus initially on the conservation of GW and related biodiversity (as discussed in the ISRP Report). In its considerations and recommendations, the GWAP will take into account, to the extent possible, the potential impacts of its GW-related recommendations on other key biota (such as Steller's Sea Eagles or salmon) that may be known to it or may be brought to its attention.
- (e) Geographically, the initial focus of the GWAP will be on activities on the Sakhalin Shelf that may affect the survival and recovery of GW. However, as knowledge accumulates, resources increase, and the relevant interested parties from across the range of the GW become involved, the scope of the GWAP may be broadened to include more of the range of the GW. This may require establishing the feasibility of such an expansion through a specific project.
- (f) Where necessary or useful, the GWAP may seek information and input from scientists and researchers in related fields external to the GWAP, and establish dialogues with scientific groups it deems relevant (such as those in Russia, Japan and elsewhere in the GW range).
- (g) To conserve the GW, it is important that the interested parties potentially having impact on the GW participate in the GWAP process. Convincing them of the desirability of joining the process will require a collective effort by contracting companies, governments, IUCN and GWAP, with such effort to be coordinated by IUCN.
- (h) Should other potential contracting companies not join or should their joining be delayed, it will not constitute a reason for suspending or abandoning GWAP. The GWAP will continue to review Sakhalin Energy-related information and to advise Sakhalin Energy accordingly.
- (i) The GWAP will, in its first full meeting, develop a vision for its work over the next five years that will be translated, through its successive annual work plans, reviews and assessments, into proactive recommendations and advice to Sakhalin Energy and other contracting companies. This and/or other developments may warrant appropriate amendments to these TOR.

5. THE ROLE AND RESPONSIBILITIES OF IUCN

The role and responsibilities of IUCN will be to:

- (a) Act as the impartial convenor of the GWAP;
- (b) Actively solicit the participation of Other Companies as may be mutually agreed, and in coordination, with the Contracting Companies and GWAP Members;
- (c) Select and appoint the GWAP Chair and Members;
- (d) Effectively link the relevant stakeholders;
- (e) Establish and preserve the independence of the GWAP;
- (f) Provide the conduit for the transmission of all information and documentation requests to and from the GWAP;
- (g) Provide secretariat support to GWAP, including (without limitation) the management of Budget Funds and negotiation/execution of contracts with GWAP Members, as necessary and appropriate for their participation in GWAP;

- (h) Post all relevant reports and materials used and produced by the GWAP on the IUCN website (www.iucn.org/themes/marine), and distribute them through other media/channels when and as IUCN, in consultation with the Chair, may deem necessary and appropriate.
- (i) Make all efforts to enable the delivery of the outputs provided for in the TOR.
- (j) Establish and manage administration contracts with Contracting Companies that wish to support the GWAP in accordance with these TOR.

6. THE ROLE AND RESPONSIBILITIES OF CONTRACTING COMPANIES

The role and responsibilities of Contracting Companies will be to:

- (a) Enter into a legally binding contract with IUCN for the latter to convene and manage the GWAP.
- (b) Actively solicit the participation of Other Companies, in collaboration with, and with the express agreement of, IUCN and other Contracting Companies and the GWAP.
- (c) Provide relevant information and documentation at their disposal to the GWAP in a timely and well-documented manner to facilitate the efficient functioning of the GWAP.
- (d) Contribute the services of qualified associate scientists in compliance with clause 8.1.c of these TOR
- (e) Contribute to the sustainable funding of the GWAP
- (f) Actively support IUCN in effectively maintaining its credibility as the GWAP impartial convenor
- (g) Provide point-by-point written responses (Contracting Company Response) to all the points raised by the GWAP in each GWAP report.
- (h) With respect to the conclusions, advice and recommendations provided by the GWAP, clearly identify and document specific areas and points (i) where they were/will be accepted and/or implemented or (ii) where they were not/will not be accepted and/or implemented (including a clear explanation therefor).

7. KEY TASKS for GWAP

- (a) Proactively provide scientific, technical and operational recommendations it believes are necessary or useful for conserving the GW population.
- (b) Receive and review all available information related to the GW population;
- (c) Seek and secure any additional information that it may require.
- (d) Using the best available data and information, assess whether the Contracting Companies' studies, assessments and proposed mitigation plans (i) take account of the best available scientific knowledge, (ii) identify information gaps, and (iii) interpret both existing knowledge and information gaps in a manner that reflects precaution⁸.

⁸ "Precaution": the "precautionary principle" or "precautionary approach" as defined and applied by IUCN is "a response to uncertainty in the face of risks to health or the environment. In general, it involves acting to avoid serious or irreversible potential harm, despite lack of scientific certainty as to the likelihood, magnitude, or causation of that harm". This definition is the product of the Precautionary Principle Project (2005) – a joint exercise between IUCN, Traffic International, Fauna and Flora International and Resource Africa and is available at: http://www.pprinciple.net/the_precautionary_principle.html

- (e) Conduct annual assessments, using the available information and data, of the biological and demographic state of the GW population, as a basis for its recommendations and advice on GW conservation needs and research priorities.
- (f) Assess whether the studies, assessments and proposed mitigation plans are adequate to ensure that the proposed activities will not have significant impacts on the GW population;
- (g) Review (i) the effectiveness of existing mitigation measures as determined from associated monitoring programme results, and (ii) the likely effectiveness of proposed mitigation measures; provide recommendations regarding modifications, alternatives or the development of new measures;
- (h) Review existing and proposed research and monitoring programmes and provide recommendations and advice as necessary or useful;
- (i) Recommend new research programmes aimed at ensuring the ultimate recovery of the GW population;
- (j) Actively assist in soliciting the participation of Other Companies in collaboration with and as agreed by other Contracting Companies and IUCN.

8. MODUS OPERANDI OF GWAP

8.1. GWAP Composition

- (a) The technical and scientific expertise required on the GWAP (the GWAP members and the Chair) will be determined by IUCN. Objectivity and transparency in the selection process will be ensured by, *inter alia*, setting selection criteria and constituting a candidate evaluation committee. To this end IUCN will consult with interested parties on nominations to be considered but the eventual decision will remain with the IUCN as convener.
- (b) It is the intention of the Parties to the GWAP Agreement that the GWAP include 8-12 of the best available scientists in their respective fields, independent from, and free of any conflict of interest (whether actual, potential or reasonably perceived) with, any Contracting Companies that the GWAP will advise. The actual number of scientists will depend on their availability and on the mix of expertise they individually bring to the GWAP.
- (c) To access additional expertise that may be required from time to time, on specific issues or for its meetings or workshops or other activities that may occur between GWAP meetings, the GWAP may, at the discretion of the Chair, constitute task forces under the coordination of one of the GWAP members. The task forces may include other members of GWAP as well as non-GWAP scientists with relevant expertise (herein referred to as “associate scientists”) as may be necessary. IUCN will approve the constitution of task forces, information about which will be placed on the IUCN website, and facilitate the work of the task forces to the extent necessary and as agreed with the Chair.
- (d) The GWAP members may resign at any time by notifying IUCN in writing, at least ninety days in advance of the effective date of their resignation. IUCN will publicize the receipt of any such notice of resignation on its website (www.iucn.org/themes/marine).

- (e) In consultation with and with the agreement of the GWAP Chair, IUCN may remove any of the GWAP members and replace them as necessary and appropriate.

8.2. Work Plans, Meetings, Missions and Reports

- (a) For each calendar year, and by no later than the end of the last quarter of the preceding year, the GWAP, in consultation with IUCN, will establish a tentative annual work plan, including (but not limited to) the reviews it will undertake, the information it will require, the meetings it will hold, and the workshops it will convene. Subsequently, and in consultation with the GWAP Chair, IUCN will establish a more detailed work plan for each of the key assignments.
- (b) The GWAP will meet at least once per calendar year. Such meetings will be scheduled to ensure that a full analysis and review of results of the previous seasons' operations and mitigation measures occur sufficiently in advance to influence the Contracting Companies' planning, procedures and activities for the ensuing work season.
- (c) To ensure the GWAP has access to all the requisite information, Contracting Companies will ensure that all their relevant personnel are at hand for consultation by the GWAP at any particular meeting. However, to avoid undue constraints on the GWAP's work, the number of all Contracting Companies' staff at any point during the course of a meeting will not exceed the number of GWAP members in attendance. The GWAP Chair may, in consultation and agreement with IUCN, allow exception to this provision where he/she reasonably believes that doing so is essential for the competent performance of the GWAP.
- (d) The Chair of the GWAP will have the ultimate authority as to the contents of the GWAP's reports and will be responsible for their production. It is expected that adoption of any report by the GWAP will be by consensus among the GWAP members. However, any of the GWAP members will have the right and opportunity to provide a written dissent that will be included in the relevant report as an authored annex.
- (e) The timelines for GWAP reports and Contracting Company responses will be set forth in the agenda of each meeting, which will be developed by the Chair in consultation with IUCN and the Contracting Companies.
- (f) The Chair of GWAP may, with the advance written approval of IUCN, arrange for assignments or commission field visits and missions, either by one or more GWAP members or by other independent experts, to analyze or assess a particular issue, event or outcome of direct relevance to the work of the GWAP. All such assignments, visits or missions will produce reports for consideration by the full GWAP.

8.3 Funding

- (a) Funding will initially come mainly from Sakhalin Energy.
- (b) Each Contracting Company shall contribute to the funding of GWAP activities as provided in its contract with IUCN.
- (c) IUCN will endeavour to seek additional funding from multiple sources

9. COMMUNICATIONS AND TRANSPARENCY

- (a) GWAP members will not receive financing for their research from Contracting Companies (including their parent or sister companies and subsidiaries), and shall disclose any conflict of interest (whether actual, potential or reasonably perceived) from recent (last 12 months) or anticipated relationships with the Contracting Companies.
- (b) Information and documentation (collectively "information") related to the GWAP, including these TOR, GWAP work plans, meeting schedules and agendas, reports and responses will be made publicly available on the IUCN website.
- (c) Open information sessions will be held, at least once a year, for interested parties to discuss the GWAP's progress in implementing these TOR. IUCN will prepare and post on its website after each session a brief factual minute for that session.
- (d) All documents submitted to the GWAP will normally be made publicly available by the time the GWAP issues its GWAP Report, except for information that is designated confidential. Whether information is confidential or not will be determined by IUCN in consultation with the entity or individual providing the information. Confidentiality will be an exception rather than the rule, and therefore as much information as possible will be made available to the public.
- (e) IUCN will act as intermediary between the GWAP and interested parties in order to (i) ensure all interested parties have fair and equal access to information about the GWAP process and GWAP Reports, (ii) strengthen the independence of the GWAP, (iii) enable documentation of information flows to the GWAP, and (iv) manage requests for information in connection with the GWAP process and work. Subject to the provision in paragraph (g) below, no interested parties shall influence or seek to influence GWAP members.
- (f) The provisions of paragraph 9(e) above apply to the formal activities of the GWAP that IUCN will convene, and does not preclude interactions between the GWAP members and interested party scientists as part of the activities of the task forces contemplated in clause 8.1(c) above.
- (g) The Chair of the GWAP will have exclusive authority to speak for the GWAP on substantive scientific aspects and findings of its work, and will coordinate with IUCN on requests made to him/her by media or the GWAP members, or other sources, for information, statements and interviews. All queries related to the process of GWAP will be addressed by IUCN which, likewise, will coordinate with the Chair as necessary. The Chair may delegate his/her authority for responding to any of the substantive scientific questions or findings addressed to him/her to one or more of the members of the GWAP. Where individual GWAP members are approached directly, they shall consult and follow the advice of the GWAP Chair.

10. PERFORMANCE ASSESSMENT

Regular performance assessment is essential to ensure that the collaborative effort required hereunder succeeds and contributes to the achievement of the goal and objectives hereunder. Consequently, assessments of the performance of the GWAP as an advisory body, of IUCN as a convenor, and of the Contracting Companies in terms of their implementation of the advice from the GWAP, will be conducted as follows

- (a) Self-assessment will be a recurring item on the agenda of the GWAP. In each of its meetings, it will (i) evaluate its own performance and the extent to which, in its opinion and on the basis of available information, the Contracting Companies are implementing its advice and (ii) provide any recommendations to IUCN for changes needed in the GWAP process.
- (b) IUCN will, in consultation with the GWAP Chair and the Contracting Companies, appoint an independent agency to evaluate, once every two years, the performance of the collaboration under these TOR and the effectiveness with which IUCN, GWAP, and the Contracting Companies have played their respective roles. The evaluation will be conducted against a set of indicators that will be developed by IUCN and agreed with the Contracting Companies and GWAP. The independent agency will make recommendations on how the performance might be improved.
- (c) IUCN, as convener of GWAP, will in consultation with GWAP and the Contracting Companies determine to what extent the recommendations arising from 10 (a) and 10 (b) (above) are to be adopted and implemented. IUCN will have the final decision regarding adoption and implementation of such recommendations. IUCN will clearly identify and document specific recommendations (i) where they were/will be accepted and/or implemented or (ii) where they were not/will not be accepted and/or implemented (including a clear explanation therefore). IUCN will ensure that these TOR are amended to reflect the accepted recommendations.

11. Participation of Interested Parties

11.1. Government

The Russian Ministry of Natural Resources and other Russian governmental agencies will have the opportunity to:

- a) Provide comments on the GWAP TOR;
- b) Nominate candidates for membership in the GWAP;
- c) Provide IUCN with information on issues within the scope of these TOR and important for the GWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the GWAP Chair, so that it may be placed on the agenda for the successive GWAP meetings.
- d) Participate in the Panel's meetings as 'observers', upon invitation and subject to a maximum of four (4) observers;
- e) Participate in the periodic information sessions described under 9. c.

11.2. Civil Society

Civil society will have the opportunity to:

- a) Provide comments on the GWAP TOR;
- b) Nominate candidates for membership in the GWAP;
- c) Provide IUCN with information on issues within the scope of these TOR and important for the GWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the GWAP Chair, so that it may be placed on the agenda for the successive GWAP meetings;
- d) Participate in the Panel's meetings as 'observers', upon invitation and subject to a maximum of four (4) observers selected by IUCN as the convening organization;
- e) Participate in the periodic information sessions described under 9. c..

11.3. Financial Institutions

The financial institutions lending or potentially lending to the relevant projects of the Contracting Companies will have the opportunity to:

- a) Provide comments on the GWAP TOR;
- b) Nominate candidates for membership in the GWAP;
- c) Provide IUCN with information on issues within the scope of these TOR and important for the GWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the GWAP Chair, so that it may be placed on the agenda for the successive GWAP meetings.
- d) Participate in the Panel's meetings as 'observers', upon invitation and subject to a maximum of one (1) observer per financial institution, the total not exceeding four (4) observers;
- e) Participate in the periodic information sessions described under 9. c.

12. TERM

The GWAP will be established for an initial period of 5 years, extendable for further periods as necessary and useful, subject to agreement between IUCN and Contracting Companies.

GWAP TOR Definitions

Civil Society	Academic institutions, non-governmental organizations (NGOs) and individuals who do not represent another Interested Party.
Contracting Companies	Companies with Oil and Gas concessions on the Sakhalin shelf that have entered into a legally binding contract with IUCN to support the GWAP
Contracting Company Response	The point-by-point response to the GWAP Report produced by each Contracting Company
Financial Institutions	Institutions currently, or potentially, lending money to one or more Contracting Companies for a relevant project
Government	Interested governmental authorities/agencies
Interested Parties	Existing Contracting Companies or Other Companies, Financial Institutions, Governments, and Civil Society
Other Companies	Companies that have not yet entered into a legally binding contract with IUCN to support the GWAP
GWAP Report	The Report produced by the GWAP after each GWAP meeting

Annex 3. Evaluation matrix

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
Relevance	To what extent does the GWAP process address the priority issues?	<ol style="list-style-type: none"> 1. How relevant is the GWAP process to the conservation and recovery of western grey whales? 2. How relevant is the GWAP process to addressing the impact of SEIC operations on western grey whales? 3. How relevant is the GWAP process to the IUCN Global Marine and Polar Programme? 4. Does the GWAP process address issues of relevance to the wider oil and gas industry operating on the Sakhalin shelf? 5. How much progress has been made with 2009 evaluation recommendation 2.1 regarding involvement of other energy companies? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of relevance by expert observers and participants 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Review of documentation
Effectiveness	To what extent is the GWAP process achieving its intended results?	<ol style="list-style-type: none"> 1. How adequate for effective performance of the GWAP are the quality and relevance of the information provided to the Panel? 2. How effectively is the GWAP process addressing issues of data integrity and reliability? 3. How effectively is IUCN performing the roles assigned to it by the GWAP TOR, including comprehensive publicity about the Panel's operations (2009 evaluation recommendation 3.6)? 4. How effectively is SEIC performing the roles assigned to it by the GWAP TOR, including timely provision of data etc. (2009 evaluation recommendation 3.1) and timely response to the Panel's recommendations (2009 evaluation recommendation 3.4)? 5. How effectively is the GWAP Chair performing the roles assigned to him by the GWAP TOR? 6. To what extent is the GWAP complying with the principles specified in its TOR? 7. How fully is the GWAP performing the tasks set out in its TOR? 8. How clear are the recommendations, advice and other outputs delivered by the GWAP (2009 evaluation recommendation 3.3)? 9. How practical and useable are the recommendations, advice and other outputs delivered by the GWAP (2009 evaluation recommendation 3.3)? 10. How effectively are IUCN and the GWAP managing Panel recommendations (2009 evaluation recommendation 3.2)? 11. How effectively are GWAP recommendations and advice being used by SEIC? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of effectiveness by expert observers and participants 2. Percentage of GWAP recommendations completed/ addressed, open, abandoned, superseded 3. Percentage of GWAP recommendations accepted, queried, rejected by SEIC 4. Number of design or operational changes by SEIC attributable to GWAP recommendations 5. Number of and trends in NGO and financial institution attendance at GWAP meetings 6. Number of documents posted by IUCN on 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Analysis of GWAP records 4. Review of other documentation

Evaluation of the GWAP, 2011

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
		<ol style="list-style-type: none"> 12. How effectively are GWAP recommendations and advice being used by other stakeholders? 13. To what extent are interested parties (government, civil society and financial institutions) participating in the GWAP as anticipated by the TOR (2009 evaluation recommendations 3.7, 3.8, 3.9)? 14. What factors promote the effectiveness of the GWAP? 15. What factors inhibit the effectiveness of the GWAP? 	<p>GWAP website (in English and Russian)</p> <ol style="list-style-type: none"> 7. Number of and trend in documents deemed confidential by IUCN and not made public 8. Number of and attendance at open information sessions held by GWAP 9. Number of and trends in visits to GWAP website 10. Number of funding sources for GWAP 11. Number of GWAP activities precluded for funding reasons 12. Number of meaningful self-assessment sessions held during GWAP meetings 	
Efficiency	How cost-effective is the GWAP process?	<ol style="list-style-type: none"> 1. What are the financial costs of the GWAP process to SEIC, IUCN and others? 2. Do SEIC, IUCN and other funding agencies consider these costs to be an effective investment in relation to the direct and indirect results achieved? 3. Do SEIC, IUCN and other funding agencies identify ways in which cost effectiveness could be enhanced? 4. Do the various stakeholders consider GWAP roles, responsibilities and tasks to be clearly defined and assigned? 5. How transparent is the GWAP process? 6. Are GWAP task forces and working groups enhancing the Panel's performance? 7. Are GWAP annual work plans produced on time and adhered to (2009 evaluation recommendation 4.2)? 8. How efficient are GWAP-SEIC communications at Panel meetings and at other times? 9. How efficient are GWAP-IUCN communications, in Russian as well as in English (2009 evaluation recommendation 4.3)? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of efficiency by expert observers and participants 2. Dates of annual work plan production 3. Proportion of planned activities reported done 4. Proportion of GWAP documentation, including website content, available in Russian as well as English. 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Analysis of GWAP budget and other records 4. Review of other documentation

Evaluation of the GWAP, 2011

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
		10. How efficient is IUCN management of the GWAP website, in Russian as well as English (2009 evaluation recommendation 4.3)? 11. How efficient is IUCN logistical support to the GWAP? 12. How effectively is the GWAP assessing its own performance (2009 evaluation recommendation 3.10)?		
Impact and sustainability	To what extent is the GWAP process contributing to the overall conservation and recovery of the GW population?	1. Has the GWAP process had any impact yet on the conservation or recovery of the GW population? 2. Has the GWAP process achieved sustainable positive changes in SEIC practice that are likely to persist beyond the life of the GWAP project? 3. Has the GWAP process to date had any influence over broader State and industry practice in the range? 4. Has the GWAP process to date had any impact on marine conservation practices in the oil industry in general? 5. Has the GWAP process to date had any impact on IUCN's approach to building partnerships with the private sector? 6. Has the GWAP process to date had any influence on the broader IUCN programme? 7. Has the GWAP process to date had any influence on civil society's awareness of the threats to the western grey whale?	1. Likert scaling of assessments of impact by expert observers and participants 2. Number of comparable panel processes set up by IUCN	1. Survey data 2. Interviews with key informants 3. Review of other documentation

Annex 4. Recommendations, ISRP – GWAP-9

Table 2. Recommendations made by GWAP and its predecessors

Full category title	Closed - no longer relevant but had not been implemented satisfactorily at the time it became moot	Closed - moot	Closed - superseded by a new recommendation	Closed - implemented / resolved satisfactorily	Retracted by GWAP	Rejected by Sakhalin Energy	Open - in progress	Open - no action yet taken	Open - in need of clarification/ expansion	
Shortened category title (see charts)	Closed, not satisfactory	Closed, moot	Closed, superseded	Closed, satisfactory	Retracted by GWAP	Rejected by SE	Open, in progress	Open, no action yet taken	Open, needs amendment	Total
ISRP	13	2	14	11	0	0	0	0	0	40
Lenders	14	4	15	12	0	0	0	0	0	45
IISG	13	1	13	27	0	1	0	1	0	56
GWAP 1	6	1	19	19	1	0	1	1	1	49
Vladivostok	5	0	4	2	0	0	0	0	0	11
GWAP 2	4	1	3	14	0	0	1	0	1	24
GWAP 3	2	1	6	30	0	2	1	1	0	43
GWAP 4	3	0	2	19	0	1	0	0	0	25
GWAP 5	1	2	1	8	0	1	0	1	0	14
GWAP 6	1	1	3	18	1	1	0	2	0	27
GWAP 7	1	0	0	16	0	0	3	1	0	21
GWAP 8	0	0	0	6	0	1	0	7	0	14
GWAP 9	0	0	1	2	0	7	6	24	0	40
Total	63	13	81	184	2	14	12	38	2	409

Annex 5. Online survey form

1. Introduction - Вступление

Thank you for contributing to this online survey, which is part of the current second evaluation of the Western Gray Whale Advisory Panel. This is just one way to get people's views about WGAP. I will of course be discussing the Panel in depth with those who have been most closely involved, and will also review the documentation.

Your response is anonymous, and all inputs received during this evaluation will be treated in strict confidence.

If you would like to have a quick look at the WGAP terms of reference, they are at http://icmdata.iucn.org/downloads/terms_of_reference.pdf

Thanks again.
Stephen Turner.
sdturner@lafica.com

Благодарю Вас за то, что Вы согласились принять участие в этом опросе в Интернете, который проводится в рамках второй оценки деятельности Консультативной группы по западносерым китам. Это всего лишь один из инструментов для изучения мнений о КГЗСК. Я буду подробно обсуждать деятельность Группы с теми, кто непосредственно связан с ней, а также буду изучать соответствующие документы.

Ваши ответы являются анонимными, а все мнения, собранные во время этой оценки, будут рассматриваться в конфиденциальном порядке.

Если Вы хотите ознакомиться с мандатом КГЗСК, то Вы можете найти его в Интернете по адресу: http://icmdata.iucn.org/downloads/terms_of_reference.pdf

Еще раз большое спасибо!

Стивен Тернер
sdturner@lafica.com

1. Please indicate what kind of involvement you have with the WGAP.

Пожалуйста, укажите, какое отношение Вы имеете к КГЗСК.

Member of the Panel - Член КГЗСК
 SEIC staff or consultant - Сотрудник или консультант СЭИК
 IUCN staff - Сотрудник МСОП
 NGO staff or consultant - Сотрудник или консультант НПО
 Finance institution staff or representative - Сотрудник или представитель финансового учреждения
 Other (please specify) - Иное (пожалуйста, укажите конкретно)

Page 1

2. The relevance of WGAP - Актуальность КГЗСК

To what extent does WGAP address the priority issues?
 В какой мере КГЗСК занимается решением приоритетных вопросов?

Please indicate the extent to which you agree with the following statements.
 Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями.

1. The WGAP process is relevant to the conservation and population recovery of western gray whales.
Процесс КГЗСК актуален для сохранения и восстановления популяции западных серых китов.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

2. The WGAP process is relevant to addressing the impact of SEIC operations on western gray whales.
Процесс КГЗСК актуален в том, что касается рассмотрения воздействия деятельности СЭИК на западных серых китов.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

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3. The WGAP process addresses issues relevant to the wider oil and gas industry operating on the Sakhalin shelf.
В рамках процесса КГЗСК рассматриваются вопросы, в целом актуальные для предприятий нефтегазовой отрасли, работающих на шельфе Сахалина.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

4. The WGAP process is relevant to the IUCN Global Marine and Polar Programme.
Процесс КГЗСК актуален для Глобальной морской и полярной программы МСОП.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

5. Please use this space for any comments, explanations or suggestions with regard to your answers above.
Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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3. Data - Данные

Please indicate the extent to which you agree with the following statements by checking the appropriate box.
 Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. The information provided to the Panel is relevant, providing a basis for the WGAP to perform effectively.
Информация, предоставляемая Группе, является актуальной и служит основой для эффективной деятельности КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

2. The information provided to the Panel is of adequate quality for the WGAP to perform effectively.
Информация, предоставляемая Группе, является достаточно качественной для того, чтобы КГЗСК работала эффективно.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

3. The WGAP is addressing issues of data integrity and reliability effectively.
КГЗСК эффективно занимается вопросами, связанными с целостностью и надежностью данных.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

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4. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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5. The performance of the GWAP - Эффективность деятельности КГЗСК

Please indicate the extent to which you agree with the following statements by checking the appropriate box.

Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. GWAP is complying fully with the principles set out in its terms of reference.

КГЗСК полностью соблюдает принципы, установленные в ее мандате.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

2. The GWAP is fully performing the tasks set out in its terms of reference.

КГЗСК полностью выполняет свои задачи в соответствии со своим мандатом.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

3. The GWAP Chair is effectively performing the roles assigned to him by the GWAP terms of reference.

Председатель КГЗСК эффективно выполняет свои обязанности в соответствии с мандатом КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

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4. SEIC is providing data, plans and other documentation to the Panel according to schedules agreed with the Panel.

СЭИК предоставляет КГЗСК данные, планы и прочую документацию в соответствии с графиками, согласованными с КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

5. SEIC responds to the GWAP's recommendations in a timely manner.

СЭИК своевременно отвечает на рекомендации КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

6. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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4. The performance of IUCN and SEIC - Эффективность деятельности МСОП и СЭИК

Please indicate the extent to which you agree with the following statements by checking the appropriate box.

Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. IUCN is effectively performing the roles assigned to it by the GWAP TOR.

МСОП эффективно выполняет свои обязанности в соответствии с мандатом КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

2. IUCN is providing adequate and appropriate publicity for the Panel's work.

МСОП адекватно и уместно занимается популяризацией деятельности КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

3. SEIC is effectively performing the roles assigned to it by the GWAP TOR.

СЭИК эффективно выполняет свои обязанности в соответствии с мандатом КГЗСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

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4. GWAP is assessing SEIC's studies, assessments and mitigation plans adequately.

КГЗСК надлежащим образом изучает исследования, оценки и планы снижения воздействия СЭИК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

5. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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6. GWAP recommendations - Рекомендации КГЗСК

Please indicate the extent to which you agree with the following statement by checking the appropriate box.
 Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. The GWAP's recommendations, advice and other outputs are clear.

Рекомендации, консультации и другие продукты КГЗСК являются понятными.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

2. The GWAP's recommendations, advice and other outputs are practical and useable.

Рекомендации, консультации и другие продукты КГЗСК являются реалистичными и пригодными к использованию.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

3. IUCN and the GWAP are managing Panel recommendations effectively.

МСОП и КГЗСК эффективно курируют рекомендации Группы

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

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4. GWAP recommendations and advice are being used effectively by SEIC.

Рекомендации и консультации КГЗСК эффективно используются СЭИК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

5. GWAP recommendations and advice are being used effectively by other stakeholders.

Рекомендации и консультации КГЗСК эффективно используются другими заинтересованными сторонами.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

6. Please use this space for any comments, explanations or suggestions with regard to your answer above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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7. Other interested parties - Другие заинтересованные стороны

Please indicate the extent to which you agree with the following statements by checking the appropriate box.
 Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. The Russian government is participating in the GWAP process as anticipated by the Panel's terms of reference.

Правительство Российской Федерации участвует в процессе КГЗСК так, как это предусмотрено мандатом КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

2. Other governments are participating in the GWAP process as anticipated by the Panel's terms of reference.

Правительства других стран участвуют в процессе КГЗСК так, как это предусмотрено мандатом КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

3. Russian civil society and NGOs are participating in the GWAP process as anticipated by the Panel's terms of reference.

Общественность и НПО в России участвуют в процессе КГЗСК так, как это предусмотрено мандатом КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

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4. Civil society and NGOs elsewhere are participating in the WGAP process as anticipated by the Panel's terms of reference.

Гражданское общество и НПО в других странах участвуют в процессе КГЗСК так, как это предусмотрено мандатом КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

5. Financial institutions are participating in the WGAP process as anticipated by the Panel's terms of reference.

Финансовые учреждения участвуют в процессе КГЗСК так, как это предусмотрено мандатом КГЗСК.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

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6. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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8. The effectiveness of the WGAP - Результативность деятельности КГЗСК

Please indicate the extent to which you agree with the following statements by checking the appropriate box.
 Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. Overall, the WGAP is performing effectively.

В целом КГЗСК работает результативно.

Strongly agree - Полностью согласен
 Agree - Согласен
 Disagree - Не согласен
 Strongly disagree - Полностью не согласен
 Don't know - Не знаю

2. What factors promote the effectiveness of the WGAP?

Какие факторы способствуют результативности КГЗСК?

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3. What factors inhibit the effectiveness of the WGAP?

Какие факторы препятствуют результативности КГЗСК?

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9. The efficiency of the WGAP process - Эффективность процесса КГЭСК

Please indicate the extent to which you agree with the following statements by checking the appropriate box.

Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. The costs of WGAP are an effective investment in relation to the direct and indirect results achieved.

Затраты на КГЭСК – это вложенные с пользой средства, если судить по полученным прямым и косвенным результатам.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

2. WGAP roles, responsibilities and tasks are clearly defined and assigned.

Роли, обязанности и задачи КГЭСК определены и распределены четко.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

3. WGAP task forces and working groups are enhancing the Panel's performance.

Рабочие группы при КГЭСК способствуют повышению эффективности деятельности КГЭСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

4. WGAP produces its annual work plans on time.

КГЭСК своевременно составляет свои ежегодные планы работ.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

5. WGAP follows its annual work plans.

КГЭСК следует своим ежегодным планам работ.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

6. WGAP and SEIC communicate efficiently.

КГЭСК и СЭИК общаются эффективно.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

7. WGAP and IUCN communicate efficiently.

КГЭСК и МСОП общаются эффективно.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

8. IUCN manages the English content of the WGAP website efficiently.

МСОП эффективно управляет англоязычным контентом на вебсайте КГЭСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

9. IUCN manages the Russian content of the WGAP website efficiently.

МСОП эффективно управляет русскоязычным контентом на вебсайте КГЭСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

10. The WGAP is assessing its own performance effectively.

КГЭСК эффективно оценивает качество собственной деятельности.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

11. IUCN provides efficient administrative and logistical support to WGAP.

МСОП предоставляет эффективную административную и логистическую поддержку КГЭСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

12. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

10. The impact of WGAP - Воздействие КГЭСК

Please indicate the extent to which you agree with the following statements by checking the appropriate box.

Пожалуйста, укажите, в какой мере Вы согласны с нижеприведенными утверждениями, поставив в соответствующей клетке «галочку».

1. The WGAP process has already had a positive impact on the conservation of the western gray whale.

Процесс КГЭСК уже оказал положительное воздействие на сохранение западных серых китов.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

2. The WGAP process has already had a positive impact on the recovery of the western gray whale.

Процесс КГЭСК уже оказал положительное воздействие на восстановление популяции западных серых китов.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

3. The WGAP process has achieved sustainable positive changes in SEIC practice that are likely to persist beyond the life of the WQWAB project.

Процесс КГЭСК уже привел к устойчивым позитивным изменениям в работе СЭИК, которые могут сохраниться и после окончания проекта КГЭСК.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

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4. The WGAP process has already had a positive impact on broader State and industry practice in the range.

Процесс КГЭСК уже оказал положительное воздействие на деятельность госорганов и отраслевых предприятий в целом по всему ареалу китов.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

5. The WGAP process has already had a positive impact on marine conservation practices in the oil industry in general.

Процесс КГЭСК уже оказал положительное воздействие на практику сохранения морского биоразнообразия предприятиями нефтяной промышленности в целом.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

6. The WGAP process has already had a positive impact on civil society's awareness of the threats to the western gray whale.

Процесс КГЭСК уже оказал положительное воздействие в том, что касается уровня осведомленности общественности об угрозах для западных серых китов.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

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7. The WGAP process has had unintended negative impacts.

Процесс КГЭСК уже привел к непреднамеренным отрицательным последствиям.

- Strongly agree - Полностью согласен
- Agree - Согласен
- Disagree - Не согласен
- Strongly disagree - Полностью не согласен
- Don't know - Не знаю

8. Please use this space for any comments, explanations or suggestions with regard to your answers above.

Пожалуйста, в свободной графе напишите Ваши комментарии, объяснения или предложения в связи с Вашими ответами на вопросы выше.

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11. Some concluding questions - Некоторые заключительные вопросы

1. What is your highest priority recommendation to improve the performance of WGAP?

Что бы Вы порекомендовали сделать прежде всего, чтобы повысить эффективность деятельности КГЭСК?

2. Please provide any other information or comments that you feel are important for the evaluation.

Пожалуйста, предоставьте любую иную информацию или комментарии, которые, по Вашему мнению, важны для настоящей оценки.

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Annex 6. List of interviews

A. Bradford	WGWAP Associate Scientist
D. Bell	formerly Sakhalin Energy
P. Bernal	IUCN GMPP
K. Broker	Consultant to Sakhalin Energy
G. Carbone	IUCN BBP
J. Cooke	WGWAP
B. Dicks	WGWAP
W. Elliott	World Wide Fund for Nature
R. Evans	Sakhalin Energy
N. Funahashi	IFAW Japan
G. Gailey	Consultant to Sakhalin Energy
G. Donovan	WGWAP
J. Hancox	AEA Consultants
S. Humphrey	WGWAP Rapporteur
A. Knizhnikov	WWF Russia
S. de Koning	Shell
F. Larsen	formerly IUCN GMPP
C.G. Lundin	IUCN GMPP
D. Norlen	Pacific Environment
D. Nowacek	WGWAP
D. Quaille	Shell
R. Racca	Consultant to Sakhalin Energy
R.R. Reeves	Chair, WGWAP
B. Riché	Logistics and Communications Officer, IUCN GMPP
A. Rutenko	Consultant to Sakhalin Energy
B. Southall	WGWAP Associate Scientist
G. Tsidulko	WGWAP
A. Vedenev	WGWAP
M. Vorontsova	IFAW Russia
A. Wood	Pacific Environment
A. Yablokov	WGWAP