Evaluation of the Western Grey Whale Advisory Panel

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Preface

It was a pleasant surprise, after carrying out the first and second evaluations of the IUCN Western Grey Whale Advisory Panel, to be asked to undertake the third. Although it might have been better to have a fresh perspective in 2014 from a different evaluator, I am grateful to have had this opportunity and to have engaged again with what remains an important and valuable process, despite the ups and downs of the last two years.

Because of the new emphasis in this evaluation's terms of reference on lessons learned and the way forward, the report is (even) longer than its predecessors. While chapters 2 - 5 address the more usual evaluation questions of relevance, effectiveness, efficiency and impact, chapter 6 and especially chapter 7 deal with the most urgent concerns at this stage in the WGWAP's history. They should be the highest priority reading for those who lack the time or inclination to plough through the entire text.

The rather different character of this evaluation has made for fewer recommendations. Given that further progress with the WGWAP depends heavily on reconfiguring the process – as discussed in chapter 7 – I have not burdened the report with recommendations on the details of effectiveness and efficiency. All recommendations relate to the way forward and are shown in the summary.

Because this is the third biennial evaluation of the WGWAP, I have used extra pages at Annex 6 to present findings from the three questionnaire surveys side by side, where the wording of the questions was the same, or similar enough to yield useful comparisons. Sometimes the evolution of opinion can be tracked across all three surveys, from 2009. In other cases, only one previous survey used similar wording to the 2014 one.

I thank all those who agreed to be interviewed for this evaluation, as well as those who endured the questionnaire survey. I hope this report does your opinions justice. I am very grateful to Grigory Shkalikov for his expert interpretation and translation services. As ever, I thank the IUCN Planning, Monitoring and Evaluation Unit for their support and guidance, and the IUCN Global Business and Biodiversity Programme for their collegial collaboration throughout the evaluation process. My special thanks to Anete Berzina for her tireless and expert help.

I am grateful for the comments on the 23 October draft of this report that I received on 20 November, and hope that this final version will be useful.

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Abbreviations

DAC	Development Assistance Committee
EIA	environmental impact assessment
ENL	Exxon Neftegas Ltd.
GBBP	Global Business and Biodiversity Programme
GEF	Global Environment Facility
GMPP	Global Marine and Polar Programme
HSESAP	Health, Safety, Environmental and Social Action Plan
IFC	International Finance Corporation
IISG	Interim Independent Scientists Group
ISRP	Independent Scientific Review Panel
ISTAP	independent scientific and technical advisory 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 and Ecology
NGO	non-governmental organisation
NTF	Noise Task Force
OECD	Organisation for Economic Co-operation and Development
SEIC	Sakhalin Energy Investment Company
SSC	Species Survival Commission
TOR	terms of reference
UK	United Kingdom
UNDP	United Nations Development Programme
WGW	western grey whale
WGWAP	Western Grey Whale Advisory Panel

Summary

Background

1. The IUCN Western Grey Whale Advisory Panel (WGWAP) has now been operating for eight years. Its terms of reference (TOR) require it to undergo an evaluation every two years. This is the third such evaluation, covering the period from the fourth quarter of 2011 up to the panel's 14th meeting (29 September – 1 October 2014). The evaluation is based on review of the documentation; interviews with 38 informants; a questionnaire survey to which 40 people responded; and observation of the WGWAP-14 meeting.

2. The evaluation's TOR cover the usual questions of relevance, effectiveness, efficiency and impact. But they go beyond the TOR of the previous two evaluations by asking what lessons have been learned during the eight years of the WGWAP process.

3. The evaluation comes after a difficult period in the WGWAP's life. Sakhalin Energy, which pays for and uses the panel's work, has been increasingly concerned about the usefulness of the process. Relations between the IUCN Secretariat and the chair and members of the panel were counter-productive in 2013-14. Questions were raised as to IUCN's impartiality and effectiveness in guaranteeing the panel's independence. In mid-2014, the IUCN Director General transferred responsibility for the WGWAP from the Global Marine and Polar Programme (GMPP) to the Global Business and Biodiversity Programme (GBBP). In the early months of 2014, against a background of uncertainty about panel members' current or future participation, little WGWAP work was done (although the Noise Task Force did meet). There was no full meeting of the panel between May 2013 and September 2014.

4. Most importantly, therefore, this evaluation's TOR ask whether the WGWAP should continue under its present mandate and TOR; be dissolved on the basis that its current mandate cannot be achieved; or undergo revisions to its mandate "in order that tangible outcomes can be delivered".

Relevance

5. Most stakeholders still see the WGWAP process as relevant to the conservation and population recovery of western grey whales, although that view is less unanimous than it was in 2011. There is some dissent, too, about its relevance and credibility in addressing the impact of

Sakhalin Energy on these animals. Relevance to the wider oil and gas industry operating on the Sakhalin shelf is inevitably compromised by the continuing failure to attract the direct participation of any other company in the panel process.

Effectiveness

6. Overall, the effectiveness of the WGWAP process during the review period was impaired by a significant deterioration in personal relationships and attitudes and by the gap in panel activity associated with the fractious uncertainty of 2013-14. The amount of work done was reduced by this turbulence, and the effectiveness of what was done suffered also – although some good work continued to be delivered. Despite these difficulties, a majority of survey respondents believed that the level of panel effectiveness warrants its continuation.

7. Although longstanding concerns and frustrations persist, the consensus is that there has been some improvement in the adequacy of the **data** provided to the WGWAP. But there are ongoing concerns about how usefully the panel process has integrated and assessed the overall body of data that has been received over the last ten years.

8. There is no direct correlation between the number of **recommendations** generated and the usefulness of the panel, but it is notable that the WGWAP-13 meeting in May 2013 produced fewer recommendations than any other. There are signs that Sakhalin Energy increasingly prefers a less formal, more interactive, advisory relationship in which the formal presentation of and response to recommendations are less central. This is not unhealthy, provided that adequate time and resources are available for the panel to assess new ideas and proposals carefully.

9. The efforts that the **IUCN Secretariat** made to fulfil its WGWAP responsibilities during the review period were well intentioned but, in some aspects, poorly delivered. Instead of the necessary balanced and constructive linkage between stakeholders, relations around the core IUCN-Sakhalin Energy-WGWAP triangle deteriorated – to virtually dysfunctional levels, in some cases. This significantly constrained the effectiveness of IUCN in the panel process and slowed down progress overall. Most of the animosity and uncertainty that were generated has dissipated now, and the WGWAP-14 meeting yielded generally positive feelings about IUCN's new arrangements to fulfil its role through the GBBP.

10. Whatever the sometimes conflictual attitudes and despite some weaknesses in the wording of the TOR for the panel process, **Sakhalin Energy** fulfilled most of the responsibilities assigned to it by those TOR during the period under review. It has continued to apply substantial resources and scientific effort to its conservation obligations and to the interface of those obligations with the panel process. Overall, however, Sakhalin Energy's effectiveness in the panel process was compromised by its view that the credibility and value of that process were declining.

11. Although the panel TOR do not explicitly say so, the **WGWAP chair** needs to combine integrity, scientific excellence and the ability to herd the cats of the panel process with two kinds of strategic capacity: first, in helping to adjust and develop the internal nature of that process, and secondly in working proactively with the external challenges and opportunities that must be addressed if the process is to fulfil its full range of objectives – such as building stronger relations with Russian authorities. It is in these strategic areas that the current chair has been less effective, although he continues to be very highly regarded. Overall, difficult relations between the panel and the IUCN Secretariat in 2013-14 significantly compromised his effectiveness.

12. The recommendation of the 2011 evaluation, adopted in the 2012 TOR for the panel process, was that **WGWAP members should be replaced** from time to time so as to bring in fresh insights and skills. Despite discussions and preparations, this has not been done. In 2014, many interviewees endorsed the idea of a somewhat smaller panel in future, retaining the use of ad hoc 'associate scientists' when needed.

13. The factors affecting **other companies'** motivation directly to join the current WGWAP process are unchanged. It will not happen. However interesting the WGWAP may be, and whatever their conservation commitment, it is not in other companies' interest to join. This does not mean that they would not join a different sort of WGWAP process that does not insist on compliance with its recommendations in all but exceptional circumstances.

14. During the review period, IUCN, Sakhalin Energy and the panel made constructive but insufficient progress overall in reaching out to the **Russian authorities** at federal and oblast levels. The potential exists to build a broader, more constructive relationship, if the format of the WGWAP process can be revised.

15. Given the findings and recommendations of this evaluation, it is now time for the **lenders** to raise their profile and take an active part in discussions about how the conditions of their loans

to Sakhalin Energy might interface with a new conservation advisory dispensation for the oil and gas industry on the Sakhalin shelf. (See recommendation 6 below.)

Efficiency

16. Overall, survey respondent views about **cost-effectiveness** have become somewhat more negative since 2011. This probably reflects the diminished effectiveness of the panel process during that period.

17. The GMPP's interpretation of the **Secretariat's co-ordination role** during the review period affected the efficiency of the panel process. Although well-intentioned efforts were being made to enhance the effectiveness of the WGWAP, the manner in which they were undertaken was counter-productive, diminishing productivity without concomitantly reducing costs.

18. The efficiency of **work planning** for the panel deteriorated during the review period. The largely unproductive debate from early 2013 about the 'road map' for the future of the panel compromised the effectiveness of work planning for that year and 2014.

19. In the difficult organisational context of 2013-14, **communications** around the core triangle of WGWAP relationships were not optimal. Significant numbers of survey respondents thought that communications between the panel and Sakhalin Energy were not efficient, but that was also the case in 2009 and 2011. In the case of communications between the panel and IUCN, there was a significant deterioration since 2011.

20. During the review period, IUCN managed to continue its tradition of strong **administrative and logistical support** to the panel process, although panel members, in particular, are critical of some of the administrative and logistical policies that were applied.

Impact

21. It remains impossible to say definitively whether the WGWAP process has had any impact on the **conservation or recovery of the western grey whale** population. But there is scope for cautious optimism that the process has had a positive impact.

22. The WGWAP process has achieved sustainable positive changes in **Sakhalin Energy practice**. How sustainable they would be, in the possible future absence of the WGWAP, is a matter of speculation. But, again, there are grounds for cautious optimism.

23. There were opportunities for the WGWAP process to achieve stronger integration with and impact on **Russian monitoring and regulatory systems** than were actually achieved. More could also have been done to engage with the current major programme on 'mainstreaming biodiversity conservation into Russia's energy sector policies and operations', partly funded by the Global Environment Facility (GEF).

24. The WGWAP process achieved some indirect impact on the **practices of the oil and gas industry** on the Sakhalin shelf and beyond, although this was limited by the shape of the current process, which no other company will join – even though Exxon Neftegas Ltd. did usefully send a senior observer to the WGWAP-13 and WGWAP-14 meetings.

Lessons learned

25. The evaluation urges caution with the concepts of **independence**, which must be understood in the full context of the panel process, and **science**. Independence should not be construed as any kind of analytical or procedural superiority. 'Science' is a loaded word for IUCN and the WGWAP process. If 'good science' simply means ensuring that reasonably incontrovertible facts are gathered to support demonstrable conclusions and practical recommendations, it is the necessary basis for an IUCN panel that seeks to enhance the environmental performance of the private sector. If it means priority for the pursuit of academic excellence, it is not.

26. The WGWAP experience has shown that the **TOR of IUCN independent scientific and technical advisory panels (ISTAPs)** should be kept focused on the environmental impact and conservation strategies of the company with which they are engaged. The current WGWAP TOR are impracticably broad. The predictable failure of the panel process to implement them effectively has led some to conclude that the WGWAP is not fit for purpose. It could not and should not try to fulfil the goal set out in its 2012 TOR. It can and should focus on one of the four objectives stated in those TOR: "To understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations".

27. A related lesson from the WGWAP experience is that it is unrealistic to expect a WGWAP-like process to involve more than one company.

28. To make an ISTAP process succeed, all parties must make an extra effort to reach out to those with different views, and avoid the assumption that their own motives and opinions are superior.

29. **Rotation of panel membership** is beneficial. But it should not be done without careful consideration. Automatic termination of a panel member's services after a given period may not be helpful.

30. In group or bilateral meetings, amplified contract terms or by all these means, IUCN should specify more fully how the respected **independence of panel members** is balanced by the terms of their consultancy services to the panel process, funded by the participating company. There need be no contradiction between these realities, if their relationship is clearly and sensitively managed. The performance of those serving *pro bono* should be managed in the same way as that of members who are paid for their inputs.

31. In 2014, IUCN released new procedures for establishing and managing ISTAPs. The evaluation sets out a number of lessons that may be useful in the required check of the WGWAP's compliance with these procedures.

32. A key lesson for **IUCN** is that it is not indispensable in processes like the WGWAP. Whether it takes part depends on how convincingly it profiles itself and how effectively it performs. IUCN should not take its status in this regard for granted. The private sector certainly does not.

33. Managing an ISTAP as a balanced mechanism through which science and industry can work together to achieve conservation goals is a constant challenge for IUCN, requiring ongoing careful attention.

34. If a fresh start is now to be made with the WGWAP and related processes, it will be important for IUCN to inform and consult its **Members** in Russia about this, in accordance with its ISTAP procedures.

35. The WGWAP experience shows the importance of a clear **project management structure** for an ISTAP process. This was not adequately communicated or implemented in the WGWAP process during the period under review.

36. Concerns and resentments in a panel process should be identified, expressed and addressed promptly, rather than being allowed to develop to a level where they threaten the viability of

the panel process, as happened in the WGWAP experience during 2013-14. The new IUCN guidelines call for each ISTAP to have a **grievance mechanism**.

37. An encouraging lesson from the work of the WGWAP is that an IUCN ISTAP and an energy company can work fruitfully together to identify enhanced mitigation and conservation practice. The conservation benefits of this are circumscribed by the fact that this direct consultative and advisory relationship only involves one of the operators potentially affecting western grey whales. However, the WGWAP has been unable to obtain comprehensive data from all the sources that it knows exists. It has been unable to address the question of cumulative impacts satisfactorily. Furthermore, the conservation of the western grey whale clearly depends on appropriate measures not only by the oil and gas sector but also by the fishing and tourism industries – with which the panel, whose TOR are focused on the oil and gas industry, has had little or no interaction.

38. One key lesson from the WGWAP experience about IUCN engagement with the private sector is that **the ISTAP mechanism is only suitable for interaction with a single company**. Where IUCN's conservation concerns span the activities of a number of companies, or a whole sector, a different kind of engagement mechanism is more appropriate.

39. Another lesson from the WGWAP experience, and especially from the period under review, is that IUCN should engage more often and more thoroughly with the **banks** that finance private sector operations, in order to optimise the efficiency and effectiveness of the ISTAP process. These institutions can obviously be very influential in determining the environmental behaviour of the private sector, and IUCN should not miss the opportunity to work with them.

40. Although the WGWAP experience has imposed significant effort, expense and sometimes irritation on **Sakhalin Energy** over the last ten years, engaging in the panel process has enabled the company to enhance its environmental practice and to develop it to cutting edge standards in some areas. The company's engagement with this process has earned it important reputational benefits. There are reasons, therefore, for Sakhalin Energy to view the WGWAP process as a constructive opportunity, not just a tedious obligation.

The future of the WGWAP

41. The evaluation's discussion of the future refers to the three options set out in its TOR.

42. Given the constructive mood at WGWAP-14, the substantial amount of work identified for the panel and the new management arrangements instituted by IUCN, it might be tempting to conclude that the panel should continue as before. It should not. **'Business as usual'** is appropriate only in the short term. WGWAP-14 was cordial, but the strength of Sakhalin Energy concerns and criticisms of the panel process was made abundantly clear during the evaluation. 'Business as usual' implies continuing weak relations with the Russian federal and oblast authorities and the relevant Russian structures, notably the Interdepartmental Working Group. That would continue an important gap in the effectiveness of the panel process. Most fundamentally, the panel cannot fulfil its very broad TOR. Rather than ignoring this inadequacy until the end of 2016, changes should be made as soon as reasonably possible to enable all stakeholders to achieve the important goal and objectives set out in those TOR.

43. Given the levels of recent dissatisfaction in some quarters with the WGWAP process, and its reduced effectiveness, consideration could be given to **ending it**. Procedurally, this is straightforward, if due notice is given. Sakhalin Energy's agreements with its lenders require it to work with a structure that delivers independent conservation advice. They do not compel it to work with IUCN or the current WGWAP. The IUCN Director General could decide that the WGWAP process poses unacceptable risks to the Union.

44. **Closing the WGWAP is not recommended.** The panel process has been reasonably effective with regard to the third of its four objectives, at least with regard to Sakhalin Energy. Abandoning the process would imply that there is no other way to achieve the other three objectives. Both IUCN and Sakhalin Energy would risk significant reputational damage if they terminate the WGWAP.

Recommendation 1. IUCN should maintain the current WGWAP process in the short term, while launching a process of substantial change, within which elements of the current WGWAP would be maintained.

45. Substantial change cannot and should not come immediately. That would be too disruptive to the important short-term priorities outlined above. But there should be no delay in starting to plan it. The ill-fated 'road map' process of 2012-13, which was meant to chart a new way forward, means that major change has been on the table for some years already. Many stakeholders feel that such change is long overdue.

Recommendation 2. All stakeholders should participate in a consultative process that leads towards the establishment of an environmental forum for Sakhalin. The objectives of this forum should be developed from objectives (a), (b) and (d) of the current WGWAP TOR.

46. The forum should focus initially on the environmental impacts and the mitigation and conservation measures of the Sakhalin oil and gas industry. Other Sakhalin environmental themes could be included from the outset or at a later date.

47. The forum would serve as a mechanism for the exchange of information and ideas. While participants would be encouraged to identify concerns and priorities, they would also be expected to propose solutions. This would be a forum for constructive debate and problem solving, rather than censure or regulation of the private sector or any other participant. Joining it should therefore be attractive to all firms in the Sakhalin oil and gas sector.

48. The forum would decide whether and how to establish thematic or sectoral working groups to address specific topics – such as the impact of tourism – or represent specific interests and work flows – such as Sakhalin civil society or research co-ordination.

49. One such group, nested within the forum structure, would be the WGWAP, which would continue to work with Sakhalin Energy as envisaged by objective (c) of the 2012 TOR.

50. Current or past members of the WGWAP could play additional roles in the broader forum process.

51. The forum could merge with, or be an expansion of, the current Sakhalin biodiversity consultative forum.

52. While Sakhalin Energy would continue to fund the WGWAP process nested within this broader forum, all participating companies and agencies would be invited to contribute funding to the forum and its programmes. However, those negotiating and facilitating the establishment of the forum should enquire whether the GEF-supported programme mentioned above (paragraph 23) could make a significant input to the forum budget.

Recommendation 3. It should be explicitly agreed that the WGWAP process focuses on objective (c) of the 2012 TOR.

Recommendation 4. Not later than January 2016, the number of panel members should be reduced by about 25%, reflecting the fact that, in contrast to the earlier exploration phase, Sakhalin Energy is largely in an operations phase at present. Associate scientists could continue to serve as adjuncts to the process where required and agreed.

Recommendation 5. Rotation of panel membership should begin in 2015 and be actively considered each year thereafter. While based on the principle that fresh insights and skills will enhance the quality of the panel process, such rotation should not be automatic and compulsory. On the same principle, consideration should be given to appointment of a new chair in 2015 or 2016.

Next steps

53. The first step will be for IUCN to develop a management response to this evaluation and its recommendations, including the following.

Recommendation 6. Over a period not exceeding six months, a small but representative group of the key stakeholders (IUCN, Sakhalin Energy, the panel, the lenders and, ideally, the Russian authorities) should scope out ideas for the future, taking into account those set out in this evaluation. The group would also discuss and recommend how to undertake a broader consultation on the idea of a Sakhalin environmental forum, with the WGWAP nested within it.

Recommendation 7. A broader process of consultation on this idea should follow so that all stakeholders have the opportunity to consider what sort of structure and process would be most relevant and effective, and the relevant parties can negotiate their participation and potential inputs.

54. The initial small group would have to think carefully about how to shape, facilitate and report this process; how to legitimise it so that it is seen as credible and appropriate by all parties; and how to fund it. Carrying it out under the auspices of the United Nations Development Programme (UNDP) GEF programme mentioned above might be one option.

55. The goal and objectives set out in the current WGWAP TOR are important and feasible. An ISTAP like the WGWAP is not the appropriate way to achieve them. With the right vision and leadership, IUCN and the public and private sector in Russia can reach those targets. The

recommendations submitted above can form a starting point for discussions about how to work in that direction.

1 Introduction

1.1 Background

This is the third biennial evaluation of the IUCN Western Grey Whale Advisory Panel (WGWAP) process. Its terms of reference (TOR), reproduced at Annex 1, say that it should cover the period from the fourth quarter of 2011 to the second quarter of 2014. In practice, this report assesses developments up to and including the 14th meeting of the panel, held between 29 September and 1 October 2014.

The origins of the WGWAP process lie in concerns over a decade ago, which continue today, that exploration for and exploitation of oil and gas reserves off the north east coast of Sakhalin island in the Russian Federation could harm the small western grey whale (WGW) population, for which this is the primary feeding area (Turner, 2009: 1-2). Although IUCN formally established the WGWAP on 2 October 2006, it had convened an Independent Scientific Review Panel (ISRP) that met four times in 2004-05. Chaired by Dr Randall Reeves, who has since chaired the WGWAP, the ISRP and its three follow-up meetings launched the consultative process between a group of independent scientists convened by IUCN and the Sakhalin Energy Investment Company, one of the firms exploiting oil and gas reserves off the island. As Sakhalin Energy celebrates its 20th anniversary (having signed its first production sharing agreement with the Russian authorities in 1994), this consultative process has been under way for ten years.

The WGWAP TOR were revised in 2012 as IUCN and Sakhalin Energy signed a second contract to maintain the panel process for a further five years to the end of 2016. They are shown at Annex 2 below. They state that the **overall goal** of the WGWAP "is to provide objective independent advice on the conservation and recovery of the western grey whale population". They set out the following **specific objectives** for the panel:

(a) "To provide objective 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 WGW population.

(b) To function as a forum for integrating expertise on conservation science and technology relevant for the conservation and recovery of the WGW population, and as an effective communication channel between industry, the engineering and natural science communities.

(c) To understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations.

(d) To co-ordinate research aimed at improving the understanding and assessment of the potential effects of human activities on the WGW population and how to address them; achieving synergies between various field programmes; minimising disturbance to WGW from research activities, e.g. by avoiding overlap and redundancy of field research programmes; identifying and mitigating potential risks associated with scientific research activities; and maximising the contributions of research to understanding the status and conservation needs of the WGW population."

IUCN, 2012a: 3.

1.2 WGWAP activities to date

Table 1 shows the meetings that the WGWAP has held to date. Except for WGWAP-14, just held in Russia, the reports of each meeting are available on the WGWAP pages of the IUCN website. Since the second biennial evaluation of the panel process reported to WGWAP-11 in early 2012, Dr Reeves has continued as chair and there have been no changes in panel membership, despite the provisions of section 8.1 (v) of the TOR for agreed periods of tenure and the incremental replacement of current members with new ones.

Table 1. WGWAP 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
11	12-14 February 2012	Geneva, Switzerland
12	5-7 November 2012	Busan, Republic of Korea
13	15-17 May 2013	Tokyo, Japan
14	29 September – 1 October 2014	Yuzhno-Sakhalinsk, Russia

The panel TOR also allow (section 8.1 (iv)) for it to constitute task forces (with the approval of IUCN). "The task force is a working group of panel members and Company representatives, and it may include other relevant experts and scientists required to support its work" (IUCN, 2012a: 10). In the period under review, the panel has included one such 'associate scientist' in the work of the Noise Task Force (NTF). He also attended WGWAP-11 in February 2012. A second 'associate scientist' attended and presented reports to WGWAP-14 in September-October 2014. The NTF itself has held seven meetings during this period (including the one directly following WGWAP-14 in October 2014). The Photo-ID Task Force and the Oil Spill Task Force did not meet. The Environmental Monitoring Task Force held its first and only meeting in December 2011. An *ad hoc* Joint Programme Task Force was constituted in 2012 to check on the scope and objectives of the joint research and monitoring programme planned by Sakhalin Energy and Exxon Neftegas Limited (ENL) for 2013, as the panel felt that it had not been given enough time to consider the plans for this annual set of activities in the usual way. The task force met in February 2013.

The WGWAP TOR say that it should meet at least once a year. In most years, as Table 1 shows, it has met twice. The table also shows that there was a long gap between the 13th and 14th meetings. It spanned a period of turbulence and uncertainty for the panel process (although the NTF did meet in October 2013 and April 2014). Several aspects of that difficult experience will be reviewed in later sections of this report. One prominent feature, through much of 2013, was disagreement over the process and substance of a 'road map' that would chart the future structure and activities of the WGWAP against the evolving background of the oil and gas industry off Sakhalin (in which Sakhalin Energy is becoming one of the smaller players). This contributed to delays in finalising the report on the May 2013 WGWAP-13 meeting, which appeared in mid October. Besides publication in January of an important paper on its acoustics work (Nowacek *et al.*, 2013) and a meeting of the Noise Task

Force in the spring, the WGWAP achieved little in the early months of 2014 amidst uncertainty and recriminations about IUCN's new contractual arrangements for that year with panel members. Meanwhile, the IUCN Director General commissioned an internal review of the Secretariat's support to the WGWAP. Its confidential report was submitted in May. With effect from 1 July, she transferred responsibility for the panel from the Global Marine and Polar Programme (GMPP) to the Global Business and Biodiversity Programme (GBBP). In the third quarter of 2014, panel activities were fully resumed (with the same chair and members as previously), and preparations were made for the WGWAP-14 meeting that was held in Yuzhno-Sakhalinsk at the end of September.

1.3 Performance assessment arrangements

Like the previous version, the 2012 TOR of the WGWAP say that

> *Self-assessment will be a recurring item on the agenda of the WGWAP. 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 WGWAP process.*
>
> IUCN, 2012a: 15.

This was not done in the way envisaged by the TOR during the period under review – although the difficult WGWAP-13 discussions on the 'road map' had some evaluative content, as did the more constructive debate on the future of the panel at WGWAP-14.

The current TOR also refer, as before, to a biennial external evaluation of "the performance of the collaboration under these TOR and the effectiveness with which IUCN, WGWAP, and the Contracting Companies have played their respective roles" (IUCN, 2012a: 15). Following those of 2008-09 and 2011 (Turner, 2009, 2011), this is the third such exercise – managed, as before, by IUCN's Planning, Monitoring and Evaluation Unit, independently of the Secretariat programme directly responsible for the WGWAP (now the GBBP). As before, the Secretariat will prepare a management response to this report, and both it and the report will be made public on the IUCN website.

1.4 Terms of reference for the evaluation

The TOR for this evaluation (see Annex 1 below) require the usual assessment of relevance, efficiency and effectiveness but also call for assessment of "the organizational context of the Panel's functioning, its independence from IUCN and Sakhalin Energy, and support provided by the IUCN Secretariat"; a gathering of lessons from the first eight years of the WGWAP; and, most bluntly, recommendations on the future of the panel process:

> *With regard to the future role, functions and composition of the WGWAP, consider three possible scenarios and recommend and justify the best course of action:*
>
> - *Continue under the present mandate and TORs*
> - *Dissolve the Panel on the basis that the current mandate cannot be achieved*
> - *Agree revisions to the mandate in order that tangible outcomes can be delivered.*

1.5 Evaluation approach and activities

With the TOR just outlined, this has not been a routine repeat of the previous two exercises, although some conventional methods were used:

- **review of documentation**;
- **interviews** with 38 informants (see Annex 5 and Figure 1): these included nine of the 11 panel members (all were contacted). Requests for interviews with relevant personnel of other energy companies active on the Sakhalin Shelf were unsuccessful. A Russian interpreter was used where required;
- an **online questionnaire survey** in Russian and English (see Annex 4 for the English version): this was sent to 70 people including panel members, Sakhalin Energy and IUCN personnel, staff of NGOs, lenders and other energy companies, and relevant officials of the Russian authorities. 40 people responded (a 57% response rate). This report includes a number of charts summarising responses to this survey, and the analysis takes into account many of the explanatory comments that respondents provided. As similar questions were asked in surveys undertaken during the first and second evaluations, comparable responses across all three surveys are shown at Annex 6.

An inception report was submitted on 6 August. It included an elaboration of the draft **evaluation matrix** that accompanied the TOR. The questions posed in interviews and the online survey, and the structure of this report, were keyed to this matrix, which is reproduced at Annex 3.

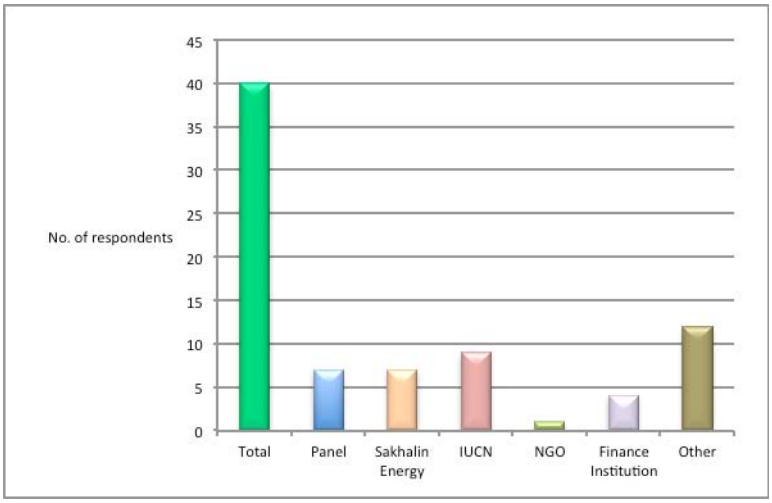


Figure 1. Survey respondents

It was agreed with IUCN that the evaluation process would be extended to allow the evaluator's attendance at the WGWAP-14 meeting. At that meeting, he was asked to give an overview of his findings and recommendations about the performance and future of the panel early in the first day's session. He was then asked to participate in a working group on future arrangements on the margins of the meeting and to make a further presentation towards the end of the final day. More than the previous evaluations, this exercise has thus fed directly into active review of the way forward for the panel process.

As previously, this is an evaluation of the WGWAP process, and not just of the performance of the 11 panel members. Again as before, this means that it is not an evaluation of the panel's science. The TOR allowed for the recruitment of a second evaluator who would be a senior expert in the science of western grey whale conservation, or other senior scientist. But, particularly as this year's uncertainties delayed the launch of the evaluation, it was concluded that it would not be feasible in the time available to recruit a suitable individual and give her or him the time for what would inevitably have to be a wide-ranging review. Indeed, some would argue that it would take a second

panel to review the science of the WGWAP, and the results of any such review might be hard to accept as definitive.

2 The relevance of the WGWAP

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

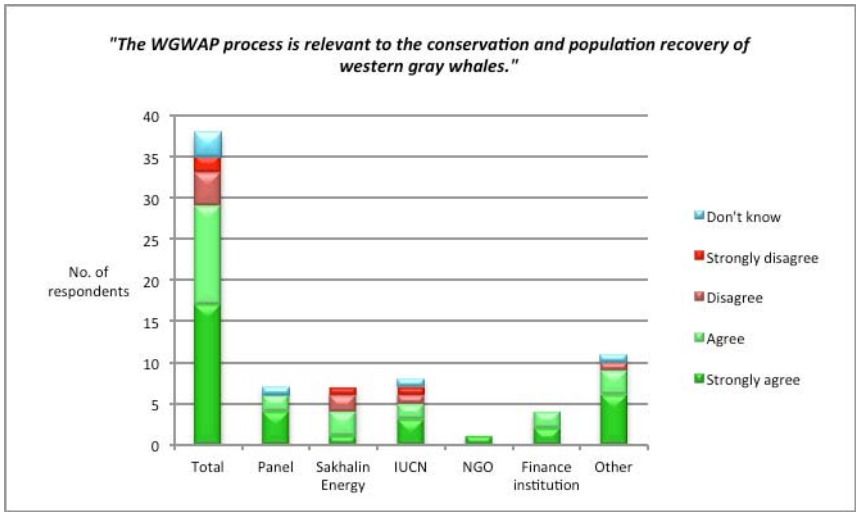


Figure 2. Survey: relevance of WGWAP process to conservation and recovery of WGW

As in the previous two evaluations, there is general consensus about the ongoing relevance of the WGWAP to the conservation and recovery of the western grey whale population. However, while the 2011 questionnaire survey yielded 100% endorsement of this relevance, the 2014 survey saw a minority of dissent (Figure 2). Some respondents pointed to the continuing questions about how genetically distinct western grey whales are from the population in the eastern Pacific. There is also growing awareness of other threats to these whales, notably from the expansion of salmon fishing in the area (IUCN, 2013a, 2013b) and (from 2014, if not earlier), substantial numbers of tourist whale watchers approaching the animals in boats launched from cruise liners (about which Sakhalin Energy and panel members expressed concern at WGWAP-14). Other respondents said that the WGWAP's relevance is compromised by its still working only with one of the companies active on the Sakhalin shelf - while others argued that WGWAP debate and recommendations do influence other companies, even though they do not formally participate. A third area of dissent concerns the nature of the process, which some view as having become less scientific, less independent and/or more 'political'.

Responses to a related question about the credibility of the WGWAP process as a contribution to the conservation and recovery of the western grey whale population revealed a similar minority critique. Representative of the majority view was the statement that "up until now, the WGWAP has been highly regarded in the conservation community, and carries a lot of respect due to its independence and the quality of its applied science". Conversely, one respondent argued that "people on the WGWAP are no longer objective. There are too many emotions and politics flying around to render this a credible entity." Another felt that "the benefit and impact of the WGWAP activities has not been assessed. The WGWAP process has demonstrated that the concerns of biologists and environmentalists about the impact of industrial activities on WGW are not justified. Industry and whales can coexist and flourish together".

2.2 Relevance and credibility in addressing SEIC impact on western grey whales

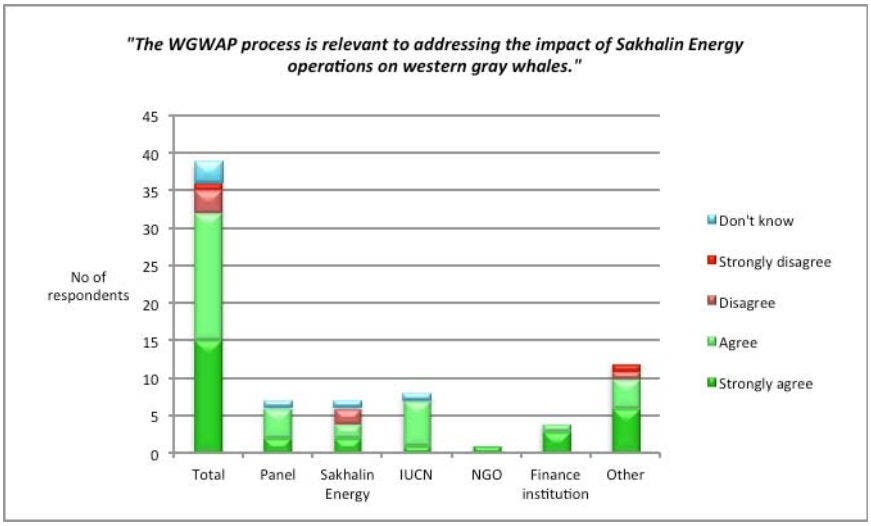


Figure 3. Survey: relevance of WGWAP process to addressing impact of Sakhalin Energy on WGW

Not surprisingly, given that Sakhalin Energy has been the only contracted user and funder of the WGWAP process, the panel continues to be seen as highly relevant to addressing the company's impact on western grey whales. There are those who disagree, however (Figure 3). Among the critiques are arguments that Sakhalin Energy no longer takes the panel's recommendations as seriously as before, or is no longer so fully committed to the panel process. Others point to the expense the company has incurred in supporting the panel process and responding to the recommendations of the WGWAP and the advisory structures that preceded it, for example in the pipeline rerouting of 2005. Answering another survey question about the credibility of the contribution of the WGWAP process to addressing the company's impact on these animals, only two respondents responded negatively – marking a small but significant view that the image and objectivity of the process have been diminished in recent years.

2.3 Relevance to IUCN's engagement with the private sector

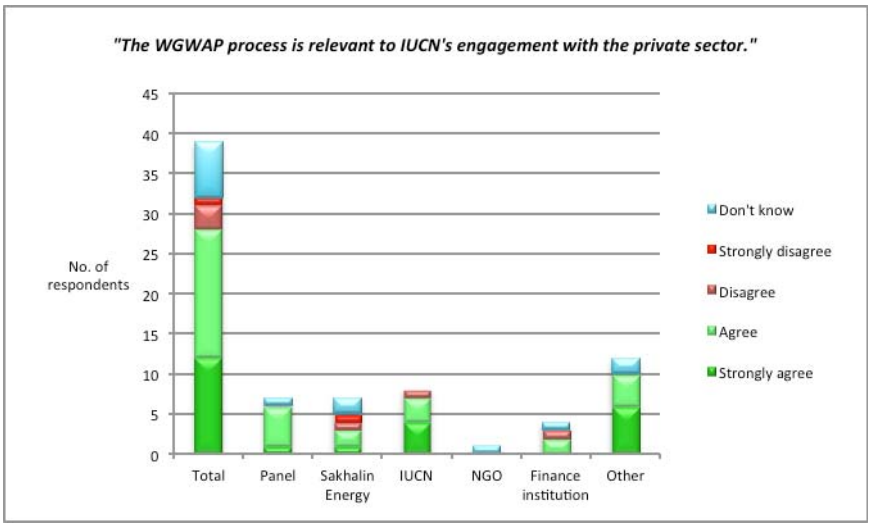


Figure 4. Survey: relevance of WGWAP process to IUCN's engagement with private sector

Again, it is not surprising that the WGWAP process should generally score well among survey respondents with regard to its relevance to IUCN's overall engagement with the private sector (Figure 4). It is IUCN's longest-running panel process. Other panels have been more tightly focused on specific themes and timeframes. Section 6.3 below identifies lessons learned from the WGWAP process for IUCN's support of independent scientific and technical advisory panels (ISTAPs). One important issue is the reluctance of other companies to link formally with the WGWAP. Sakhalin Energy is required by its lenders to work with an independent advisory structure of this nature. The replicability of the WGWAP model

is limited, as experience has shown: it remains unlikely that any other company will join the process, however interesting they may find it. Nor should the focus on the link with Sakhalin Energy obscure the necessity of nesting engagement with the private sector into engagement with the other relevant stakeholders – notably the government authorities and civil society. The relevance of the WGWAP process for IUCN is thus qualified by the need for a broader, more inclusive structure that works proactively with the private sector within a wider framework of consultation and joint action with these other parties.

2.4 Relevance to the oil and gas industry

These arguments apply to the overall relevance of the WGWAP process to the wider oil and gas industry operating on the Sakhalin shelf. Many participants in this industry find the debates and recommendations of the WGWAP highly relevant for their own operations, even though they have no intention of entering the process in the way that Sakhalin Energy was required to do. In some fields, most notably seismic exploration and the mitigation of its potential effects on whales, the approaches developed by Sakhalin Energy with the advice of the panel are seen as industry best practice, of undeniable relevance to other firms in the area – even if they choose not to adopt them in full. Survey respondents were not unanimous about this relevance, however (Figure 5). Some argue that there are a broader range of environmental impact and conservation concerns around the Sakhalin oil and gas sector than just western grey whales, and that the panel's relevance would be stronger if, as envisaged in the original TOR, it devoted at least some effort to these other issues. Others point to the fundamental challenge for the WGWAP after eight years of operation in one-company mode: as the share of that company in total Sakhalin energy sector activity and potential impact shrinks, so does the relevance of the current panel model to that sector. A new, inclusive way must be found to deliver independent, top quality conservation science advice to the oil and gas industry, government and civil society in Sakhalin.

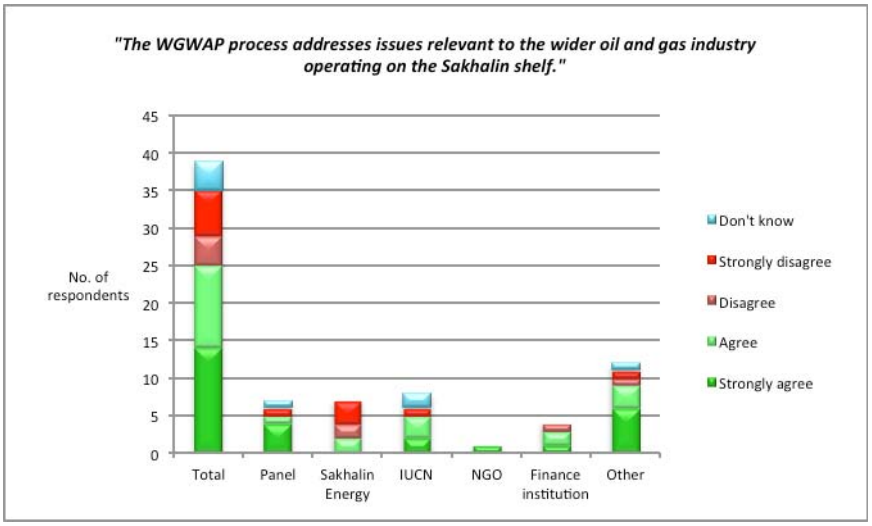


Figure 5. Survey: relevance of WGWAP process to wider oil and gas industry on Sakhalin shelf

3 The effectiveness of the WGWAP process

3.1 Introduction

In conventional evaluation terminology, efficiency concerns the quality of performance in delivering the intended outputs of a process. Effectiveness is about whether those outputs achieve the intended higher-level outcomes – which is a question of design as well as performance. The core question in the matrix for this evaluation (Annex 3) is "to what extent is the WGWAP process achieving its intended results?" Those results are the four objectives specified by the panel's 2012 TOR and reproduced on page 1 above. This chapter reviews various aspects of effectiveness, as required by the evaluation matrix, and concludes with an overall assessment of effectiveness that includes survey respondents' views. Section 6.2.4 presents an overview of the achievement of the four objectives set out in the WGWAP's TOR.

3.2 Data

The effectiveness of the WGWAP process depends on the timely transmission from Sakhalin Energy to the panel of the data needed to assess the company's proposed operations and recommend appropriate action. Throughout the panel's life there have been disagreements about how fully this is achieved, and why. There have been – and still are – concerns about whether the company provides all the necessary information – or sometimes, provides too much, delivering unmanageable volumes of raw data. The fact that much vital information is derived from Sakhalin Energy's joint monitoring programme with ENL, and cannot readily be made available because ENL is not a party to the WGWAP process, is an apparently perpetual constraint on the panel's effectiveness. Complaints about late delivery of information by the panel have fluctuated. As noted in section 1.2, concern about late receipt of plans for the 2013 joint monitoring programme led to the creation of an *ad hoc* task force. Overall, although longstanding concerns and frustrations persist, the consensus is that there has been some improvement in the adequacy of the information provided to the WGWAP (Figure 6). That may partly be due to an acceptance by many participants of what the panel can realistically do each year in relation to each major mode of potential impact (notably noise), and a feeling that useful work can be done within the bounds of usual data availability.

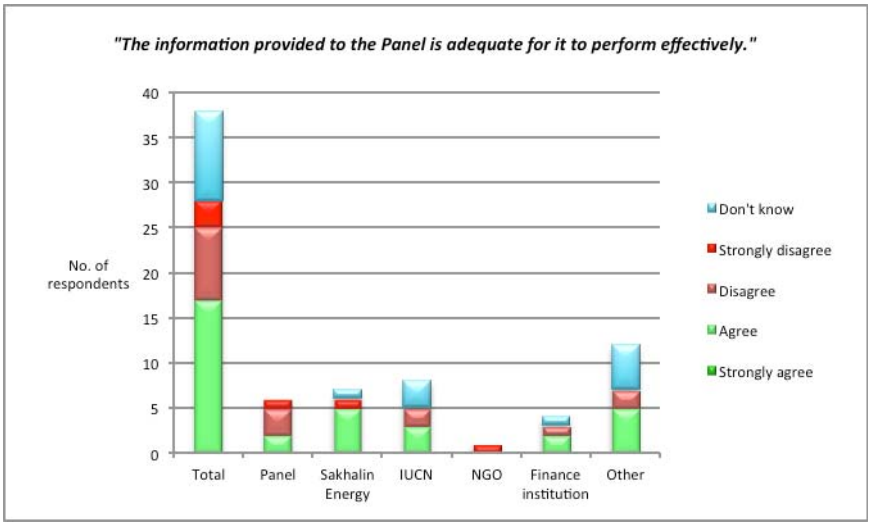


Figure 6. Survey: adequacy of information provided to panel

There are ongoing concerns about how usefully the panel process has integrated and assessed the overall body of data that has been received over the last ten years. Some scientists argue that a much more thorough job could be done to integrate these data sets across time and sector (benthic, acoustic and behavioural data, for instance). This links to the panel's increasing references to the

importance of assessing cumulative impacts. At present, some participants argue, the data analysis process is too sectorally divided and follows a routine annual cycle without reviewing longer-term trends and impacts. More generally, there is a feeling of resignation among many panel members. They feel that they do the best they can with the data they can get, but they cannot be fully confident about the integrity, consistency or reliability of these data because of the conditions under which this proprietary information is transferred, as outlined above. They do not control every stage of the design and implementation of data collection, and do not always have full details on those processes. This is a fundamental challenge in a panel process that, by definition, separates the panel scientists from the company's science.

It is notable that significant minorities of panel, IUCN and Sakhalin Energy respondents to the questionnaire survey felt they could not say whether the WGWAP process is addressing processes of data integrity and reliability effectively (Figure 7). There are no easy answers to these challenges, but fuller consultation and maximum transparency in the design and implementation of data collection and management are obviously helpful, along with delivery of data in formats and volumes that facilitate review – on a schedule that allows time for the panel to assess them adequately.

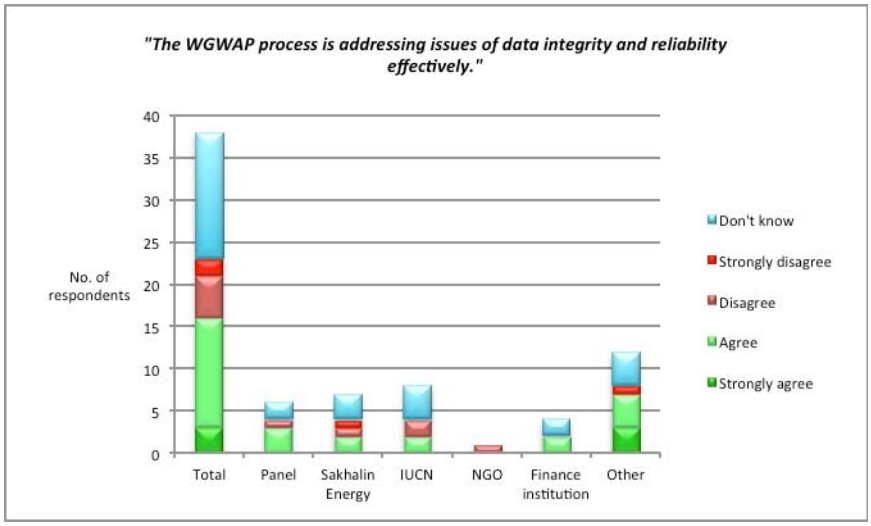


Figure 7. Survey: issues of data integrity and reliability

3.3 Recommendations

During the period of operational difficulties through which the WGWAP has just passed, there may have been somewhat less attention than previously to the core product of the process: the panel's recommendations. There has always been a formal character to the presentation of these recommendations, symbolising the independent distance from the company that the panel has been intent on asserting. Conversely, the company gives growing signs of preferring a less formal, more interactive, advisory relationship in which the formal presentation of and response to recommendations are less central. Be that as it may, the period under review saw a major effort by the IUCN Secretariat, in consultation with the panel and the company, to enhance the recommendations database and make it more easily useable online. The analysis presented here is drawn from that source. Not all informants, however, feel that IUCN and the WGWAP are managing panel recommendations effectively. There are suggestions that closer scrutiny is needed of the status of those that are said to be under implementation, sometimes for extended periods, accompanied by clearer statements of company opposition where the company feels it appropriate.

`While the number of recommendations cannot be directly correlated with the effectiveness of the panel process, it is notable that WGWAP-13 – a meeting overshadowed by difficult discussions about the 'road map' – generated fewer recommendations than any other: seven, compared to the 47 at WGWAP-3 and 39 at WGWAP-9. It can also be seen from Figure 11 below that none of the

recommendations from WGWAP-13 has been closed satisfactorily yet – although this is not necessarily due to lack of commitment or effort by those responsible.

Overall, however, the proportion of all recommendations in the 'closed – satisfactory' category has risen (Figure 9). The distribution of recommendations across subject categories has not changed significantly during the period under review, with those on noise still the most numerous. Unhelpfully, the second commonest category is 'other' (Figure 10).

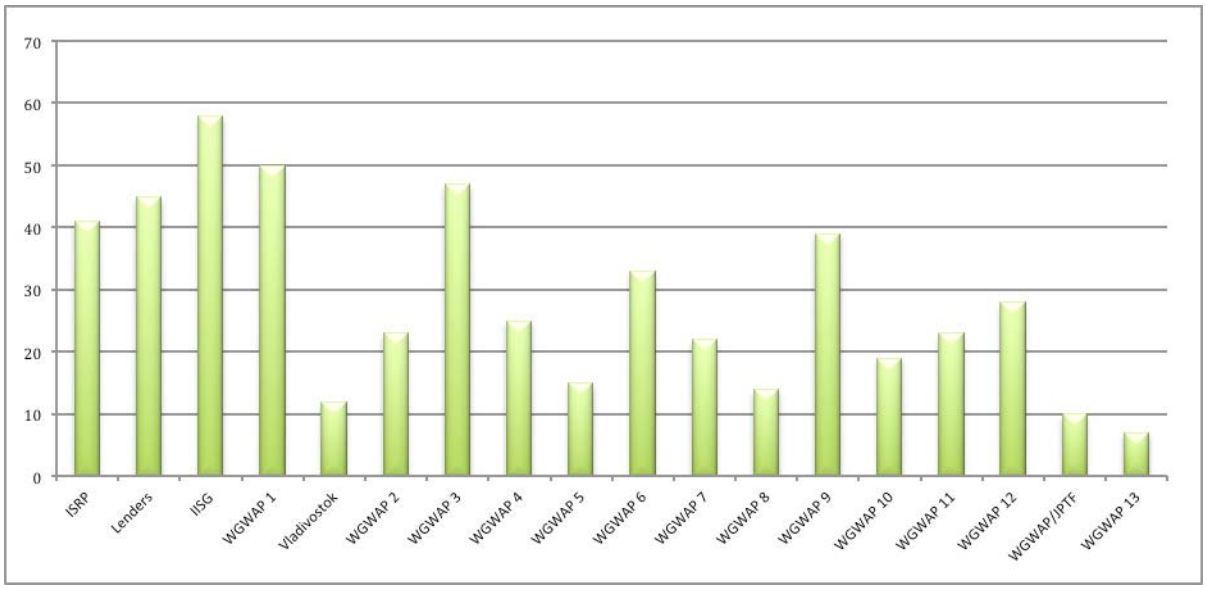


Figure 8. Number of recommendations made at each WGWAP and previous meeting

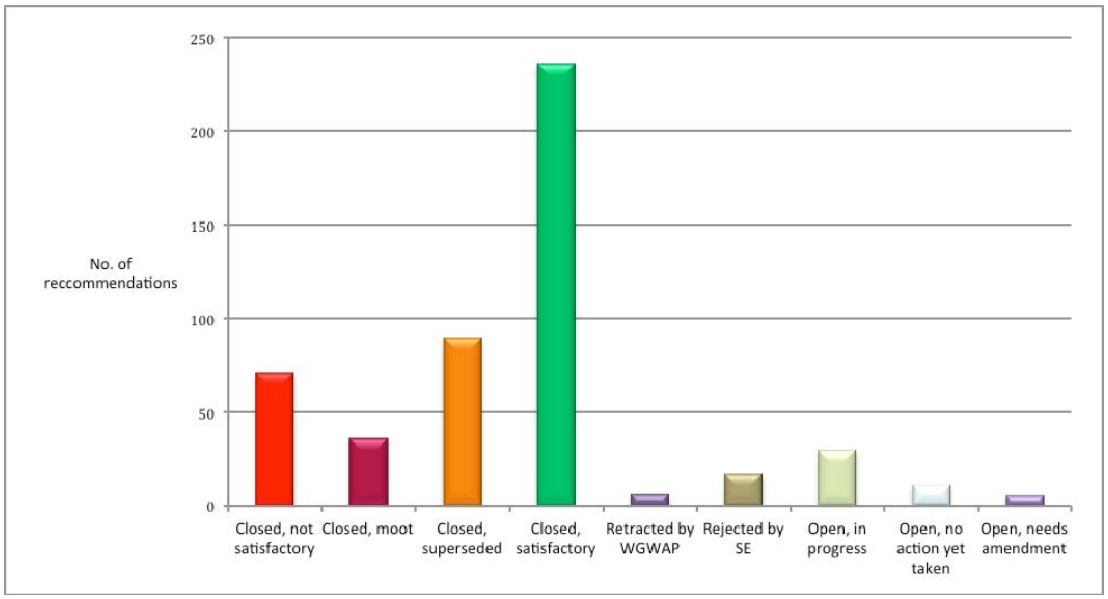


Figure 9. Status of all WGWAP and prior recommendations (to WGWAP-13)

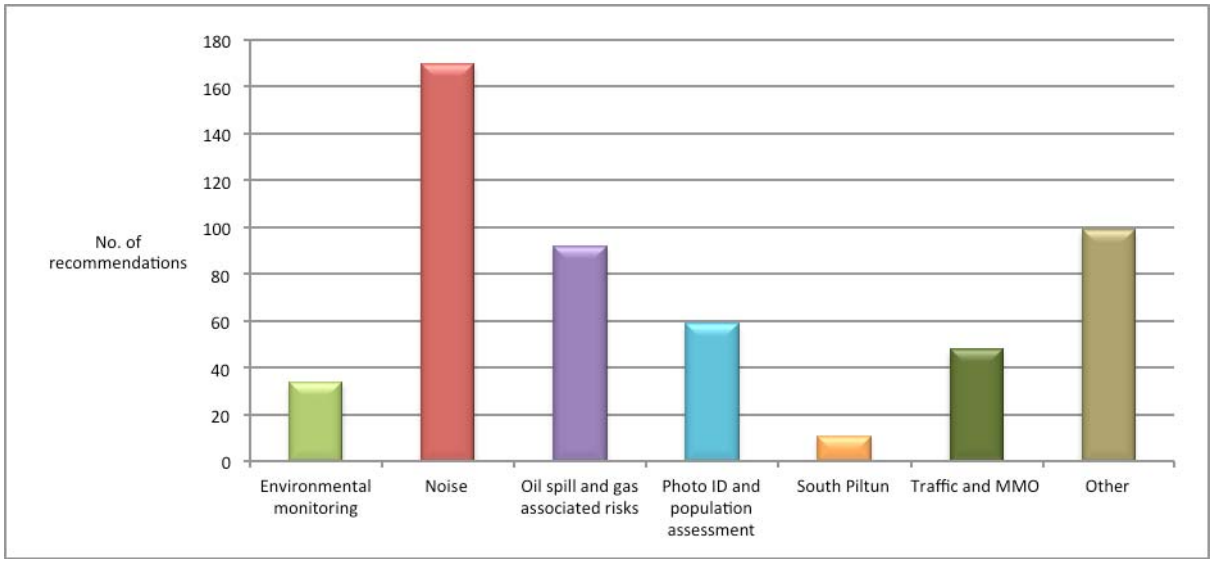


Figure 10. WGWAP and prior recommendations by subject (to WGWAP-13)

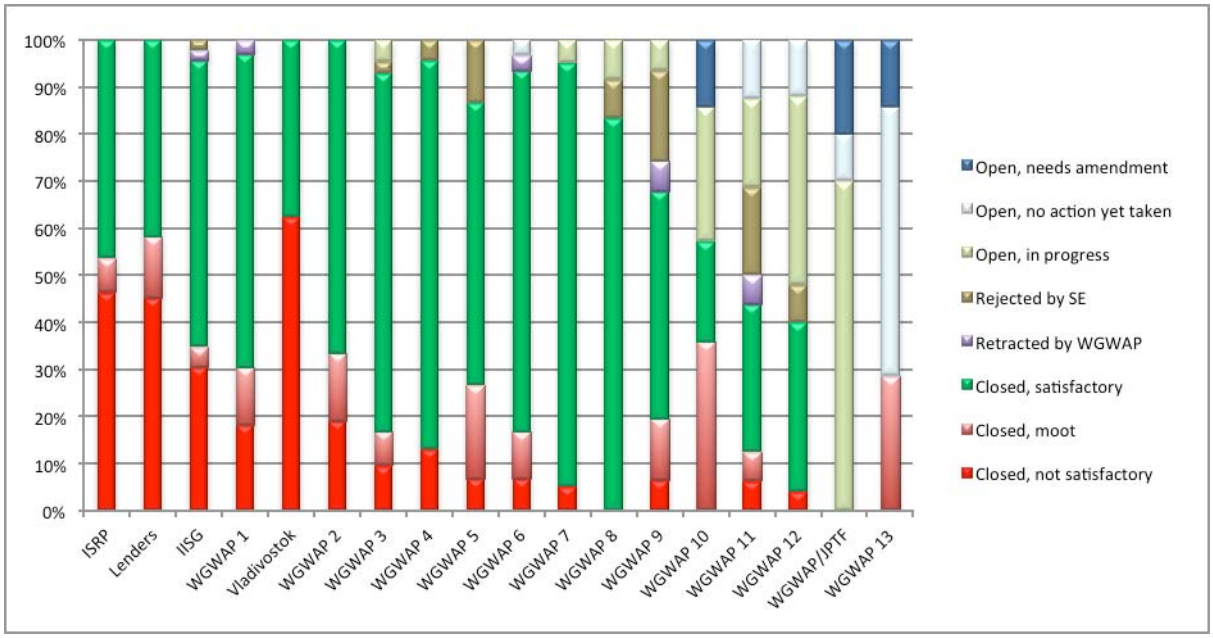


Figure 11. WGWAP and prior recommendations by meeting and status (to WGWAP-13)

3.4 The effectiveness of IUCN

The role and responsibilities that the 2012 WGWAP TOR specify for IUCN are shown in Table 2 below. They are mainly performed by the Secretariat, although the panel has strong links with the Species Survival Commission and its Cetacean Specialist Group (which is also chaired by Dr Reeves). As outlined in section 1.2 above, there was concern in 2013-14 that the Secretariat, through the GMPP, was not adequately performing roles (a) and (g). Instead, panel members and some other observers felt, it appeared to align itself too closely with the interests of Sakhalin Energy and to

sympathise with a perceived trend towards using the panel as contracted service providers to the company rather than independent reviewers and advisers. Although constructively intended, the Secretariat's introduction and facilitation of the 'road map' idea in 2013 (arguably a development of the panel's responsibility under section 4(i) of its TOR) was counter-productive, creating gloom and hostility instead of a positive commitment to explore better ways forward.

The WGWAP experience has yielded lessons about the functioning of independent scientific and technical advisory panels that are summarised in section 6.1 below. In furthering its conservation mission by convening and supporting such panels, the IUCN Secretariat must tread a fine and diplomatic line between the necessary constructive engagement with the private sector and the essential maintenance of independent distance from participating companies' motives and priorities. This also requires empathy with the very different mindsets and personalities represented in the commercial and scientific components of the panel process – and the ability to persuade all parties to understand and accommodate each other. During the period under review, the GMPP failed to achieve this balanced engagement, leading to the Director General's decision to transfer responsibility for the panel process to the Business and Biodiversity Programme. Initial observations over the three months since the transfer suggest that the appropriate balance is being restored.

Linked to the trends just outlined was a growing administrative impatience in the GMPP with the WGWAP members – again converging with company attitudes. Although efforts were made to implement the recommendation of the previous evaluation about review and revision of panel membership, and this principle was included in the 2012 TOR (Annex 2), there was ultimately no change in membership. Efforts to tighten up the annual contracting process for each member at the start of 2014 were mismanaged, causing dismay and ill feeling and delaying normal panel activities for several months. Not until June were all panel members' contracts signed for 2014.

The efforts that the Secretariat made to fulfil its WGWAP responsibilities during the review period were well intentioned but, in some aspects, poorly delivered. This significantly constrained the effectiveness of IUCN in the panel process and slowed down progress overall. Not surprisingly, more survey respondents were critical of IUCN's performance than in previous evaluations (Figure 12 and Annex 6). Most of the animosity and uncertainty that were generated has dissipated now, and the WGWAP-14 meeting yielded generally positive feelings about IUCN's new arrangements to fulfil its roles through the GBBP.

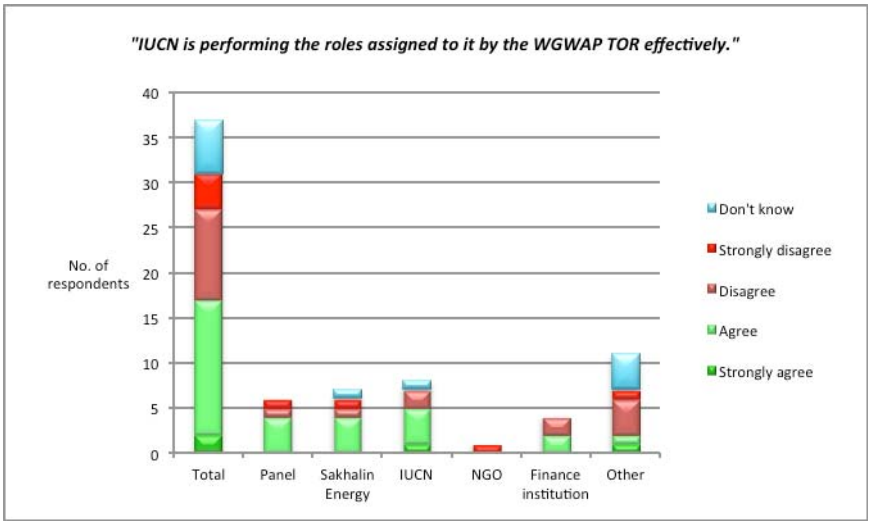


Figure 12. Survey: effectiveness of IUCN in performing its roles under WGWAP TOR

This discussion has focused on items (a) and (g) of IUCN's roles and responsibilities. Its effectiveness with regard to the other items are summarised in the table, with reference to the 2012 TOR.

Table 2. Effectiveness of IUCN with regard to its WGWAP roles and responsibilities

Item	Description (2012 TOR)	Comment
(a)	Act as the impartial convenor of the WGWAP	See text.
(b)	Actively solicit the participation of other Companies and co-ordinate similar efforts by the Contracting Companies and WGWAP members	Substantial but unsuccessful efforts were made. See section 6.5 on the feasibility of this.
(c)	Encourage, coordinate and facilitate engagement of the WGWAP with the Russian Inter-departmental Working Group on WGW	IUCN made useful efforts. More work in this regard could and should be fruitful (see section 3.8.2).
(d)	Where possible, liaise with non-participating companies on work programs, mitigation measures and assessment of impacts on WGW	IUCN support staff made important progress documenting other companies' activities and plans, but little direct liaison was possible.
(e)	Select and appoint the WGWAP Chair and Members	This was mismanaged, as explained in the text.
(f)	Effectively link the relevant stakeholders	Instead of the necessary balanced and constructive linkage between stakeholders, relations around the core IUCN-Sakhalin Energy-WGWAP triangle deteriorated – to virtually dysfunctional levels, in some cases.
(g)	Establish and preserve the independence of the WGWAP	See text.
(h)	Provide the conduit for the transmission of all information and documentation requests to and from the WGWAP	This function was effectively performed, although – in some participants' view – not in a neutral manner.
(i)	Provide secretariat support to WGWAP and WGWAP's task forces, including (without limitation) the management of Budget Funds and negotiation/execution of contracts with WGWAP Members, as necessary and appropriate for their participation in WGWAP	See section 4.8.
(j)	Monitor regularly WGWAP's overall performance and compliance with WGWAP's TOR	It is notable that the TOR do not refer directly to management of the panel process, which in practice is an IUCN responsibility. Monitoring the WGWAP's performance should be part of that management. The Secretariat obviously observed the panel's performance, but there is no evidence of a structured monitoring and reporting process for the panel as a whole. Efforts were made to introduce tighter monitoring of members' performance through enhanced contract management.
(k)	Post all relevant reports and materials used and produced by the WGWAP on the IUCN website…, and distribute them through other media/channels when and as IUCN, in consultation with the Chair, may deem necessary and appropriate	This role was performed effectively. See also section 4.6.
(l)	Make all efforts to enable the delivery of the outputs provided for in the TOR	IUCN made well-intentioned efforts in this regard, but the style and manner in which they were undertaken sometimes impeded delivery of the intended outputs, rather than facilitating them.
(m)	Establish and manage administration contracts with Contracting Companies that wish to support	Apart from Sakhalin Energy, here were no such companies. See item (b) above.

Item	Description (2012 TOR)	Comment
	the WGWAP in accordance with these TOR	

3.5 The effectiveness of Sakhalin Energy

Figure 13 shows a mostly negative view among WGWAP members who responded to the questionnaire survey with regard to Sakhalin Energy's performance of the roles assigned to it by the TOR for the panel process. The evaluation received numerous comments from many categories of informant about the attitudes and behaviour of the company. They reflect the levels of animosity that developed in various directions during the review period around the core triangular relationship in the panel process, between the IUCN Secretariat, Sakhalin Energy and the panel itself. But while these negative views were a harmful reality in that process, the objective priority for the evaluation is to consider the company's effectiveness in fulfilling the roles and responsibilities assigned to it by the 2012 WGWAP TOR.

Table 3 does this with reference to section 6 of the 2012 TOR for the panel process. This refers to 'contracting companies', of which Sakhalin Energy remains the only one. The table shows that, whatever the attitudes and despite some weaknesses in the wording, the company fulfilled most of the responsibilities assigned to it by the TOR during the period under review. It has continued to apply substantial resources and scientific effort to its conservation obligations and to the interface of those obligations with the panel process.

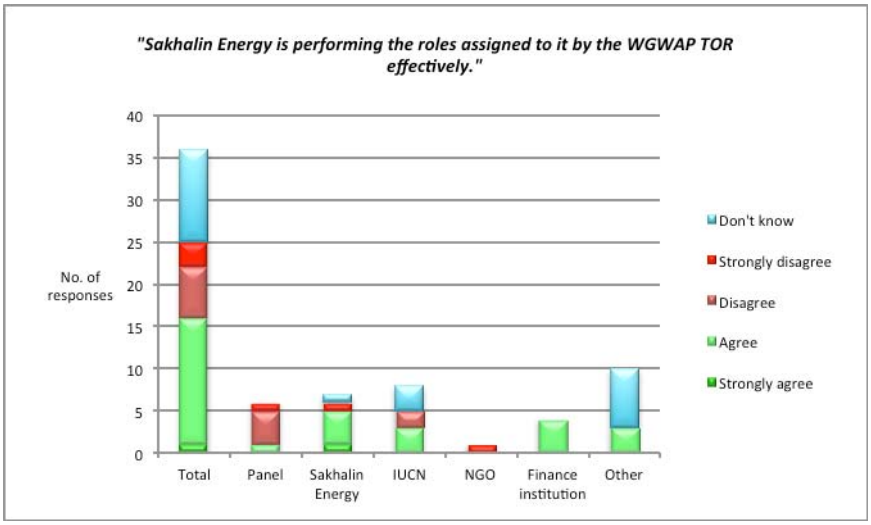


Figure 13. Survey: effectiveness of Sakhalin Energy in its roles under WGWAP TOR

Table 3. Effectiveness of Sakhalin Energy with regard to WGWAP roles and responsibilities

Item	Description (2012 TOR)	Comment
(a)	Enter into a legally binding contract with IUCN for the latter to convene and manage the WGWAP	Better considered as a founding fact of the panel process than an ongoing role/responsibility.
(b)	Actively solicit the participation of other companies and facilitate engagement of the WGWAP with the Russian Interdepartmental Working Group on WGW (IWG)	There is no evidence that Sakhalin Energy actively solicited the participation of other companies, and it would be unrealistic to expect this, however desirable it might be from Sakhalin Energy's point of view and however well other companies might know it. The company did facilitate links between the panel and the IWG.
(c)	Provide relevant information and documentation at their disposal to the WGWAP in a timely and well-documented manner to facilitate the	See section 3.2.

Item	Description (2012 TOR)	Comment
	efficient functioning of the WGWAP	
(d)	Contribute to the sustainable funding of the WGWAP	Sakhalin Energy continues to fund the panel process. It is unclear what 'sustainable funding' means in this context – perpetual funding, or funding that ultimately requires no external input?
(e)	Actively support IUCN in effectively maintaining its credibility as the WGWAP impartial convenor	The company's generally cordial relations with IUCN for much of the review period were viewed by many as too cordial, because of misinterpretation by IUCN of what IUCN's stance in the panel process should be: contravening, they felt, the TOR's requirement for IUCN to "act as the impartial convenor as the WGWAP" and to "preserve the independence of the WGWAP". IUCN's credibility suffered.
(f)	With respect to the conclusions, advice and recommendations provided by the WGWAP, 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)	The company fulfilled this responsibility, although some on the panel and elsewhere considered its attitude to WGWAP advice and recommendations to have become less constructive during most of the review period. Latterly there is a sense that the engagement is becoming more open and trusting again. See also section 3.3.

Setting aside the animosities that were generated by some interpersonal relationships in the panel process, it is pertinent to look beyond the direct fulfilment of the TOR to the broader context of Sakhalin Energy effectiveness in the WGWAP process. From the company perspective, the WGWAP experience was far from optimal during the period under review. The playing field was not at all level. As it became a steadily smaller operator within the Sakhalin oil and gas sector, this company remained the only one funding, and bound by, a WGWAP that seemed unwilling or unable to change – either simply to refresh its membership, or to adjust to the fact that Sakhalin Energy had largely moved from exploration into an operations phase. Some newcomers to the company saw little point in engaging with such a process and could point out that, although the company's lenders required an independent conservation advisory structure, this did not have to mean a WGWAP convened by IUCN. Overall, Sakhalin Energy's effectiveness in the panel process was compromised by its view that the credibility and value of that process were declining.

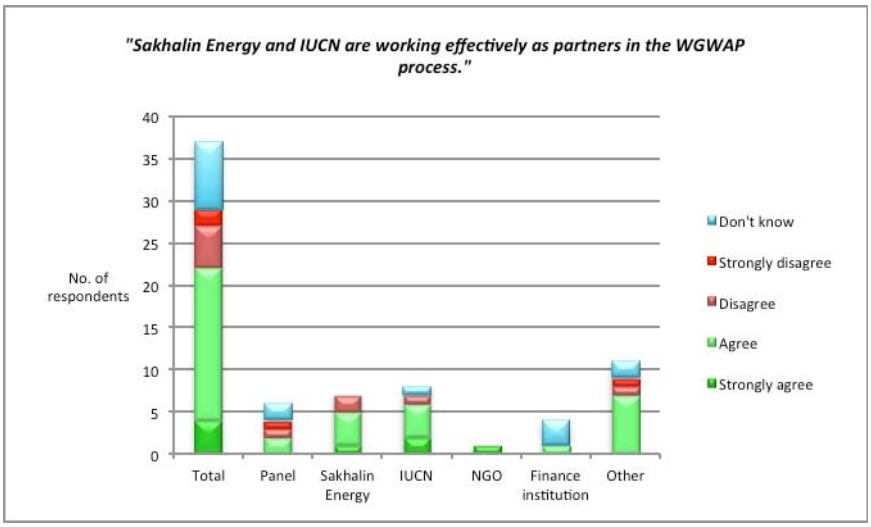


Figure 14. Survey: effectiveness of IUCN and Sakhalin Energy as partners in WGWAP process

3.6 IUCN and Sakhalin Energy as partners

Differing views from survey respondents on the partnership between IUCN and Sakhalin Energy

IUCN should act for conservation and population recovery of western grey whales, not like company's agent.

…recently my understanding is that panel members want to act as if they were not on technical contracts under the management of the IUCN Marine Programme but rather 'independent' from IUCN. This I suspect has undermined the effectiveness of the partnership.

They might be working effectively as business partners but they failed to maintain the independence of the Panel and process.

The evaluation matrix (Annex 3) includes a question on how effectively IUCN and Sakhalin Energy are working as partners in the WGWAP process. Some informants wondered whether this was an appropriate question: are they supposed to be partners? In some of IUCN's links with the private sector, it has been found more politic to refer to 'relationships' rather than 'partnerships'. The WGWAP TOR mention "the principles of IUCN and SEIC engagement and partnership" (section 4(g)) and "the goal and objectives of this partnership" (section 10). Figure 14 above shows that survey respondents had a largely favourable view of the effectiveness of the two parties in the partnership, although some of the accompanying commentary suggested that they had got too close, to the overall detriment of the panel process. The conflicting views on this are summed up in the three quotes in the box above.

3.7 The effectiveness of the WGWAP

3.7.1 Compliance with WGWAP principles

The WGWAP TOR (Annex 2) set out two pages of principles with which the WGWAP "and the contracting companies it advises will be guided". As can be seen from Figure 15, most panel members feel that they are complying with these principles, whereas significant numbers of IUCN and Sakhalin Energy respondents disagree. Not all the principles in the TOR apply directly to the panel. Notable among those that do are those specifying the nature of the advice and recommendations that the WGWAP should provide. Some features have not been prominent in the panel's work during the review period, such as the application of "an ecosystem approach to management" and "seek[ing] a balance between industrial activities, overall conservation of habitats and biodiversity and the conservation and recovery of the WGW population". Some informants feel that the panel's recommendations have not been "impartial and… developed and conveyed in a transparent manner" and that the panel has not "distinguish[ed] whenever possible those that have a risk management basis from those that are scientific in nature".

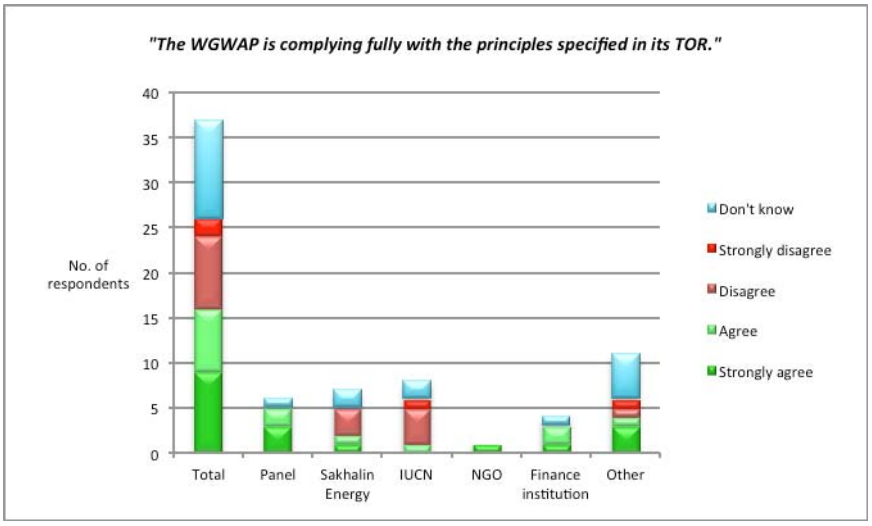


Figure 15. Survey: compliance of WGWAP with principles in its TOR

Debate about this question again reveals the gulf that widened during the review period between differing perceptions of the panel process. As one informant put it, "there has been too much antagonism in panel process, and not enough humility". While panel members argue that they have done their best, in often adverse circumstances, to comply with the principles set out in the TOR, some others accuse them of pursuing personal scientific agendas and being insufficiently independent in their analysis and recommendations.

3.7.2 WGWAP recommendations

The previous evaluation of the WGWAP process urged that "the panel should continue its efforts to improve the specificity, clarity and practicability of its recommendations" (Turner, 2011: vii). As can be seen from Figure 17 below, the majority view among survey respondents in 2014 is that the recommendations, advice and other outputs delivered by the WGWAP are clear – although there is some disagreement on this within Sakhalin Energy. Much of the commentary received suggests that a revised format for recommendations has contributed to a general sharpening of the panel's advice, although there are still some complaints that they are too 'scientific' and not operational enough in nature. This corresponds with the minority view that the recommendations are not 'practical and useable', as the survey question put it (Figure 16 below). "Sometimes the harsh realities of business are forgotten," said one respondent, while another suggested that the panel would benefit from having more engineering expertise and from formulating its recommendations with stronger reference to international standards like the International Finance Corporation's Performance

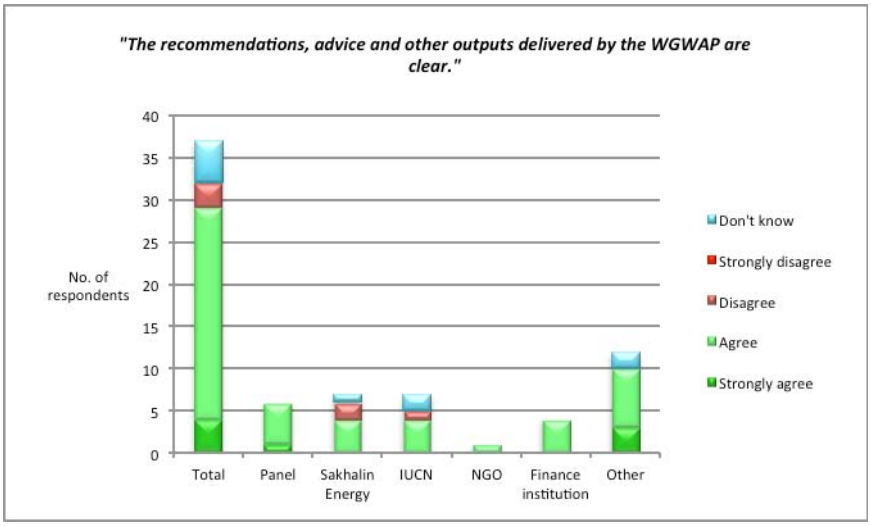


Figure 17. Survey: clarity of WGWAP recommendations, advice and other outputs

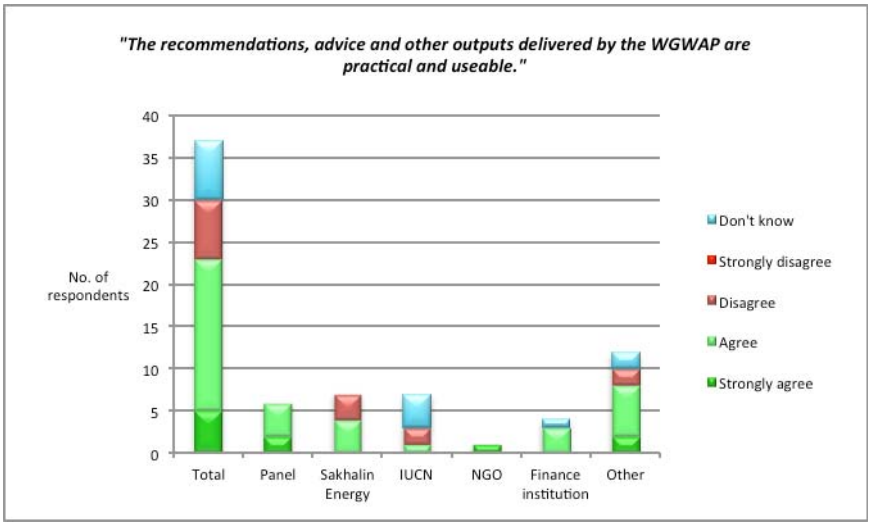


Figure 16. Survey: practicality and usability of outputs delivered by the WGWAP

Standard 6 (IFC, 2012: 40-46). Panel members pointed out, however, that there is consultation between them and the company before recommendations are finalised, affording an opportunity for the latter to indicate weaknesses of this nature and for the panel to react.

The majority view is positive as to whether Sakhalin Energy is using the WGWAP's recommendations effectively. Some informants pointed to the status of the whale population, and the apparent lack of adverse impacts on it by company operations, as evidence of this. As Figure 18 shows, however, there is some dissent about this, with respondents referring to what they see as the lack of practicality of some recommendations.

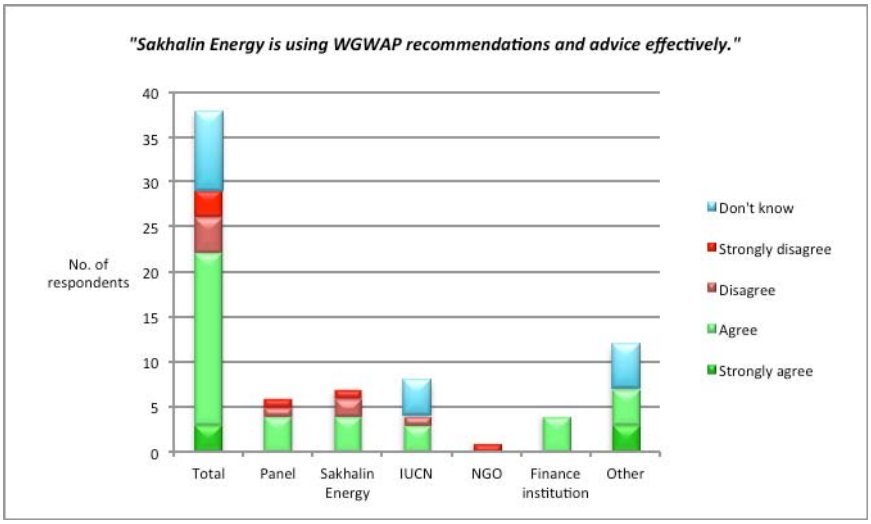


Figure 18. Survey: effectiveness of Sakhalin Energy use of WGWAP output

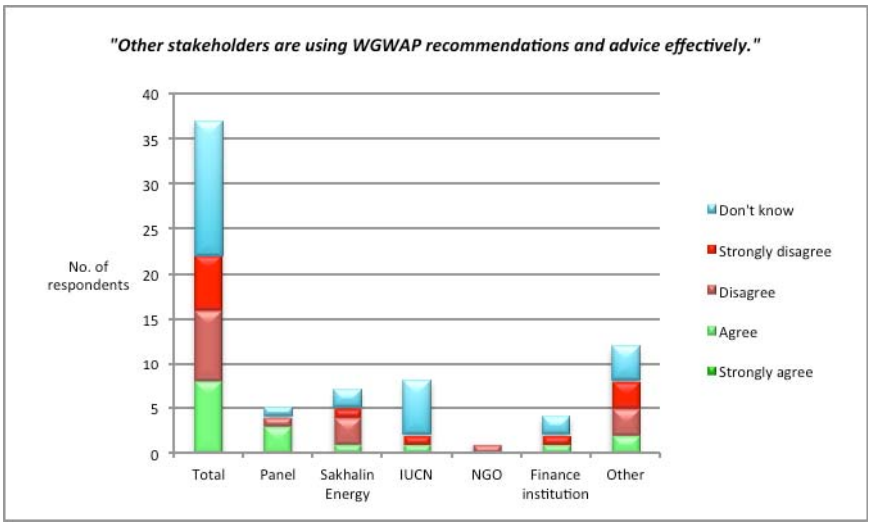


Figure 19. Survey: effectiveness of other stakeholders' use of WGWAP output

Fewer informants believe that other stakeholders are using WGWAP recommendations and advice effectively. Not surprisingly, the commonest response on this was ignorance (Figure 19). There is a widespread belief that other companies operating on the Sakhalin Shelf watch the panel's work closely, and sometimes copy the practices adopted by Sakhalin Energy on the panel's advice – which in some cases are at the cutting edge of industry standards. The Russian regulatory authorities also take WGWAP recommendations into account. But it is also likely that other operators ignore these practices and advice when it suits them. A broader argument is that, despite all the effort that went into the publication of the acoustic paper (Nowacek *et al.*, 2013), not enough has been done to promote the methods and practices that the WGWAP has helped develop so that they become industry practice – or standards – in comparable conditions elsewhere in the world.

3.7.3 The WGWAP chair

Whereas the 2009 and 2011 evaluation surveys revealed comprehensive endorsement for the performance of the WGWAP chair (Annex 6), there was a significantly wider range of views in 2014 (Figure 20 below). The view in Sakhalin Energy and in the GMPP was that it was time for a new chair. They saw the incumbent as opposed to change, unwilling to adopt more than a narrowly scientific approach to the panel's advisory function, and unable to engage strategically with the broader range of stakeholders and issues that they believed an enhanced panel process should address. Panel members, and some others, remained staunch in their defence of the chair as a man of high integrity and professionalism whose understated style steered them through many difficult discussions to useful conclusions, and worked hard between meetings to keep the panel process on track. The problem, suggested one, is that Dr Reeves is held in such high esteem by his colleagues that it is hard to see how to replace him. The strongly differing views on the issue of the chair were one striking example of the unnecessarily adversarial atmosphere that developed around many aspects of the WGWAP during the review period.

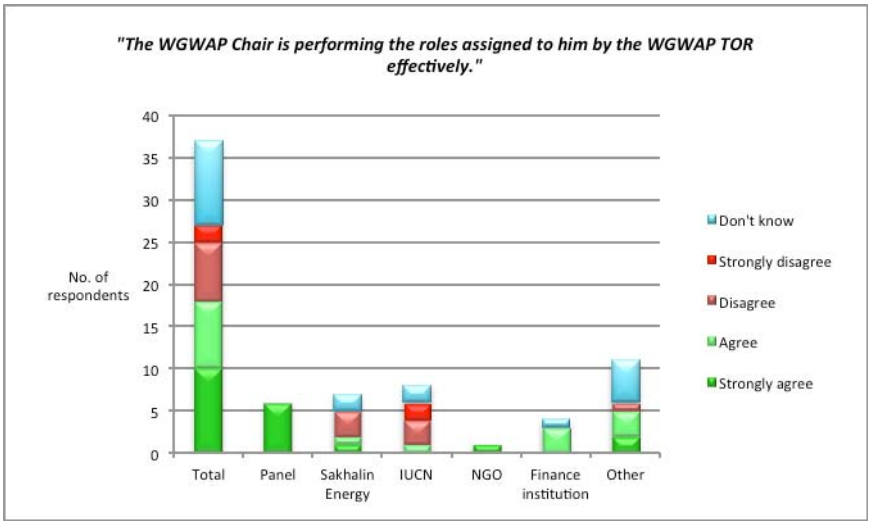


Figure 20. Survey: effectiveness of WGWAP chair

The WGWAP chair needs to combine integrity, scientific excellence and the ability to herd the cats of the panel process with two kinds of strategic capacity: first, in helping to adjust and develop the internal nature of that process, and secondly in working proactively with the external challenges and opportunities that must be addressed if the process is to fulfil its full range of objectives (section 1.1 above) – such as building stronger relations with Russian monitoring and regulatory authorities. It is in these strategic areas that the current chair has been less effective. There was no movement on rotating the membership of the panel, for example, and little successful engagement with the broader Russian or industry context. In his defence it might be pointed out that, like many of his colleagues, the chair perceived an increasingly confrontational and directive approach by his counterparts in the company and in IUCN, and felt too oppressed by this to be willing or able to engage constructively with the processes of change they were calling for.

3.7.4 The members of the WGWAP

Recommendation 4.1 of the 2011 evaluation of the WGWAP said that

> *IUCN and the WGWAP 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.*
>
> Turner, 2011: ix.

This was not done.

The performance and contributions of the WGWAP members have inevitably been uneven over the review period. But this is not an audit of each individual's performance. Rather, the evaluation matrix asks whether the effectiveness of the WGWAP would be enhanced by different membership. The question could have been more clearly worded. It was not meant to suggest a wholesale replacement of the 11 members with 11 new ones. Rather – as most respondents understood – it referred to the gradual rotation of members, bringing in a few new ones from time to time as long-serving ones leave. There is widespread consensus that this is a good idea (Figure 21), and a majority view that the WGWAP process would benefit from having fixed, staggered terms of service for panel members (including the chair).

While some interviewees felt that the panel should remain at least as large as it currently is, many agreed with the idea that, as a panel advising Sakhalin Energy, the WGWAP could remain effective over the next few years with a somewhat smaller membership. There was some, but not universal, agreement with the evaluator's suggestion of eight. The use of 'associate scientists' is generally endorsed as a flexible mechanism for bringing in high-level expertise to the panel on a shorter-term basis. There have been two such individuals during the period under review. This arrangement could be used more intensively to compensate for there being a smaller number of long-term members.

The 2011 recommendation on subject matter expertise remains valid. There has been added emphasis during discussions for this evaluation on the need for expertise in the application of international environmental standards and regulations – notably IFC Performance Standard 6 – to the offshore oil and gas industry.

This report returns in section 6.1 to the concept of independence in the operation of IUCN's ISTAPs. With a few weeks' exposure, it is not possible for this evaluation to assess the rights and wrongs of the widely diverging views expressed on the stance and attitudes of panel members. But the evaluation can and must report that, on this issue too, unhelpfully high levels of animosity developed during the review period. Some key participants in the panel process felt that WGWAP members were aloof, too quickly and unhelpfully critical of company initiatives, unwilling to engage with practical business realities, reluctant to consider alternative paradigms or evidence and too focused on personal scientific or political interests rather than impartially assessing the highest priorities for monitoring, research and analysis. Panel members would respond that they do not consider themselves employed as consultants to the

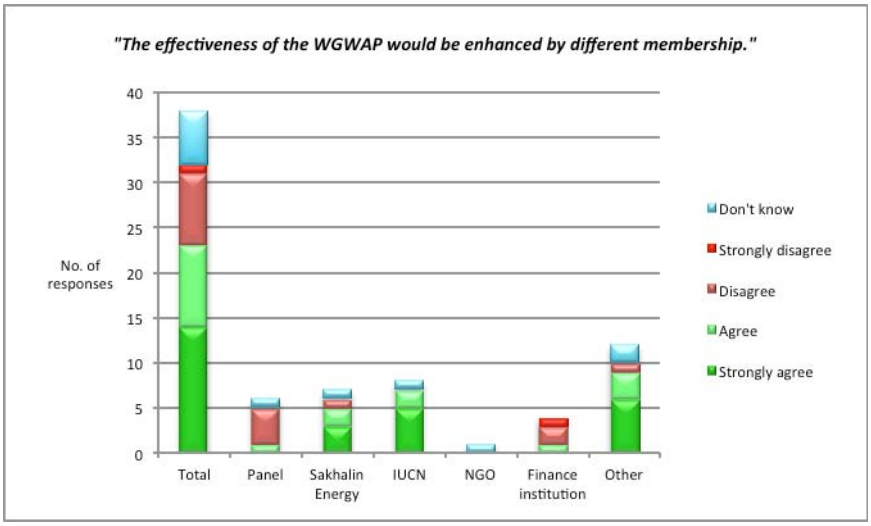


Figure 21. Survey: whether effectiveness of WGWAP would be enhanced by different membership

company, that good science takes time and that their highest priority has always been the conservation and recovery of the western grey whale population.

What cannot be denied is that no such panel process, including the WGWAP, can be adequately effective if such diverging and often hostile views are held about the performance of the people at the heart of it. For the panel process to succeed, all parties must have a healthy respect for each other's motives, priorities and behaviour.

3.8 The overall effectiveness of the WGWAP process

3.8.1 Interaction with other companies

According to the WGWAP TOR, both IUCN and Sakhalin Energy should have actively solicited the participation of other companies in the WGWAP process. Figure 22 below shows the generally negative views of survey respondents as to the effectiveness of these efforts. As noted in Table 3 above, it is not realistic to expect Sakhalin Energy to engage in explicit and direct advocacy of the WGWAP to other companies, although there have certainly been informal discussions between colleagues in the various firms. IUCN has undertaken more direct advocacy, for example in its presentations to the Sakhalin oil and gas conferences in 2013 and 2014 (the WGWAP chair presented to the 2011 conference). ENL has continued to show informal interest, and undoubtedly follows WGWAP deliberations and recommendations closely, adopting ideas from them – as to other companies to a probably more limited extent. It sent a representative to the WGWAP-13 and WGWAP-14 meetings, leading to cordial and constructive exchanges of information and ideas.

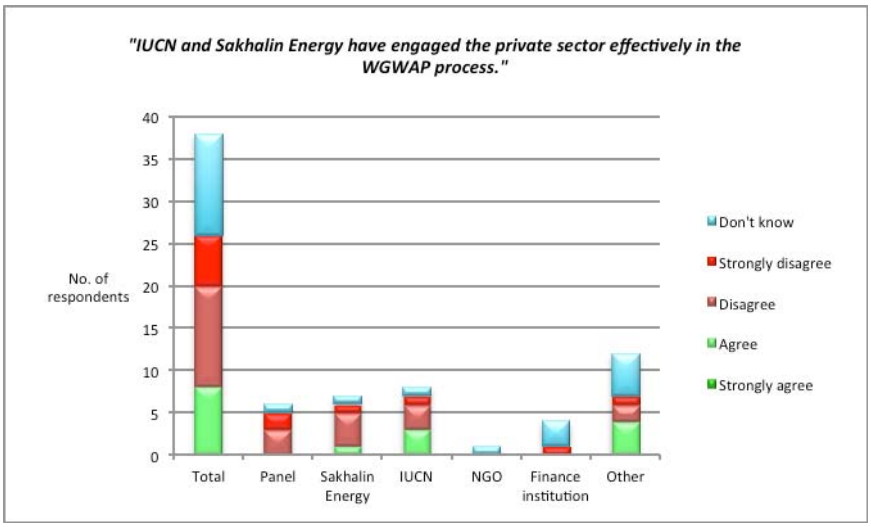


Figure 22. Survey: IUCN and Sakhalin Energy engagement of private sector in WGWAP process

However, the frame conditions for other companies directly joining the current WGWAP process are unchanged. It will not happen. However interesting the WGWAP may be, and whatever their conservation commitment, it is not in other companies' interest to join. This does not mean that they would not join a different sort of WGWAP process that does not insist on compliance with its recommendations in all but exceptional circumstances. For the private sector, compliance is normally a matter of interaction with state authorities and their regulatory requirements. For the Sakhalin oil and gas industry, multiple contacts between Sakhalin energy, IUCN and other companies demonstrate that there is real interest in the conservation science advice that an organisation like IUCN and a structure like the WGWAP can provide – as long as the process is consultative rather than binding, and the panel are seen as advisers rather than regulators.

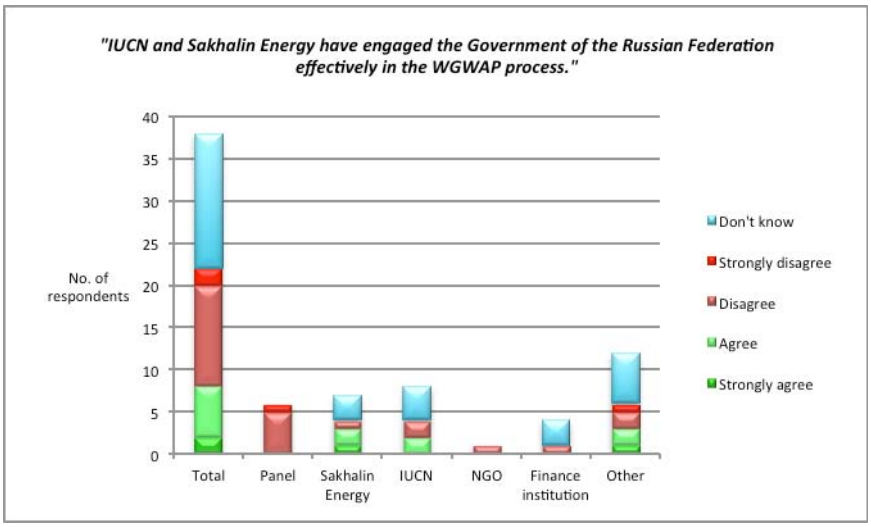
3.8.2 Interaction with government

The real interest that the Sakhalin oil and gas industry has in the advisory conservation science of an IUCN-sponsored body is tempered by the increasing dominance of Russian firms in the sector. Reflecting the attitudes of the Russian state and society, these firms are likely to question the desirability of an external body telling them what to do. Conversely, the growing political isolation of the Russian Federation in 2014 may have led to some interest in engaging internationally where this remains possible, and proving the competence and quality of Russian science and industry.

In any event, both IUCN and Sakhalin Energy are required by the WGWAP TOR to promote links between the WGWAP process and the Russian authorities: specifically, the Interdepartmental Working Group (formally, the Interagency Work Group for the Okhotsk-Korean Grey Whale Population Conservation (Ministry of Natural Resources and Environment, 2009)). Both parties did make efforts to do this during the review period. They were of limited effectiveness (Figure 23).

This is another dimension of the WGWAP process in which opinions and attitudes have become unnecessarily polarised. The dominant view among panel members is that the IWG is not a serious scientific body and that it rubberstamps companies' proposals without serious scrutiny. The Russian authorities, and the IWG, have the perception that the WGWAP consider themselves too independent and scientifically superior to engage meaningfully with the IWG, even though IUCN (whose Russian Councillor has taken a constructive attitude) has tried to engage proactively with them and could add useful value to Russian environmental debate and programming on this and other issues. Sakhalin Energy is frustrated by what it views as panel unwillingness to reach out to the Russian authorities despite their and IUCN's efforts to build better relations. Meanwhile, the company supported the development of a biodiversity consultative forum for the Sakhalin oblast, which has now been taken over by the local authorities.

Figure 23. Survey: effectiveness of IUCN and Sakhalin Energy in engaging Russian government



During the review period, constructive progress was made overall in reaching out to the Russian authorities at federal and oblast levels. Several local government staff attended WGWAP-14 in Yuzhno-Sakhalinsk. But by the end of the review period, there was still no structured, agreed, constructive and proactive working relationship between the panel and the relevant Russian bodies at either level. The potential exists to build a broader, more constructive relationship, if the format of the WGWAP process can be revised.

3.8.3 Interaction with other interested parties

As observers, Russian and international NGOs have been a significant presence throughout the WGWAP process. The relationship has, overall, become more cordial and constructive with time and the panel often (but not always) values the information and ideas that NGO observers contribute. This generally positive view is reflected in survey responses (Figure 24). However, NGOs were perturbed by the uncertainty around the dismissal and reappointment of panel members at the start of 2014, and in January three of them wrote a strong letter to the IUCN Director General expressing their concern. Not surprisingly, NGOs remain strongly committed to the independence of the panel from company priorities, and to the role of IUCN in guaranteeing that independence.

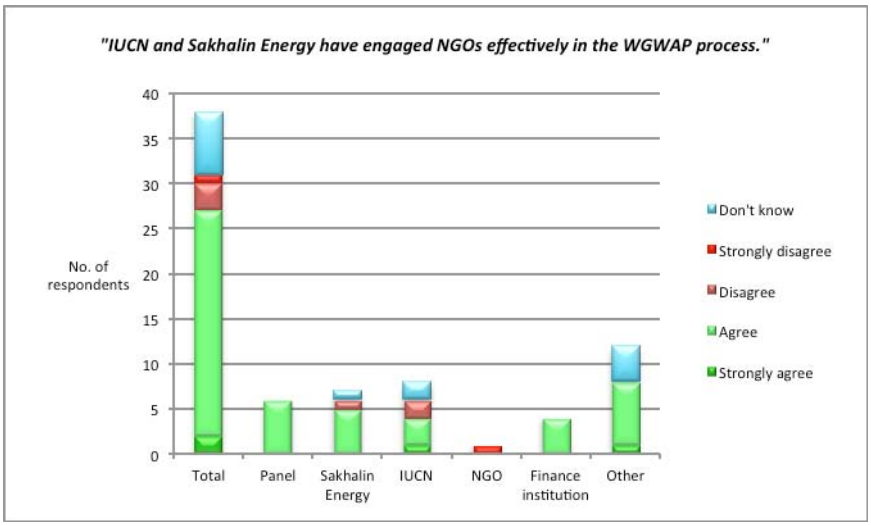


Figure 24. Survey: effectiveness of IUCN and Sakhalin Energy in engaging NGOs

While state monitoring and regulation of NGOs in the Russian Federation may significantly affect their engagement, it remains safe to conclude – despite recent disagreements - that the involvement of NGOs in the WGWAP process to date has laid useful foundations for a broader consultative and advisory process on the environmental impacts of the oil and gas industry on the Sakhalin shelf. IUCN itself, of course, has deep roots in the global community of conservation NGOs.

A founding rationale for the WGWAP process is the requirement by Sakhalin Energy's lenders that it work with and respect the recommendations of an independent scientific advisory body to ensure appropriate mitigation and conservation measures with regard to western grey whales. Interaction between the panel process and these lenders remained low key during the review period, although the banks' environmental advisers continued to engage actively and to attend panel meetings. Given the findings and recommendations of this evaluation, it is now time for the lenders to raise their profile and take an active part in discussions about how the conditions of their loans to Sakhalin Energy might interface with a new conservation advisory dispensation for the oil and gas industry on the Sakhalin shelf.

3.8.4 Overview

Overall, the effectiveness of the WGWAP process during the review period was impaired by a significant deterioration in personal relationships and attitudes and by the gap in panel activity associated with the uncertainty and recriminations of 2013-14. The amount of work done was reduced by this turbulence, and the effectiveness of what was done suffered also.

Nevertheless, good work was done, most notably in the acoustic field, where achievements were usefully summarised and communicated in the paper by Nowacek *et al* (2013). As noted above, the task force format contributed to panel productivity. A wide range of observers continue to believe

that the WGWAP remains useful and effective, warranting its continuation (Figure 25). At the same time, they argue that this does not mean perpetuation of the current format. The panel process should continue, but through a different mode of operations.

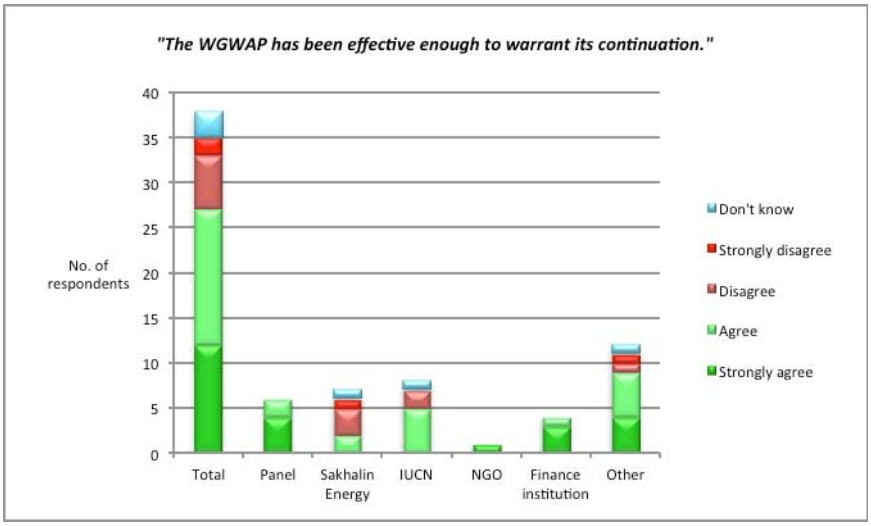


Figure 25. Survey: whether WGWAP has been effective enough to warrant continuation

Among the factors that make for an effective panel, they identify independence (supported by IUCN); scientific credibility; impartiality; clarity and practicality of recommendations; trust; transparency; visibility; accountability; constructive engagement with the oil and gas industry; understanding of Russian regulatory and industry conditions; a level playing field, so that WGWAP recommendations do not apply to only one company; clear work plans; rotation of members and chair; regular performance reviews; and interest and engagement by the Russian authorities.

Survey respondents also identify constraints on the effectiveness of the WGWAP process. They mentioned, among others, incomplete commitment to the process by Sakhalin Energy; inappropriate support by IUCN; reluctance to engage among other companies; the failure to involve other stakeholders; the perceived bias and unprofessional attitudes of some panel members; fractious relationships around the core triangle of the process (IUCN, Sakhalin Energy and the panel); incomplete trust, visibility and accountability; failure to use all data and optimise the scientific quality of the panel's work; the panel's self-image as a regulator; inadequate panel expertise on the oil and gas industry and on international regulatory frameworks; poor interaction between the chair and the Russian government; and personalities and politics impeding objective operations.

4 The efficiency of the WGWAP process

4.1 Introduction

The evaluation matrix (Annex 3) asks how cost-effective the WGWAP process is. While addressing that issue, this chapter of the report goes on to assess various other aspects of operational efficiency.

4.2 Cost-effectiveness

The evaluation matrix asks what the financial costs of the WGWAP process are to Sakhalin Energy, IUCN and others. Sakhalin Energy would consider the actual amount it spends on the WGWAP to be commercially sensitive information, but in most respects the situation is unchanged from that reported in the 2011 evaluation (Turner, 2011: 25). Sakhalin Energy funds the panel process, although the budget continues to benefit from the fact that the time of three panel members (four in 2014) is funded by their employers. What has changed is that in 2012 the Russian authorities determined that the company's costs in funding the panel process would no longer be tax deductible. From its shareholders' perspective, this puts engagement with the WGWAP in a different light.

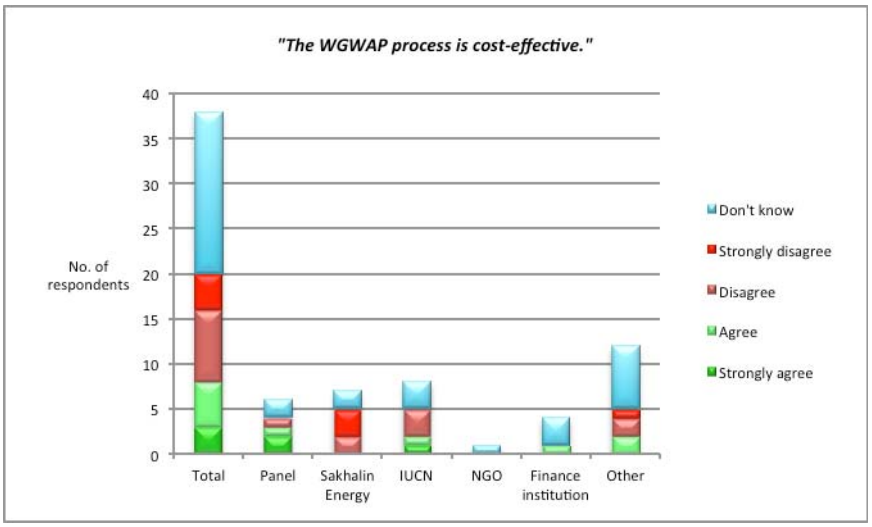


Figure 26. Survey: cost-effectiveness of WGWAP process

Overall, survey respondent views about cost-effectiveness have become somewhat more negative since 2011 (Figure 26 and Annex 6). This probably reflects the diminished effectiveness of the panel process during that period (chapter 3). More specifically, queries persist in some quarters about the level of overhead payment that is made from the panel budget to IUCN – so high, some critics feel, that it distorts IUCN's impartiality in the process. Conversely, IUCN argues (as it does to many of its other funders) that it commits high quality management and support time and systems that inevitably come at a cost. There are queries, too, about the panel's mode of operations: the cost of the hotels used for meetings, for example, and the potential for more video conferencing (endorsed for focused topics at WGWAP-11) and less air travel. Savings could clearly be made if the panel were smaller (assuming that the same proportion of time is contributed *pro bono*), met face to face less often and/or met at locations incurring the lowest aggregate travel cost (for Sakhalin Energy, IUCN and observers as well as the panel themselves).

4.3 Roles and expertise in the panel process

In general, the various stakeholders in the WGWAP process consider roles and responsibilities to be clearly defined and assigned – although Figure 27 shows that this view is not unanimous. There is less dissent about the clear definition and assignation of tasks.

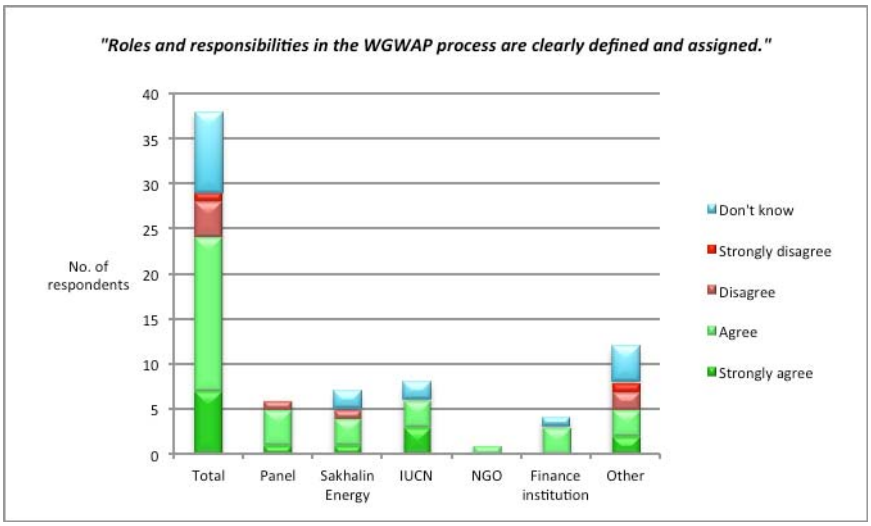


Figure 27. Survey: clarity of roles and responsibilities in WGWAP process

Section 3.7.4 discussed the roles and effectiveness of the panel members, and the types of expertise that they should offer. An idea raised by the 2011 evaluation remains valid: that panel members should be described as 'specialists' rather than 'scientists'. Section 6.1 below returns to the concept of 'science' in an ISTAP process. The rigour and impartiality normally associated with this concept should be assets for a group like the WGWAP that aims for effective conservation through enhanced industry practice. But if 'science' means time-consuming abstraction from operational priorities, it risks diminishing effectiveness and efficiency. This is a trade off of which panel members, as scientists, have not always seemed adequately aware. Reconciling scientific rigour and operational realities will be a challenge in any ISTAP process. The extent of this reconciliation has obvious implications for panel efficiency.

There is little dispute about the administrative support roles that the IUCN Secretariat should and does play in the WGWAP process (section 4.8). The GMPP's interpretation of its co-ordination role during the review period did affect the efficiency of the process. Although well-intentioned efforts were being made to enhance the effectiveness of the WGWAP, the manner in which they were undertaken was counter-productive, diminishing productivity without concomitantly reducing costs. Although the long gap between the WGWAP-13 and WGWAP-14 meetings might have been expected to achieve some budget savings, expenditure actually exceeded the levels originally planned. This issue is discussed further in section 6.3 below.

4.4 Work plans

Although those survey respondents with an opinion were reasonably positive about the extent to which the WGWAP fulfils its annual work plans (Figure 28 below), the efficiency of work planning for the panel deteriorated during the review period. The reports of the 11th, 12th and 13th meetings of the panel (February 2012, November 2012 and May 2013) each include a section on the work plan. None goes into much specific detail, although important general comments are made. The WGWAP's TOR (section 4(i)) require the panel "to develop a vision for its work over the next five years" – presumably analogous to the 'road map' for which the Secretariat tried to stimulate action from early 2013, with largely unproductive results. Antagonism over this concept compromised the effectiveness of work planning for that year and 2014.

A further complication for the annual planning exercises was the not unreasonable view of Sakhalin Energy and IUCN that individual panel members' budgets and remuneration should be linked to specific tasks and time allocations, which had to be negotiated in the face of predictable reluctance and resentment about what some of them saw as a downgrade in status, from independent scientists to contracted consultants. From being a senior panel that would advise on issues put to them (or indeed other issues that they might consider important), they saw themselves being diminished into a group of consultants who would be required to perform specified tasks by set deadlines, with remuneration defined and managed accordingly.

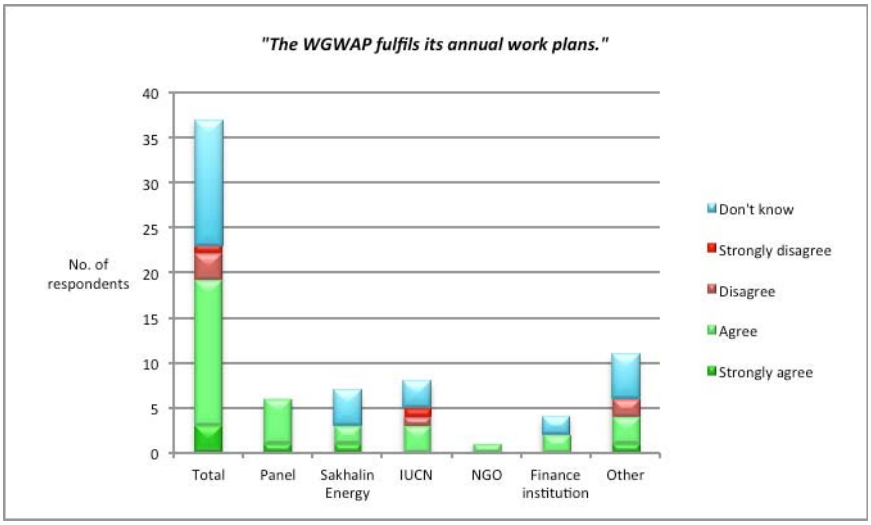


Figure 28. Survey: WGWAP fulfilment of its annual work plans

While work plans should and (eventually) do spell out planned panel activities and time allocations in some detail, the work plan discussion at panel meetings addressed broader issues. The report on WGWAP-12 acknowledged that "our collective performance on inter-sessional engagement had been poor". Too little was done in the (sometimes many) months between panel meetings, with too much (often rushed) effort shortly before, and often during, the meetings. Efficiency and quality suffered. WGWAP-12 recommended that IUCN organise regular teleconferences, not less than monthly, to track issues and progress between panel meetings. In the confused and difficult period that followed, this was not achieved.

4.5 Plenary meetings and task forces

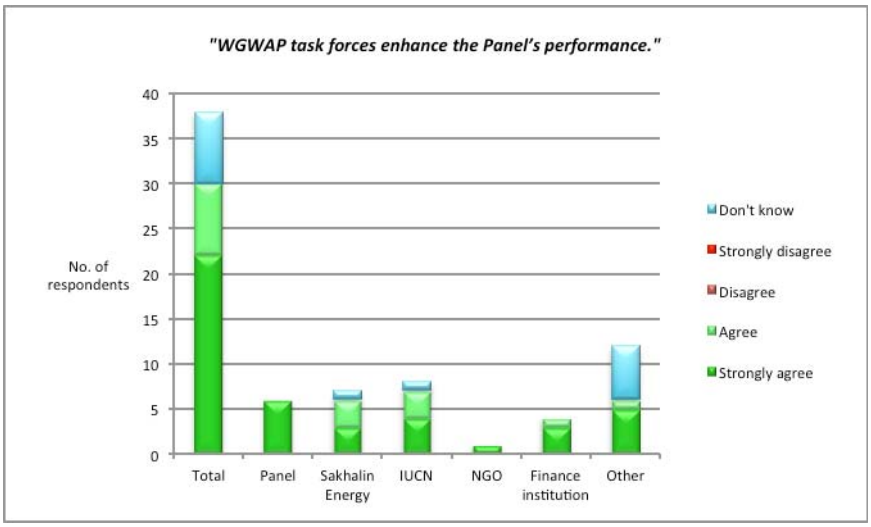


Figure 29. Survey: whether task forces enhance WGWAP's performance

At WGWAP-13, discussion returned with new urgency to the longstanding issue of the frequency and length of panel meetings. The panel said that it had "never had an opportunity to meet as a group for a reasonable block of time in order to take stock of progress…, identify important information gaps and develop the strategic, proactive approach to its work that is expected and warranted". Believing

that "the present mode of operation needs to change if the WGWAP process is to fulfil its stated role adequately", it regretted that panel meetings had been shortened from four to three days and called for the next meeting to last four or five days: one or two days of plenary sessions, one day with IUCN to discuss broader industry and related issues, at least one day of private panel discussions, and one day of report preparation. (This implied that Sakhalin Energy representatives and observers need only attend for one or two days.) According to the IUCN Secretariat, half a day before and half a day after the main three days of WGWAP-13 were scheduled and paid for.

Although the panel anticipated that the next meeting should happen before the end of 2013, circumstances outlined above meant that it only took place in late September 2014 – and then only for three days of formal meeting time, although one day before and one day after were scheduled and paid as well. The subsequent Noise Task Force meeting was allocated two days instead of the one originally planned.

There is widespread agreement that task forces enhance the performance of the WGWAP (Figure 29 above). As noted in section 1.2, the Noise Task Force has been the most active one during the period under review, with the Environmental Monitoring Task Force and the *ad hoc* Joint Programme Task Force meeting once each. Although company views on the usefulness of the NTF are not unanimously positive, there is no doubt that acoustic issues remain one of Sakhalin Energy's primary concerns with regard to western grey whales and that this area of the panel's work remains important for the company. The prominence of the NTF in the WGWAP process was increased by the fact that it was able to continue meeting and working during the long gap between WGWAP-13 and WGWAP-14, when other aspects of the panel's operations made much less progress.

Concern persists in some quarters that the task force format compromises the independence of the panel and the transparency of its operations - allowing panel members and company personnel to get too comfortable around the table together. (IUCN's new ISTAP guidelines mention the possibility of task forces but do not go into detail on these questions.) But the stronger view is that, while the plenary mode remains essential, the task force environment greatly facilitates meaningful technical interaction and progress.

4.6 Communications and transparency

In the difficult organisational context of 2013-14, communications around the core triangle of WGWAP relationships have not been optimal. Significant numbers of survey respondents thought that communications between the panel and Sakhalin Energy were not efficient (Figure 31), but that was also the case in 2009 and 2011 (Annex 6). In the case of communications between the panel and IUCN, the survey suggests a significant deterioration since 2011 (Figure 30 and Annex 6). Of the ten survey respondents who could comment on the quality of internal communications in the WGWAP process in Russian, nine felt that they were as efficient in that language as in English.

IUCN has been efficient in its external communications about the panel process and its results, although this performance is not universally endorsed (Figure 32 and Figure 33). The Secretariat put a great deal of effort into publicity around the acoustics publication by Nowacek *et al.* (2013), and this was well regarded by most informants.

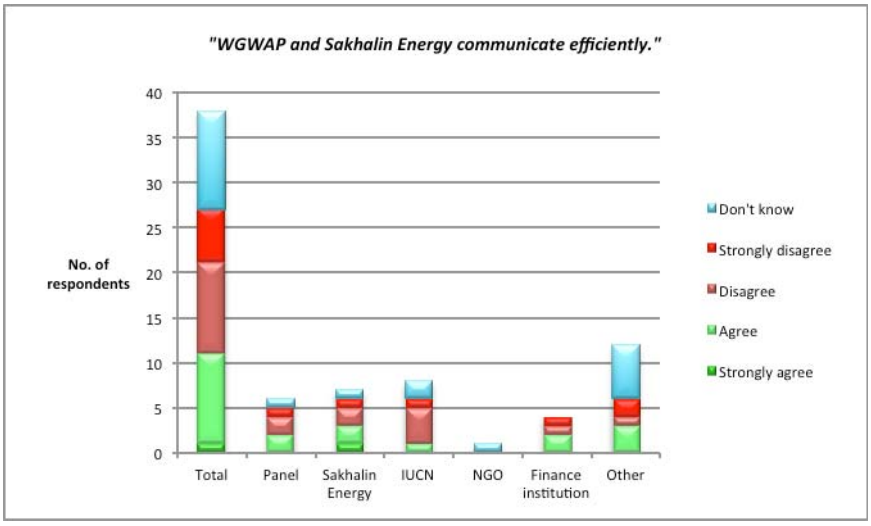


Figure 31. Survey: efficiency of communications between WGWAP and Sakhalin Energy

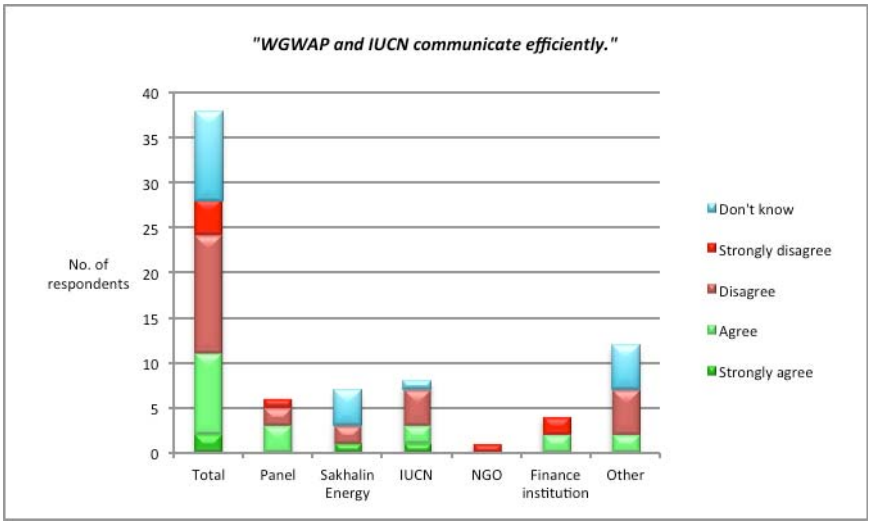


Figure 30. Survey: efficiency of communications between WGWAP and IUCN

Although a count of the materials available on IUCN's WGWAP web pages in English and Russian shows that the former significantly outnumber the latter, there were few complaints about this from Russian informants. Instead, one said that "both the general public and the scientific community in Russia are well aware of the WGWAP, and it is widely seen as the only mechanism to exercise any sort of influence on oil companies. It is very important from this perspective in Russian eyes." Another felt that the Russian language quality of the panel's technical documentation is comparable to material published in Russian by international agencies like the United Nations, and the "WGWAP material is reasonably accessible to Russian speakers if they are interested". A third said that "translations into Russian are timely and authentic". Of the nine survey respondents with a view on this, however, three felt that external communications in Russian about the WGWAP process were not efficient.

As a result of this generally strong external communications performance, a majority of survey respondents felt that the WGWAP process is transparent (Figure 34). Again, however, there are important qualifications to this view, over and above the commonly expressed concern about the task force format (section 4.5). How transparent the process seems depends on what level of information one feels should be available publicly. One informant said that the panel "comes across as a 'closed shop'", meaning that it has not been clear to other specialists whether or how they might apply to serve on it. Another pointed out that if IUCN wants to engage with the private sector in pursuit of its conservation mission, it must recognise that some types of information are likely to remain confidential, and deal with the consequences of that among its constituency. There has been a growing concern among panel members – perhaps as budgetary management of their inputs was tightened – that the budget process is not transparent to them. They may now feel that their

participation is restricted to consultancy mode, in which programme and budget managers tell them what work is required and what fees will be paid. Company and IUCN staff may feel that this is nothing exceptional, but it is a significant transition for the panel – and a different sort of transition for those members who work *pro bono*.

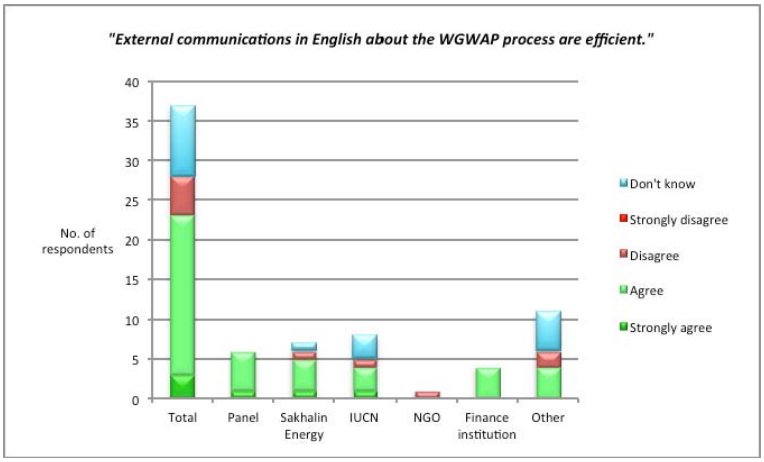


Figure 32. Survey: efficiency of external communications about WGWAP process in English

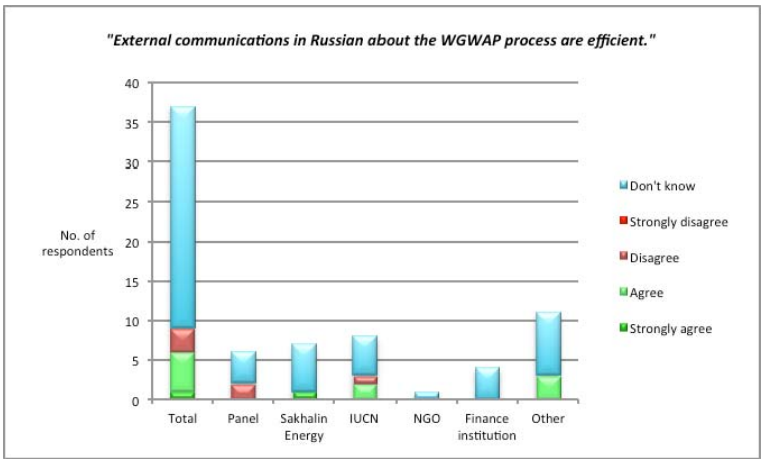


Figure 33. Survey: efficiency of external communications about WGWAP process in Russian

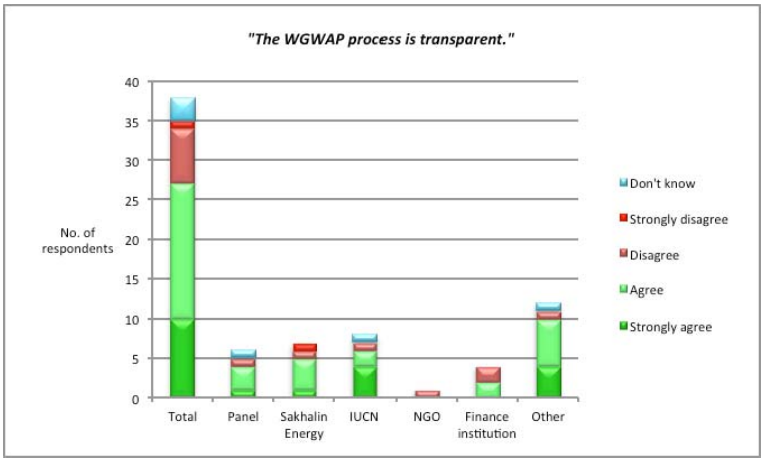


Figure 34. Survey: transparency of the WGWAP process

4.7 Self-assessment

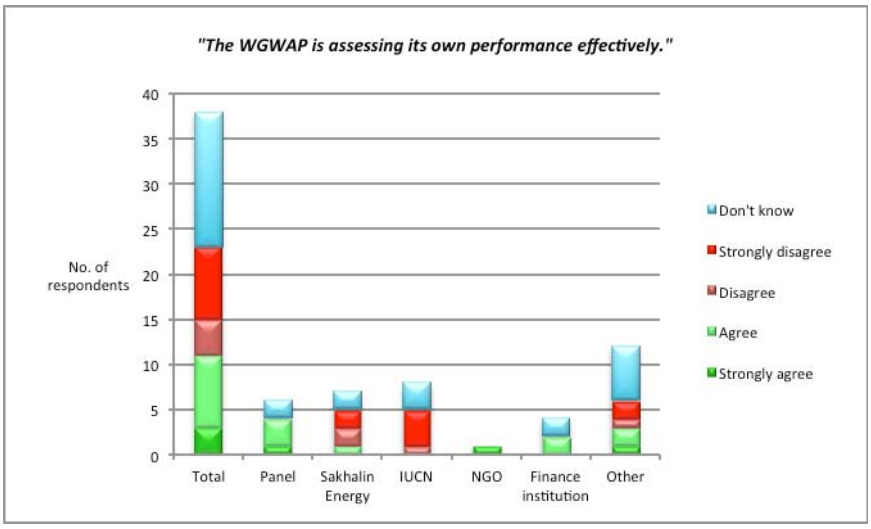


Figure 35. Survey: WGWAP assessment of its own performance

There has been a great deal of evaluative discussion about the WGWAP, both within the panel and among its various stakeholders, during the period under review. Much of that discussion has been difficult; some of it hostile. Too little of it led to consensus about the way forward. Meanwhile, as reported in section 1.3 above, the panel has not been effective in assessing its own performance in the manner required by its TOR (Figure 35).

As its policy requires, IUCN prepared a management response to the 2011 evaluation of the WGWAP process. However, there has been no structured monitoring or reporting of progress in implementing those recommendations from the evaluation that were accepted by the management response.

4.8 Administration and logistics

During the review period, IUCN managed to continue its tradition of strong administrative and logistical support to the panel process. There is widespread praise for the work of the responsible officer in the Secretariat, who is now performing these functions – as well as providing research and strategic support and handling communications – from the Business and Biodiversity Programme (on secondment from the GMPP).

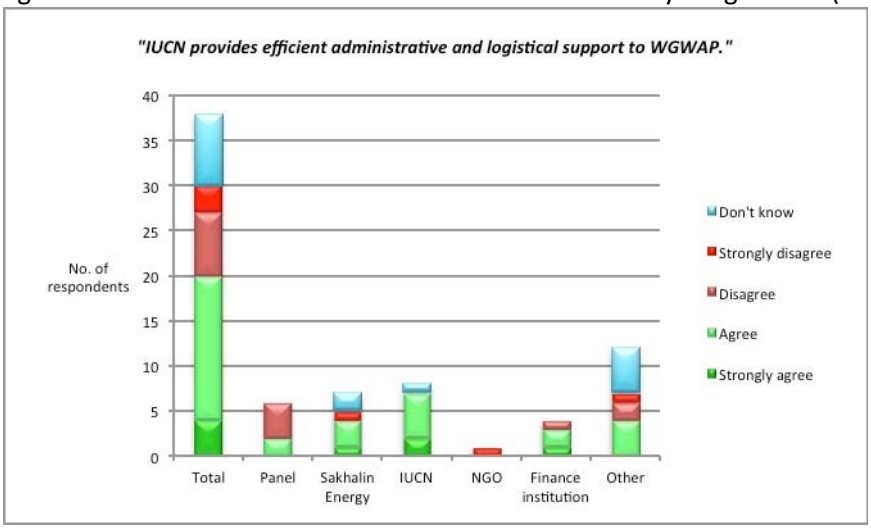


Figure 36. Survey: efficiency of IUCN administrative and logistical support to WGWAP

These comments refer to the quality of the administrative and logistical services that were performed. Panel members, in particular, are critical of some of the administrative and logistical policies that were applied (Figure 36). This is largely because of the way their own contractual arrangements were handled in 2013-14,

and their related criticisms of IUCN's overall approach to the panel process in that period. There are also criticisms of meeting arrangements: timing, and the choice of venues. In 2009 and 2011, on the other hand, all the panel members who responded to the evaluation surveys endorsed IUCN's administrative and logistical performance (Annex 6).

5 The impact of the WGWAP

5.1 Impact on conservation and recovery of western grey whales

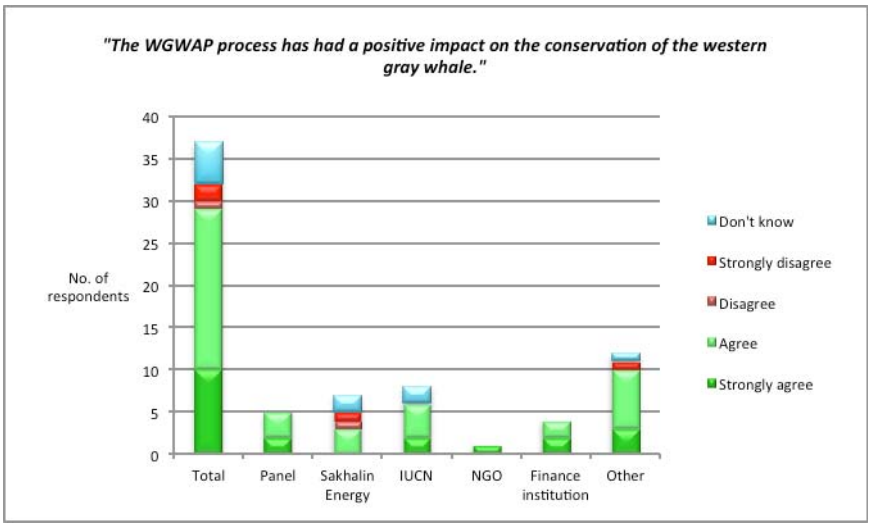


Figure 37. Survey: impact of WGWAP process on conservation of western grey whale

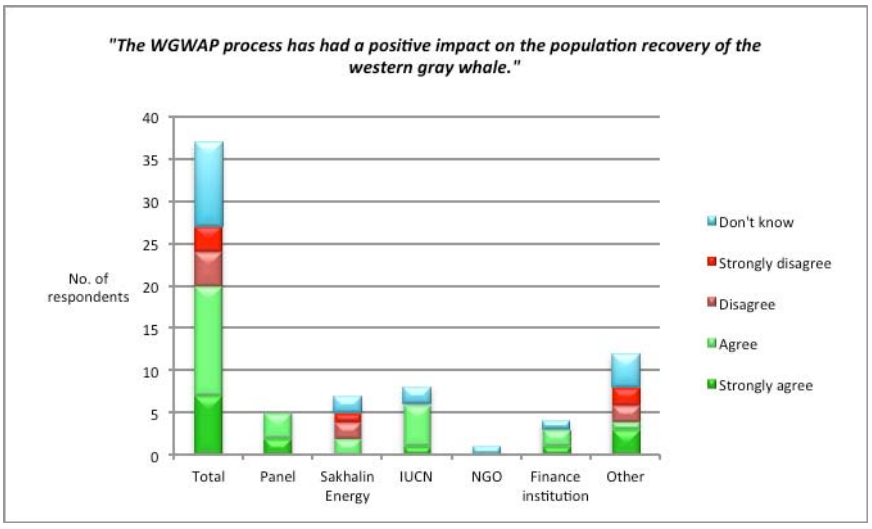


Figure 38. Survey: impact of WGWAP process on population recovery of western grey whale

For several reasons, it is not possible to say definitively whether the WGWAP process has had any impact on the conservation or recovery of the western grey whale population. It can at least be said that it has not had any negative impact. But the evidence on positive impact is incomplete. The ten years of the WGWAP and preceding processes would not be long enough for proof of population recovery, even with optimal data availability. Scientists are still far from a complete understanding of the animals' behaviour, or, specifically, of their behavioural responses to noise and other anthropogenic disturbances. Those observing or involved in the WGWAP process are certainly pleased that there appears (but is not proved) to be a slow increase in the western grey whale population, and that there is no evidence of direct harm to or death of the animals arising from Sakhalin energy operations. It is also reasonable to argue that the broad programmes of monitoring and analysis to which the WGWAP process has contributed are a valuable, though indirect contribution to the conservation and population recovery of western grey whales. Overall, therefore, there is scope for cautious optimism that the process has had a positive impact (Figure 37 and Figure 38).

5.2 Impact on Sakhalin Energy practice

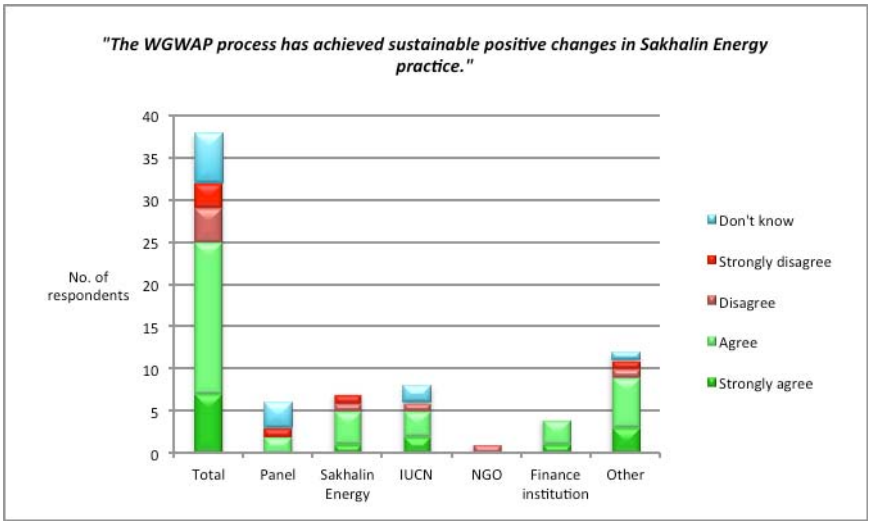


Figure 39. Survey: impact of WGWAP process on Sakhalin Energy practice

The evaluation matrix (Annex 3) asks whether the WGWAP process has achieved sustainable positive changes in Sakhalin Energy practice that are likely to persist beyond the life of the WGWAP project. The latter part of this question is hard to answer, since the duration of the WGWAP project – and indeed the lifespan of Sakhalin Energy – are unknown. This uncertainty helps to explain the cautious questionnaire survey responses on the question (Figure 39). Attitudes to the impact of the WGWAP process on Sakhalin Energy practice range from the sincere assertion of some company staff that they do their best to implement and adhere to the panel's recommendations, to the deep scepticism of some scientists and activists that this commitment is more than skin deep. There can be no doubt that the company has made significant changes to some of its approaches and practices – for example in seismic survey and in vessel operation and routing – as a result of its interaction with the WGWAP. It would be unreasonably cynical to assume that it would abandon all these enhancements if the panel process ceased, even if one sets aside the considerations of positive environmental profile to which some company respondents refer. At WGWAP-14, there were clear instances of the company requesting comment and advice from the panel about proposed adjustments to its practice.

The overall conclusion must be that the WGWAP process has achieved sustainable positive changes in Sakhalin Energy practice. How sustainable they would be, in the possible future absence of the WGWAP, is a matter of speculation. But, again, there are grounds for cautious optimism.

5.3 Impact on state and industry practice in general

A fundamental limitation on the conservation achievements of the WGWAP process is that – contrary to the hopes of its TOR – it has only directly engaged with one of the energy companies whose operations on the Sakhalin shelf risk adverse impacts on western grey whales. Furthermore, Sakhalin Energy is becoming one of the smaller players in the area.

There is no doubt that the existence and operations of the WGWAP have aroused significant interest among the Russian federal authorities. It is likely that they inspired the government's establishment of the Interdepartmental Working Group in 2009. As noted in section 3.8.2 above, the panel's relations with the IWG have not been easy. Opportunities for closer and more constructive interaction were missed, despite efforts by IUCN. The dominant view in Moscow now seems to be that, combined with the relevant environmental legislation, the work of the IWG is the mainstream of joint effort by government and industry to ensure the conservation of western grey whales; while the WGWAP continues as a relevant but awkward outlier to that effort (no longer tax deductible for

Sakhalin Energy (section 4.2)). This sense of missed opportunity is reflected in survey responses (Figure 40).

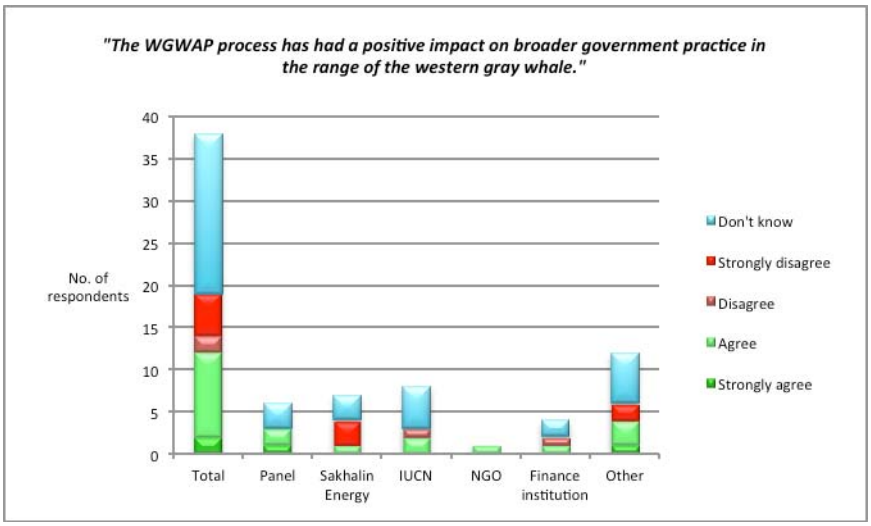


Figure 40. Survey: impact of WGWAP process on broader government practice

Meanwhile, the Russian government has been engaging in a major programme on 'mainstreaming biodiversity conservation into Russia's energy sector policies and operations'. Of its $39.15m budget, the Global Environment Facility provides $7.2m. Originally scheduled to run from 2010 to 2015, its revised timeline is 2012-2017. Sakhalin oblast is one of its three pilot areas, and Sakhalin Energy is one of the seven oil company partners in the programme, with WWF Russia and Wetlands International as NGO partners (Sheynfeld, nd). One of its areas of work is piloting biodiversity mainstreaming into oil sector operations. Working with and through this major programme would be a significant opportunity for the WGWAP process to have a greater impact on state and industry practice with regard to the western grey whale and the broader environmental effects of the energy industry on the Sakhalin shelf. During the period under review, IUCN did not take the opportunity to launch such collaboration.

Although impossible to prove or quantify, the WGWAP process has undoubtedly had some indirect impact on the practices of the oil and gas industry on the Sakhalin shelf and beyond – if only by making other companies more aware of what better approaches could look like. Although there is no sign that any other company will formally join the process, there is evidence – some direct, some anecdotal – that the rest of the industry off Sakhalin tracks the panel's debates and recommendations and the way that Sakhalin Energy responds. It is notable that ENL actually sent a senior staff member as an observer to WGWAP-13 and WGWAP-14 (section 3.8.1). WGWAP and IUCN presentations at the annual Sakhalin oil and gas conferences have helped to disseminate the results of the panel's work and the idea that independent advice from conservation scientists can be useful. In a more diluted way, some awareness of the panel concept, activities and output has filtered through to those responsible for marine conservation practice in the oil industry worldwide,

Survey respondents' views on the impact of the WGWAP process on marine conservation practices in the oil industry in general

This is a major failing of the Panel. With a positive attitude and a more modest approach, it could easily have produced the Best Practice for oil and gas development in the vicinity of rare and special whales

This process and project is reasonably well known and has indeed set a standard within the industry, thereby raising the bar in general

It probably has had some but it is hard to dispassionately attribute a positive impact. Also I would argue this was not the purpose of the panel and that future panels should focus more on tangible problem solving rather than being too worried about a more ambitious legacy!

Hard to say. However, organisations such as the Equator Principles do provide links to the WGWAP under their good practice resources.

and particularly in the Arctic – for example, through the presentations on and by the industry at the international conference on marine mammals of the Holarctic that was held at St Petersburg in September 2014. The comments in the box epitomise the substantial diversity of views on this broader impact, reflected also in Figure 41 and Figure 42. They range from the argument presented above – that some indirect impact has been achieved – to the belief that opportunities have been missed, or perhaps that this should never have been an ambition for the WGWAP process anyway.

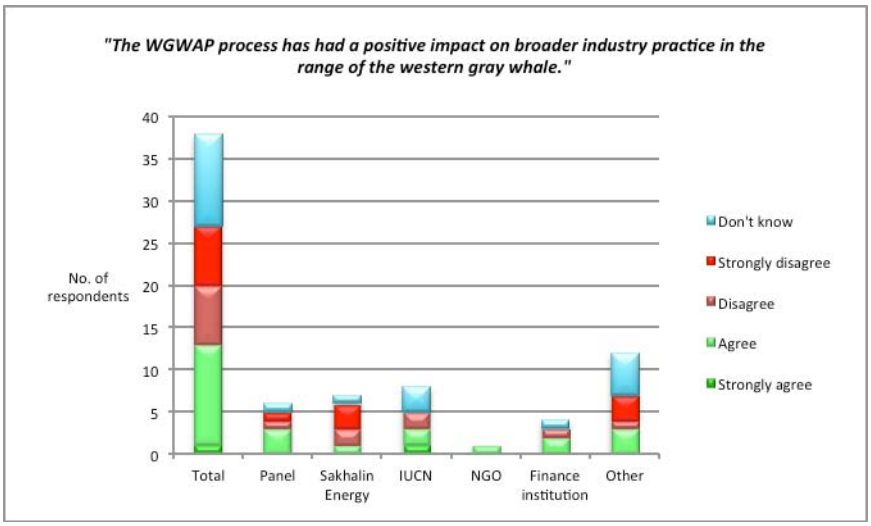


Figure 41. Survey: impact of WGWAP process on broader industry practice in range

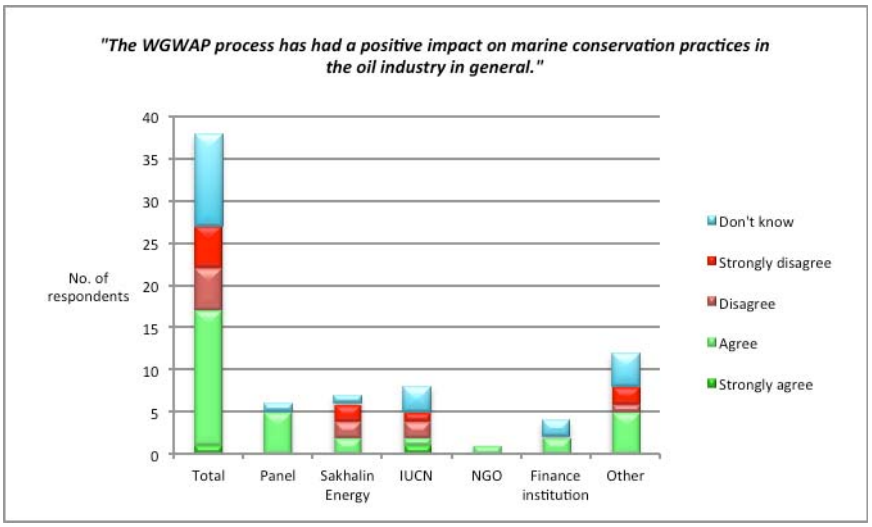


Figure 42. Survey: impact of process on marine conservation practices in oil industry generally

6 Lessons learned

6.1 Introduction

One of the objectives of this evaluation is "to gather lessons from the first eight years of the WGWAP". The TOR (see Annex 1) ask for six types of lesson. Many of these lessons should be evident from the discussion in chapters 2 - 5 above, but they are summarised in the following five sections of this chapter. ("Conservation lessons" and "lessons and about the relationship between the WGWAP and western grey whale conservation" are treated together.) Many of them have already been wholly or partially learned by the main stakeholders in the panel process. This chapter attempts a consolidated statement that may be useful for future reference.

In practice, lessons around the functioning of independent scientific and technical advisory panels (ISTAPs) overlap with those about IUCN support for such panels. Sections 6.2 and 6.3 should certainly be read together. The discussion of IUCN's support for ISTAPS is keyed to IUCN's recent official statement on "procedures for establishing and managing IUCN-supported ISTAPs" (IUCN, 2014).

6.2 Functioning of independent scientific and technical advisory panels

6.2.1 Independence

IUCN rightly stresses that panels like the WGWAP must be able to investigate issues and draw and report their conclusions independently of any influence from IUCN, the private sector partner or any third party (such as governments). But this independence should not be construed as any kind of analytical or procedural superiority. Panels are not the sole source of the top level science that they are expected to offer. Nor are they tribunals, handing down judgements with which the private sector must comply. It is essential to protect the right of panels like the WGWAP to develop and report an independent point of view. But independence does not mean being aloof from operational and political realities. Although independent, panels should also be engaged and empathetic with these realities.

Working out what an ISTAP's independence means in practice will always be a sensitive and subjective matter, although the arguments advanced above will always be valid. The WGWAP TOR refer to the words 'independent' and 'independence' repeatedly, without elaboration. IUCN's 2014 ISTAP guidelines do offer four lines on the principle of independence:

> *The Panel should be established and operate free from any external influence (whether government, private sector, NGOs, scientists or IUCN). Collectively, the Panel members are free to reach what the Panel considers the most robust and feasible conclusions and recommendations based on the best available science.*
>
> IUCN, 2014: 9.

WGWAP experience suggests that, when a new ISTAP is formed, all parties should take time to consider and agree how they will interpret this central concept of panel independence.

6.2.2 Science

'Science' is a loaded word. This is not the place for an essay on what 'science' means for IUCN, whose claim to global stature is strongly rooted in the assumed scientific excellence of its specialist Commissions. The WGWAP experience has shown the challenges of combining academic and applied science, with their partly differing value systems and objectives. There has been frequent reference to 'good science', which by implication is exhaustively thorough and not to be distracted by operational constraints or deadlines. If 'good science' simply means ensuring that reasonably incontrovertible facts are gathered to support demonstrable conclusions and practical recommendations, it is the necessary basis for an IUCN panel that seeks to enhance the environmental performance of the private sector. If it means priority for the pursuit of academic excellence, it is not.

6.2.3 Scientists as panel members

Linking to the concepts of independence and science, the third lesson concerns the role and behaviour of scientists as panel members. A scientist employed full time by the private sector must expect to dedicate her or his scientific skills totally to the operational requirements of the company, ideally achieving the same level of excellence as a university professor but in an operational context. Scientists working part time on a panel like the WGWAP have a different challenge. They must understand and engage with the operational, applied context in which the panel works without compromising the scientific principles of their professional (sometimes academic) lives. Each side of their work can enrich the other. Neither should exploit the other. For example, panel members must resist the temptation to use panel work to further personal scientific ambitions. They must seek fully to understand and contribute to the particular scientific challenges around measuring and demonstrating impact – immediate and cumulative, positive and negative, in the evolving context of global environmental regulation of the private sector. Scientists should not be appointed to panels simply on the strength of technical excellence. They should also be fluent in these fields of impact, regulation and mitigation. They should appreciate the limited value of conventional scientific publications in this context, and be competent and content in producing the kinds of practical literature that broader audiences can understand and apply.

6.2.4 Terms of reference

The WGWAP experience has shown that the TOR of an ISTAP should be kept focused on the environmental impact and conservation strategies of the company with which it is engaged. The current WGWAP TOR are impracticably broad. The predictable failure of the panel process to implement them effectively has led some to conclude that the WGWAP is not fit for purpose. It could not and should not try to fulfil the goal set out in its 2012 TOR. It can and should focus on objective (c) in Table 4 below.

Table 4. Comments on the goal and objectives of the WGWAP as set out in its 2012 TOR

	WGWAP TOR (2012)	Comment
	Goal	
	The overall goal of the WGWAP is to provide objective independent advice on the conservation and recovery of the WGW population.	Should read "…objective independent advice to Sakhalin Energy…"
	Objectives	
a	To provide objective independent scientific and technical advice to decision makers in industry, government and civil society with respect to the	This is too broad an objective for an ISTAP. For reasons discussed in this evaluation, the WGWAP has not achieved it effectively. There is a major

	WGWAP TOR (2012)	Comment
	potential effects of human activities, particularly oil and gas development activities, on the WGW population.	need and an important opportunity for this broader function, but an ISTAP as conceived by IUCN (IUCN, 2014) is not the instrument to perform it.
b	To function as a forum for integrating expertise on conservation science and technology relevant for the conservation and recovery of the WGW population, and as an effective communication channel between industry, the engineering and natural science communities.	Again, this objective is too broad for an ISTAP, and the WGWAP has not performed it effectively, even though its outputs have doubtless been read and considered by many stakeholders besides Sakhalin Energy. An ISTAP is a panel, not a forum.
c	To understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations.	This is the objective on which the WGWAP has usefully been focused, with reference to one company. As argued below, it is impractical and unrealistic to expect to engage with more than one company in this way.
d	To co-ordinate research aimed at improving the understanding and assessment of the potential effects of human activities on the WGW population and how to address them; achieving synergies between various field programmes; minimising disturbance to WGW from research activities, e.g. by avoiding overlap and redundancy of field research programmes; identifying and mitigating potential risks associated with scientific research activities; and maximising the contributions of research to understanding the status and conservation needs of the WGW population.	This is another important task for which the expertise of WGWAP members is highly relevant, but for which the ISTAP format is inappropriate. A broader structure, with strong scientific input from people like (but not restricted to) the WGWAP membership, could valuably perform the work that was envisaged by this misplaced element of the WGWAP TOR.

6.2.5 Interface with the private sector

As hinted in the table above, a related lesson from the WGWAP experience is that it is unrealistic to expect a WGWAP-like process to involve more than one company. No other company will join the WGWAP as it is currently constituted (section 3.8.1). It is not an attractive proposition for the other firms working on the Sakhalin shelf; nor would it be practicable for the current WGWAP process of review and recommendations to interface simultaneously and equally with two or more companies – even if the second firm were ENL. The WGWAP can do (and has done) good work with Sakhalin Energy. The idea that it can or should work with other companies on the same basis should be abandoned.

6.2.6 Working beyond science

The right kind of science and technical understanding are the appropriate basis for the work of an ISTAP, and have underpinned the WGWAP's operations. It was argued in section 6.2.2 that ISTAPs need applied, not abstract science. But, while remaining focused in the ways advocated by Table 4 above, an ISTAP, guided by its chair and supported by IUCN, should deliver its services with a strategic awareness of the broader context. It must understand the national and local regulatory environment, for example, and attune its advice and recommendations accordingly. It must take account of relevant activities and developments in the industry and region within which the company that it advises operates. Its work must be focused, but not blind to this broader context. This lesson derives from the fact that the WGWAP process has not performed as well as it should in this regard. It has not developed an effective interface with the Russian authorities (section 3.8.2).

Partly because of the unrealistic expectations of its TOR, there has been ambiguity about how it relates to the rest of the oil and gas industry off Sakhalin.

6.2.7 Working with empathy

IUCN's ISTAP guidelines recognise the "risk of incompatible institutional cultures" (IUCN, 2014: 5). This evaluation has noted the many animosities that arose around the IUCN-Sakhalin Energy-WGWAP triangle during the review period. Needless to say, they diminished the effectiveness of the panel process. Such a process will always be an interface between partially differing value systems and mindsets. To make it succeed, all parties must make an extra effort to reach out to those with different views, and avoid the assumption that their own motives and opinions are superior. Panel scientists should recognise that company personnel may have genuine conservation commitment but cannot afford an academic mode of deliberation and enquiry. Company staff should acknowledge that thorough scientific analysis is data-intensive and time consuming. IUCN must be even-handed and empathetic with both the other groups' points of view, taking a more partial position only if it appears that its ISTAP principles are being violated.

6.2.8 Rotation of panel membership

This evaluation has pointed out the failure to rotate the membership of the WGWAP as intended (section 3.7.4) – and as now required by the WGWAP TOR. A lesson from the WGWAP experience is that it is important to do this – but that it should not be done without careful consideration. Automatic termination of a panel member's services after a given period may not be helpful.

6.2.9 Conditions of panel members' service

In the WGWAP experience, panel members' terms of service were at first rather loosely framed. There was some surprise and resentment when IUCN later introduced stricter arrangements that specified expected annual inputs and outputs for each member, with corresponding requirements for time sheets to support invoices. The lesson of this experience is that – in group or bilateral meetings, amplified contract terms or all these - IUCN should specify more fully how the respected independence of panel members is balanced by the terms of their consultancy services to the panel process, funded by the participating company. There need be no contradiction between these realities, if their relationship is clearly and sensitively managed.

It should be recalled that several WGWAP members work *pro bono*. It could be argued that they should therefore not be treated like consultants. While the agreement of their employers to let them work with the panel is doubtless appreciated by all parties, it would not be appropriate to treat them differently in terms of agreeing inputs and outputs and expecting them to perform accordingly. A panel member who does not perform should no longer serve on the panel, regardless of remuneration.

6.2.10 Work planning

An operational lesson from the WGWAP experience is the importance of realistic and tightly managed work planning. It is unrealistic to expect that conditions through an annual plan cycle will be unchanged, that everything in the plan will be done and that nothing new will have to be introduced. But regular monitoring of performance against plan, and of the reasons for variation, is vital. Planning should be kept as simple as possible; it should also be prompt.

6.2.11 Task forces

Working in task forces has been an important feature of the WGWAP experience. The practical lesson is that this can be a valuable part of a panel process. To some extent, it enables panel and company scientists to sidestep the conceptual and paradigmatic challenges outlined above, take off their 'independent' and 'company' hats and focus on building practical ways forward through shared scientific effort. In some but not all WGWAP task force fields, real progress has resulted. The privacy of the task force process, from which external observers are excluded, understandably raises suspicions of collusion and compromises to the independence of the panel. The challenge is to balance the benefits of the private process with the maximum transparency and communication inherent in the full panel process. IUCN ISTAPs cannot be reduced completely to task force mode. Task forces must be linked into more public and formal consultation and advice.

6.3 IUCN support for ISTAPs

Following the release of IUCN's procedures for establishing and managing ISTAPs (IUCN, 2014), the Director General has required the managers of all current panel processes to check on any major points of divergence from these procedures. This section of the evaluation report may contribute to such a check in the case of the WGWAP.

6.3.1 The role and status of IUCN

This lesson from the WGWAP experience could also be presented under section 6.5 on IUCN's engagement with the private sector. Sakhalin Energy's recent dissatisfaction with the panel process led this evaluation to revisit the lenders' requirement for the company to take independent advice from conservation scientists with regard to its potential impact on western grey whales. That requirement does not insist that the advice come through an IUCN panel. If it set up an alternative arrangement that its lenders approved, Sakhalin Energy could walk away (after giving due notice) from the WGWAP. The lesson for IUCN is that it is not indispensable in such processes. Whether it takes part depends on how convincingly it profiles itself and how effectively it performs. IUCN should not take its status in this regard for granted. The private sector certainly does not.

6.3.2 Balancing the relationship between science and industry

An ISTAP like the WGWAP is meant to be a balanced mechanism through which science and industry can work together to achieve conservation goals. Experience with the WGWAP process during the period under review has shown that achieving this balance is a continuing challenge for IUCN. During some of that period, the IUCN Secretariat appeared too sympathetic with the concerns and priorities of Sakhalin Energy, and insufficiently committed to maintaining the independence of the panel (section 3.4). Even if IUCN does at times share the frustration that a company may be feeling with the performance or attitudes of an ISTAP, it is essential that it support the independence of the panel while finding impartial and constructive ways to address such issues.

While the GMPP appeared for a time to share the growing disillusionment of Sakhalin Energy with the WGWAP, the Secretariat as a whole was not sufficiently alert to this issue or the way it was being handled – nor, indeed, to the depths of the company's concern. Institutional changes have been made since, aligning WGWAP responsibilities in the Secretariat with the stipulations of the new document on ISTAP procedures (IUCN, 2014, section 2.4). New efforts have been made to strengthen and balance the three sides of the triangular relationship between IUCN, Sakhalin Energy and the WGWAP. The lesson for IUCN is that its management systems should regularly monitor the performance and health of its ISTAP processes, remaining alert to any need for remedial action.

6.3.3 The role of IUCN Commission chairs

Section 2.3 of the new ISTAP procedures states that

> *The Chairs of IUCN's Commissions support the Director General in considering the case for establishing an ISTAP, particularly with respect to the state of scientific or technical knowledge on the issue of concern, and in the identification of suitable candidates to act as Panel Chairs... The Commission Chairs will also help to ensure that Commission members' expertise is adequately used in all stages of the design and implementation of ISTAPs, including recruitment of Panel members and peer review of Panel findings and recommendations.*
>
> IUCN, 2014: 8.

This implies a more active role for the chair of the Species Survival Commission (SSC) than the incumbents have actually played over the life of the WGWAP – although the SSC chair did intervene during the turbulence of early 2014 around the status and continuation of panel members' involvement in the process. Evaluation interviewees were not unanimous about the role that Commission chairs should play. This is not the place to discuss that in detail, but as the leaders and co-ordinators of IUCN's science capacity they can reasonably be expected to do what the ISTAP guidelines require – without undue administrative or operational interference. The lesson from the WGWAP experience is that their role should be clearly understood by all parties, and effectively implemented.

6.3.4 The role of the IUCN Secretariat

Section 2.4 of the 2014 ISTAP procedures says that

> *The Secretariat is responsible for providing a strong and effective firewall between the Panel and the contracting party/recipient of advice. The Secretariat is also responsible for maintaining the independence of the Panel by avoiding interference in the Panel's deliberations.*
>
> IUCN, 2014: 8.

As this evaluation has shown, the Secretariat did not adequately fulfil these roles during the review period. Lessons were learned, changes were made and the current arrangements are in line with the new guidelines in this respect.

6.3.5 Compliance with IUCN ISTAP principles

At the heart of IUCN's new ISTAP guidelines are the principles shown in the box below. The WGWAP experience has been largely successful in this regard, although the evaluation has identified cases in which the independence of the panel was not adequately ensured and the administration of the panel process gave cause for concern. Efforts to engage all stakeholders and implement a clear stakeholder engagement plan were less successful, partly because of the way the panel's ambitious TOR were interpreted and because this plan was not clearly articulated. The lesson, as outlined in section 6.2 above, is that is necessary to be realistic and focused in an ISTAP's TOR, while ensuring that the panel has strong awareness of, and workable links with, the broader institutional and private sector context.

IUCN principles for establishing and managing ISTAPs

To be effective, an ISTAP should operate according to the following four principles:

3.1 Independence: *The Panel should be established and operate free from any external influence (whether government, private sector, NGOs, scientists or IUCN). Collectively, the Panel members are free to reach what the Panel considers the most robust and feasible conclusions and recommendations based on the best available science.*

3.2 Transparency: *Working arrangements and conclusions and recommendations of the Panel should be made openly accessible in an unaltered manner.*

3.3 Accountability: *The Panel should have a clear sense of purpose, deliver high-quality outputs in a timely manner and be administered in a way that is consistent with IUCN's policies and procedures.*

3.4 Engagement: *The Panel should work with all affected parties during its entire lifetime. This includes recruiting Panel members who are willing to take evidence from a diversity of disciplines and perspectives and to implement a clear stakeholder engagement plan as part of the Panel's activities.*

IUCN, 2014: 9.

6.3.6 IUCN Members

The 2014 ISTAP procedures say that

> *A critical step before establishing a Panel is consultation with IUCN Members in the country or region of focus of the Panel's work. Acceptance by IUCN Members should be a key determinant in deciding whether to proceed with the establishment of the Panel. If possible, a representative of the local IUCN membership should be identified to provide advice to the DG on the selection of the Panel Chair…*

IUCN, 2014: 10-11.

There are only seven IUCN Members in the Russian Federation. Two of them, the Ministry of Natural Resources and Environment (the State Member) and WWF Russia have been involved in the WGWAP process, but more because of their responsibilities and commitments than because they are IUCN Members. It would be useful for IUCN to differentiate between State Members and other Members in the guideline just quoted.

If a fresh start is now to be made with the WGWAP and related processes, IUCN should explicitly inform and consult Russian Members about this, although not all of them are likely to take a direct interest in the issue.

6.3.7 Procedural rules for ISTAP membership

The new ISTAP guidelines set out ten sub headings for rules that should be established for the operation of any such panel (IUCN, 2014: 10-11). In the WGWAP experience, these or similar rules have mostly been in place and have operated effectively. However, as this evaluation has reported, the introduction or clarification of arrangements for member rotation and for reimbursement and invoicing procedures led to controversy, dismay and a loss of productivity. The obvious lesson is the importance of clarity in these matters. IUCN should ensure that this new statement of procedural

rules is carefully presented, explained and understood as WGWAP members' contracts are renewed for 2015.

6.3.8 Project management structure

The ISTAP guidelines say that a clear project management structure should be specified when an ISTAP is established.

> *This structure should define the role of the Project Manager and the role of other staff members/Units in IUCN. The Panel Chair is responsible for managing the Panel members, who report on scientific and technical issues to the Chair. Administratively, all members of the Panel, including the Chair, report to IUCN, as they are bound to IUCN with consultancy contracts. A mechanism to enable IUCN (represented by its Director General) to maintain a regular dialogue with the Panel (or the Panel Chair) should also be established.*

IUCN, 2014: 12.

In the WGWAP experience, not all participants on the panel or in IUCN seem to have been fully clear about what the then project management structure was. Recent changes should improve matters. The "mechanism to enable IUCN to maintain a regular dialogue with the Panel" proved inadequate, although it is unclear whether the new guidelines mean more than the simple and effective management arrangements that should presumably operate between the responsible section of the Secretariat (now the GBBP for the WGWAP) and more senior officials. Future IUCN support for the WGWAP process will presumably also comply with section 4.4.4 of the new guidelines:

> *The Project Manager should establish a regular monitoring system to track and verify that the Panel is operating in full accordance with the ISTAP principles, that it is delivering its agreed outputs according to the TORs and work plan, and that the stakeholder engagement plan and communications strategy are being followed.*

IUCN, 2014: 14.

6.3.9 Reviewing panel performance

It was noted in section 4.7 above that the WGWAP has not been effective in reviewing its own performance in the manner prescribed by its TOR. The lesson is that panel members cannot be relied on to give this matter any priority, and that neither IUCN nor the participating company can be relied on to pursue it either, whatever their criticisms of the panel process may have been. Compliance with IUCN's new ISTAP guidelines will require that

> *an annual dialogue should be convened to review the progress made by the Panel, on the basis of the agreed-upon work plan.*

IUCN, 2014: 15.

These reviews should be the core mechanism for confirming that the panel continues to serve a useful purpose.

6.3.10 Managing grievances

A clear lesson from the WGWAP experience during the period under review is that concerns and resentments should be identified, expressed and addressed promptly, rather than being allowed to develop to a level where they threaten the viability of the panel process, as happened in 2013-14. IUCN's new ISTAP guidelines state that

> *any ISTAP should be supported by a grievance mechanism to guarantee that complaints received during the life of the Panel are addressed in the most transparent, fair and timely manner.*
>
> IUCN, 2014: 16.

The GBBP will presumably now ensure that such a mechanism is in place for the WGWAP.

6.4 The WGWAP and western grey whale conservation

It is difficult to identify clear lessons about western grey whale conservation from the experience of the WGWAP because of the difficulties in directly attributing any conservation impact to the work of the panel (section 5.1). In a sense, the most immediate lesson is that an ISTAP like the WGWAP can be expected first and foremost to affect the environmental practices of the company that it advises, and that the desired conservation results (if any) will always be a secondary consequence of that direct impact. A further reason for this 'diluted' conservation impact is the broader context within which an ISTAP operates. As was argued in section 6.2.4 and Table 4, a panel like the WGWAP is not the appropriate mechanism for stimulating consultation and joint action on conservation by the many stakeholders – in this case, national and local government authorities within and beyond Russia, all the companies operating on the Sakhalin shelf (including other sectors like fisheries and tourism), and NGOs. IUCN should be using other mechanisms to achieve that broader objective of conservation impact.

Nevertheless, an encouraging lesson from the work of the WGWAP is that an IUCN ISTAP and an energy company can work fruitfully together to identify enhanced mitigation and conservation practice. The conservation benefits of this are circumscribed, as just explained, by the fact that this direct consultative and advisory relationship only involves one of the operators potentially affecting western grey whales.

Given the problems of attribution mentioned above, it is worth considering whether, in the context of the WGWAP, conservation has meant the avoidance of harm, the prevention of harm or some more purposeful and active measures to conserve the species. Against this background, there are three senses in which the panel process has provided an inadequate basis for effective conservation. First, the WGWAP has been unable to obtain comprehensive data from all the sources that it knows exists. Secondly, the panel has been unable to address the question of cumulative impacts satisfactorily. Thirdly, the conservation of the western grey whale clearly depends on appropriate measures not only by the oil and gas sector but also by the fishing and tourism industries – with which the panel, whose TOR are focused on the oil and gas industry, has had little or no interaction. These are all reasons why an ISTAP can only be one instrument in the broader set of conservation efforts that ought to be co-ordinated to ensure the survival and population recovery of these animals. There are implications here for the way IUCN links the work of an ISTAP (supported by the GBBP) to broader conservation efforts by other parts of the Union, e.g. the GMPP and relevant Commissions. This would enhance the prospects of achieving the unrealistically broad objectives set out for the current WGWAP (see Table 4 on page 39).

6.5 IUCN engagement with the private sector

One key lesson from the WGWAP experience about IUCN engagement with the private sector is that, as explained in section 6.2.5, the ISTAP mechanism is only suitable for interaction with a single company. Where IUCN's conservation concerns span the activities of a number of companies, or a whole sector, a different kind of engagement mechanism is more appropriate. IUCN now has carefully developed guidelines for the ISTAP format. In their definition of ISTAPS, these say that "typically, the recipient of the advice is one or more business entities or public authorities" (IUCN, 2014: 5). But in most of what follows, the guidelines refer to "the contracting party", implying that what IUCN mostly has in mind is a single-company interaction like the WGWAP. It is not inconceivable that two or more firms would agree (doubtless after time-consuming legal consideration) to form a group entity that would contract with IUCN and interact with an ISTAP. But it is unlikely; and, if it happened, WGAP experience suggests that the level of technical detail to which such a panel could go would be limited. The WGWAP struggles to deal with one company's work in enough detail. Tackling two companies' programmes, even in the same area, seems impracticable.

For the broader range of engagement with the private and public sectors that western grey whale conservation off Sakhalin demands, IUCN can perhaps refer to its Operational Guidelines for Private Sector Engagement (IUCN, 2009c) and its Business Engagement Strategy (IUCN, 2012b). It does not appear to have made much direct reference to these documents in the WGWAP context. It would be advisable to review their suitability for a challenge like this and to consider whether revisions – or a different set of guidelines – would be appropriate.

In attempting to engage with the Sakhalin oil and gas sector, IUCN did make presentations at several of the sector's annual conferences, most recently in September 2014. The poorly attended side event held at the World Conservation Congress in 2012 was probably less effective. As the GBBP well knows, it is essential for IUCN to present itself fluently in the language of business at such events, and to work strategically to identify those opportunities where its presentations will have most impact.

Another general lesson for IUCN's engagement with the private sector was discussed in section 6.3.2. The challenge, in the context of an ISTAP like the WGWAP, is to combine constructive engagement with neutrality: to strive for cordial and productive working relations with a company like Sakhalin Energy, while also defending the independence of the panel. At the same time, while defending the panel, IUCN must work with its chair to stimulate and manage its performance.

Underlying much international regulation of the private sector's environmental behaviour are the policies of financial institutions, which increasingly require their borrowers to comply with established conservation principles, for example through compliance with the IFC's Performance Standard 6, or with special precautionary procedures such as the WGWAP process – or both. The special requirements of Sakhalin Energy's lenders are the reason why the WGWAP came into being. But a lesson from the panel's experience, and especially from the period under review, is that IUCN should engage more often and more thoroughly with these financial institutions, in order to optimise the efficiency and effectiveness of the ISTAP process. These banks can obviously be very influential in determining the environmental behaviour of the private sector, and IUCN should not miss the opportunity to work with them.

6.6 Lessons for Sakhalin Energy

Asked about lessons from the WGWAP experience – which they were not, directly - some Sakhalin Energy staff might be tempted to say first that the company should have tried harder to avoid the sort of obligations to its lenders that have necessitated engagement with the panel and its predecessors for the last ten years. But they would also acknowledge that, while that experience may have earned them sympathy from their colleagues in the Sakhalin oil and gas industry, it has also gained them respect, both locally and globally. Working with the WGWAP has enabled the company to enhance its environmental practice and to develop it to cutting edge standards in some areas. Although panel members and NGOs may complain about the company's attitude and performance, its engagement with this process has earned it important reputational benefits. There are reasons, therefore, for Sakhalin Energy to view the WGWAP process as a constructive opportunity, not just a tedious obligation.

Like other firms in the sector, Sakhalin Energy employs highly qualified scientists of its own – in addition to paying for the work of the WGWAP. It has learned that interaction between the two teams can be both productive and frustrating – the latter when they cannot agree on the science to which they are all dedicated. It has had to learn that, although they may mostly be employed by IUCN on consultancy terms, panel members are not consultant service providers in the sense that its own scientists are. Despite the tightening of their consultancy contracts, the WGWAP are still allowed a degree of latitude and independence that are substantially different from what a company would expect of its contractors.

Along with the other participants in the panel process, Sakhalin Energy has had to learn how to make the WGWAP's work of review and recommendation flow most productively. This involves maximising the flow of relevant and useable information to the panel (within the constraints discussed in section 3.2) and making it timely, so that the company cannot be blamed if WGWAP members say they have not had enough time to process it. It has also had to learn how best to present its work plans to the panel. On the one hand, it is important to present comprehensive plans for each year well in advance, so that the panel can consider and react. On the other, all parties must recognise that circumstances change as the months go by, so that deviations from the work plan are inevitable. Recently, Sakhalin Energy has tried to keep the panel better informed and to consult with it more often about such changes. This may incur accusations that the panel is not being given enough time to review the company's intentions. On balance, however, this more intensive planning consultation – witnessed again during the WGWAP-14 meeting - is a healthy development. All parties must learn how to use it to best conservation advantage.

Partly through interactions in task forces, and partly through engaging with the IUCN Secretariat, Sakhalin Energy has been able to see that constructive collaboration between apparently very different individuals and organisations is possible in the context of the WGWAP process. While the period under review has certainly included difficult periods and significant animosity, the mood at WGWAP-14 suggested that this lesson could be endorsed by all participants in the panel process.

7 The future of the WGWAP

7.1 Introduction

The final chapter of this evaluation report addresses the most fundamental question in its TOR (Annex 1 and section 1.4): should the WGWAP continue as it is; be dissolved because it cannot achieve its current mandate; or undergo revisions to that mandate "in order that tangible outcomes can be delivered"? While the wording of the third option rather prejudges the outcome of the evaluation, the difficult experience of the WGWAP during the period under review certainly warrants a fundamental reappraisal. This effort to identify the best way forward has benefited from the evaluator's presence at WGWAP-14, which included debates on the subject arising from a preliminary presentation of his findings. Although that was a useful process, this report tries to stand back from those discussions and offer an analysis and recommendations based on all the information and opinions received during the evaluation.

7.2 Business as usual?

Figure 25 on page 25 sums up the mixed views of survey respondents as to whether the WGWAP has been effective enough to warrant its continuation. The majority view was positive, but there was significant dissent, notably from respondents in Sakhalin Energy. During WGWAP-14, three things became clear.

- Despite the turbulence of 2013-14, the working mood among participants in the panel process is positive enough for the WGWAP to do useful work in the months ahead.
- Although the management and facilitation style of IUCN were central to that turbulence, participants are willing to give the new arrangements that IUCN has instituted time to prove themselves.
- There is a lot of work for the panel to do – particularly, but not only, in connection with the seismic survey that Sakhalin Energy plans for 2015.

Apart from the changed management and support arrangements in IUCN, there are therefore good reasons to continue 'business as usual' in the WGWAP process, with the same panel members and chair, in the short term.

However, while the graph of goodwill swung upwards at WGWAP-14, there are three strong reasons why 'business as usual' should not be contemplated for more than the short term.

- WGWAP-14 was cordial, but the strength of Sakhalin Energy concerns and criticisms of the panel process was made abundantly clear during the evaluation. The company is not bound to continue relations with an IUCN WGWAP (section 7.3), although it has stated an intention to honour its current commitments (to the end of 2016).
- 'Business as usual' implies continuing weak relations with the Russian federal and oblast authorities and the relevant Russian structures, notably the IWG. That would continue an important gap in the effectiveness of the panel process.
- As argued in section 6.2.4, the panel is manifestly unable to fulfil its 2012 TOR, which were too broad for the sort of panel process currently in place. Rather than ignoring this

inadequacy until the end of 2016, changes should be made as soon as reasonably possible to enable all stakeholders to achieve the important goal and objectives set out in those TOR.

7.3 Time to close?

Procedurally, it is quite possible to close the WGWAP if due notice is given in terms of the contract between Sakhalin Energy and IUCN.

- Sakhalin Energy's agreements with its lenders require it to work with a structure that delivers independent conservation advice. They do not compel it to work with IUCN or the current WGWAP.
- IUCN's new ISTAP guidelines state that "the Director General retains the right to dissolve the ISTAP if s/he has grounds to believe that the Panel is no longer able to deliver on its mandate, or if unanticipated circumstances or actions by a third party are judged to present a major risk to IUCN" (IUCN, 2014: 16).

The three factors outlined in section 7.2 above constitute reasonable grounds for ending the WGWAP process after eight years in which much useful work has been done. As discussions at WGWAP-14 made clear, there would be little appetite for an immediate termination. But the parties could plan to wind up the panel at, say, the end of 2015.

Closing the WGWAP is not recommended.

- The panel process has been reasonably effective in fulfilling the third of its four current objectives, at least with regard to Sakhalin Energy: "to understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations" (see Annex 2). Work towards this objective should continue.
- Abandoning the process would imply that there is no other way to involve the WGWAP in an approach that would achieve the other three objectives.
- In considering closure, IUCN and Sakhalin Energy would both weigh the potential reputational damage. IUCN risks such damage by maintaining a panel process if it contravenes its ISTAP principles. Conversely, it also faces a significant risk if it announces that it has been unable to make the WGWAP process work. Sakhalin Energy would also have to explain to a sceptical world audience why it was abandoning such an apparently positive feature of its environmental profile.

7.4 Revise and continue?

This evaluation does not recommend continuing WGWAP business as usual for more than the short term. Nor does it recommend closing the panel. The obvious third way is to launch a process of substantial change, within which elements of the current WGWAP would be maintained.

Substantial change cannot and should not come immediately. That would be too disruptive to the important short-term priorities outlined above. But there should be no delay in starting to plan it. The ill-fated 'road map' process of 2012-13, which was meant to chart a new way forward, means that major change has been on the table for some years already. Many stakeholders feel that such change is long overdue.

7.4.1 Starting points

This evaluation bases its ideas for the future of the WGWAP process on the following.

- The concept of a WGWAP process has proved to be effective enough to be worth maintaining.
- There is valuable work that a WGWAP can do to help Sakhalin Energy avoid harm to western grey whales and contribute to their conservation and population recovery.
- No other company will join the current WGWAP process or anything similar.
- The goal and objectives set out in the current WGWAP TOR are worth pursuing, but through a different, broader consultative and collaborative mechanism than the WGWAP.
- That broader mechanism should be complementary to current Russian authorities, structures and civil society groupings.
- If it can make a sufficiently convincing case to the Russian national and local governments, to the private sector and to civil society, IUCN could usefully serve as the convener of the envisaged broader process.

7.4.2 A broader structure and process

In many of the interviews undertaken for this evaluation, the idea of a broader, more inclusive, less binding process was raised and generally endorsed. Many interviewees agreed that, while the current WGWAP may serve a useful purpose in its interface with Sakhalin Energy, something different is needed to fulfil the broader objectives set out in the 2012 TOR. It is best envisaged as a Sakhalin Environmental Forum. Its precise format and scope would be subject to the consultations recommended below, but the following are likely.

- Initial debate and development of the forum's TOR would draw from the objectives of the WGWAP as stated in its 2012 TOR:
    - to function as a forum for integrating expertise on conservation science and technology relevant for the conservation and recovery of the WGW population, and as an effective communication channel between industry, government, civil society and the engineering and natural science communities;
    - to provide objective 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 WGW population;
    - to co-ordinate research aimed at improving the understanding and assessment of the potential effects of human activities on the WGW population and how to address them.
- The forum should focus initially on the environmental impacts and the mitigation and conservation measures of the Sakhalin oil and gas industry. Other Sakhalin environmental themes could be included from the outset or at a later date.
- The forum would serve as a mechanism for the exchange of information and ideas. While participants would be encouraged to identify concerns and priorities, they would also be expected to propose solutions. This would be a forum for constructive debate and problem

solving, rather than censure or regulation of the private sector or any other participant. Joining it should therefore be attractive to all firms in the Sakhalin oil and gas sector.

- The forum would decide whether and how to establish thematic or sectoral working groups to address specific topics – such as the impact of tourism – or represent specific interests and work flows – such as Sakhalin civil society or research co-ordination.
- One such group, nested within the forum structure, would be the WGWAP, which would continue to work with Sakhalin Energy as envisaged by objective (c) of the 2012 TOR:
    - to understand and minimise the impact of company activities on the WGW population, both during oil and gas development and routine production operations.
- Current or past members of the WGWAP could play additional roles in the broader forum process.
- The forum could merge with, or be an expansion of, the current Sakhalin biodiversity consultative forum.

Reflecting the scope and ambition of the WGWAP 2012 TOR, such a forum would be a demanding challenge.

- It would require the good will and commitment of the Russian authorities and relevant established Russian environmental structures, notably the IWG and the existing Sakhalin biodiversity consultative forum.
- It would require the participation of the Russian and international scientific community, preferably with structural linkages to leading bodies like IUCN and the International Whaling commission (IWC).
- It would require correspondingly expert leadership and management, combining scientific ability with private and public sector insights, media capacity and skill in interacting constructively with civil society and government authorities.
- It should link to existing structures, forums and programmes that are relevant to its objectives, such as the Arctic Council and the UNDP GEF programme on mainstreaming biodiversity conservation into Russia's energy sector policies and operations.

While Sakhalin Energy would continue to fund the WGWAP process nested within this broader forum, all participating companies and agencies would be invited to contribute funding to the forum and its programmes. However, those negotiating and facilitating the establishment of the forum should enquire whether the UNDP GEF programme just mentioned could make a significant input to the forum budget.

The lenders whose environmental concerns and requirements were central to the establishment of the current WGWAP should be encouraged to engage actively in the debate about the proposed broader structure, and to maintain a visible profile as observers (and possibly funders) once the forum is operating.

7.4.3 The existing WGWAP

In parallel with the development of this forum, steps should be taken to adjust the structure, composition and role of the WGWAP itself. These changes should be launched as soon as is practicable. Their introduction should not disrupt the agreed programme of work for the panel, as

discussed at WGWAP-14. But the fact that the panel is at work should not be allowed to justify undue delay in making changes that many stakeholders feel are long overdue.

- It should be explicitly agreed that the WGWAP process focuses on objective (c) of the 2012 TOR. Formal agreement of a whole new TOR statement should not be necessary. Agreement minuted in the next panel meeting should suffice. Formal revision of the panel TOR could be negotiated in 2016 ahead of a potential extension of the panel contract between IUCN and Sakhalin Energy for the period from 2017.
- Not later than January 2016, the number of panel members should be reduced by about 25%, reflecting the fact that Sakhalin Energy is largely in an operations phase at present. Associate scientists could continue to serve as adjuncts to the process where required and agreed.
- Rotation of panel membership should begin in 2015 and be actively considered each year thereafter. While based on the principle that fresh insights and skills will enhance the quality of the panel process, such rotation should not be automatic and compulsory (section 6.2.8). On the same principle, consideration should be given to appointment of a new chair in 2015 or 2016.

7.4.4 Next steps

To tackle the admittedly challenging proposal outlined above, the first step is to agree with the judgement of this evaluation: that business as usual is not a viable option; that the WGWAP process should not be terminated; and that a process of fundamental change should be (re)launched.

That first step was effectively taken at WGWAP-14, where the majority (but not unanimous) view was that it is indeed time to start (again) on the challenging journey to a more effective means of addressing western grey whale conservation and related environmental challenges off and on Sakhalin.

There was broad endorsement, too, for the evaluator's idea of a two-phase approach to the planning and development of this broader new structure.

- Initially, a small but representative group of the key stakeholders (IUCN, Sakhalin Energy, the panel, the lenders and, ideally, the Russian authorities) should scope out ideas for the future, taking into account those set out in this evaluation. The group would also discuss and recommend how to undertake a broader consultation on the idea of a Sakhalin environmental forum, with the WGWAP nested within it.
- A broader process of consultation on this idea should follow so that all stakeholders have the opportunity to consider what sort of structure and process would be most relevant and effective, and the relevant parties can negotiate their participation and potential inputs. The initial small group would have to think carefully about how to shape, facilitate and report this process; how to legitimise it so that it is seen as credible and appropriate by all parties; and how to fund it. Carrying it out under the auspices of the UNDP GEF programme mentioned above might be one option.

All the relevant parties have multiple commitments that limit the time available for the two stages of the proposed process. However, it would be reasonable to expect that the initial, scoping phase could be completed within six months, and the second, consultative phase within a further 12 months.

Ahead of all this, IUCN's first step will be, as normal, to prepare a management response to this evaluation. Linked to that process, it will need to consider what roles it is willing and able to play in building on its first decade of work with western grey whale conservation and broadening the conservation achievements of a second decade.

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Annex 1. Terms of reference for the evaluation

Background

For ten years, IUCN has worked with Sakhalin Energy Investment Company Ltd. (Sakhalin Energy) in order to provide advice and recommendations on how the company can minimize risks associated with its operations on the Western Gray Whales and their habitat, such as seismic surveying. As one part of this initiative, in 2006 IUCN created a panel of independent scientists – the Western Gray Whale Advisory Panel (WGWAP) – which provides scientific advice and recommendations on the conservation and recovery of the WGW population.

Overall goal and objectives of the WGWAP

The overall goal of the WGWAP is to provide objective independent advice on the conservation and recovery of the Western Gray Whale (WGW) population. According to the WGWAP Terms of Reference[1] (TOR), the specific objectives of the WGWAP are:

(a) To provide objective 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 WGW population;

(b) To function as a forum for integrating expertise on conservation science and technology relevant for the conservation and recovery of the WGW population, and as an effective communication channel between industry, the engineering and natural science communities;

(c) To understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations;

(d) To co-ordinate research aimed at improving the understanding and assessment of the potential effects of human activities on the WGW population and how to address them; achieving synergies between various field programmes; minimising disturbance to WGW from research activities, e.g. by avoiding overlap and redundancy of field research programmes; identifying and mitigating potential risks associated with scientific research activities; and maximising the contributions of research to understanding the status and conservation needs of the WGW population.

Objectives of the evaluation

The WGWAP Terms of Reference (TOR) set out the following assessment requirements, where the "assessments of the performance of the WGWAP as an advisory body, of IUCN as a convenor, and of the Contracting Companies in terms of their implementation of the advice from the WGWAP, shall be conducted as follows":

i. Self Assessment at WGWAP meetings (para. 10(a) of WGWAP TOR):

[1] The 2012-2016 WGWAP Terms of Reference (TOR) are available at: http://cmsdata.iucn.org/downloads/tor_wgwap_2012.pdf

Self-assessment will be a recurring item on the agenda of the WGWAP. 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 WGWAP process;

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

IUCN will, in consultation with the WGWAP Chair and the Contracting Companies, appoint an independent agency to evaluate, once every two years, the performance of the collaboration under WGWAP TOR and the effectiveness with which IUCN, WGWAP, 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 WGWAP. The independent agency will make recommendations on how the performance might be improved;

iii. Management response (para 10(c) of WGWAP TOR):

IUCN, as convenor of WGWAP, will in consultation with WGWAP and the Contracting Companies determine to what extent the recommendations arising from (a) and (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 WGWAP TOR are amended, if and as necessary, to reflect the accepted recommendations.

A self-assessment was undertaken at the 2nd meeting of the WGWAP, held on 15-18 April 2007 and a range of improvements made subsequently. Several self-assessments were carried out afterwards: at the 7th meeting, held on 12-14 December 2009, at the 9th meeting, held on 3-6 December 2010 and at the 10th meeting, held 13-15 May 2011, where the agenda item was devoted to the process of the WGWAP TOR revision in anticipation of the renewal of the 5-year contract between IUCN and Sakhalin Energy, due to expire at the end of 2011.

Given that the WGWAP was established in October 2006, two independent evaluations have been conducted, in 2008-9 and 2011, resulting in a number of recommendations for improvement aimed both at IUCN and Sakhalin Energy[2]. The third evaluation will cover the period from 4th quarter of 2011 to 2nd quarter of 2014.

The WGWAP 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. The independent evaluations serve both a learning and an accountability purpose for IUCN and the implementing parties to this initiative.

[2]The previous WGWAP external evaluation reports and the IUCN management responses are found at http://www.iucn.org/wgwap/wgwap/evaluations/

The main objectives of the evaluation are:

- To assess the continued relevance of the work of the Panel in the context of Western Grey Whale conservation, the continued requirements of the oil and gas industry and, in particular, Sakhalin Energy in the field of conservation, and all other relevant factors;
- To assess the effectiveness and efficiency of the work of the Panel, with reference where appropriate to recommendations made by the 2009 and 2011 evaluations;
- To assess the organizational context of the Panel's functioning, its independence from IUCN and Sakhalin Energy, and support provided by the IUCN Secretariat;
- To gather lessons from the first eight years of the WGWAP:
    - What lessons about the functioning of independent scientific panels may be gathered?
    - What conservation lessons may be gathered?
    - What lessons about the relationship between the WGWAP and Western Grey Whale Conservation may be gathered?
    - What lessons about private sector engagement may be gathered?
    - What lessons about the organizational context, particularly the role of the IUCN Secretariat, may be gathered?
    - What lessons by Sakhalin Energy on engagement with conservationists and scientists?
- With regard to the future role, functions and composition of the WGWAP, consider three possible scenarios and recommend and justify the best course of action:
    - Continue under the present mandate and TORs
    - Dissolve the Panel on the basis that the current mandate cannot be achieved
    - Agree revisions to the mandate in order that tangible outcomes can be delivered.

[The TOR referred here to an annex containing a draft matrix of evaluation questions. This draft matrix has not been included here, to avoid confusion with the final evaluation matrix shown at Annex 3.]

Main audiences and intended use

This evaluation has been commissioned by the Director General of IUCN. It is the third external evaluation of the WGWAP as called for in the WGWAP TOR.

The primary audiences for the evaluation are the three implementing parties of the initiative, namely IUCN (design, management and quality control of the process), the WGWAP Chair and Panel members (delivery of analysis, advice and recommendations), and the senior managers and research scientists employed by and working for Sakhalin Energy (the principal users of the Panel's outputs).

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

In particular, the intended users of the evaluation by IUCN, as a convenor, include:

- The Director General of IUCN for the purpose of taking decisions on the mandate, composition and operations of the WGWAP;
- The Director of the IUCN Global Business and Biodiversity Programme (GBBP) for the purpose of managing the Secretariat support to the WGWAP;
- The IUCN Global Director - Nature-based Solutions, Director – Business and Biodiversity Programme and the Head – Science and Knowledge Unit for the purpose of developing systems for the establishment and management of independent Scientific Advisory Panels; and
- The IUCN Global Director - Biodiversity Conservation Group, the IUCN Global Species Programme and the IUCN Species Survival Commission for the purpose of supporting WGW conservation.

In addition, the various interested parties to the initiative[4], including the Government of the Russian Federation, local government agencies, civil society groups, Sakhalin Energy shareholders, other operators and existing or potential international financial institutions lending to the relevant projects of the Contracting Companies or other companies in the area, may have a significant interest in the outcome of this evaluation.

Management of the evaluation

The evaluation will be supervised independently by the IUCN Planning, Monitoring and Evaluation Unit, responsible for IUCN's evaluation work, under the jurisdiction of the IUCN Monitoring and Evaluation Policy.

Methodology

The evaluation is expected to use mixed methods, including:

- Review of relevant documentation;
- Survey and interviews of key stakeholders from Sakhalin Energy, its lenders, the Government of the Russian Federation, the Government of Sakhalin Oblast, the WGWAP and IUCN, and other WGWAP observers.

Field visits are not anticipated as part of this assignment, although it is likely that there will be some travel for interviews or for presentation of the draft report.

[3] Defined in the *Agreement for the convening and administration of the Western Gray Whale Advisory Panel*, and the WGWAP TOR.

[4] Defined under section 11 of the WGWAP TOR.

Qualifications of the evaluation team

The evaluation team could consist of 1-2 experts, one of whom is a senior evaluator (team leader) and another (could be) a senior expert in the science of western gray whale conservation or other senior scientist.

The team leader should have:

- At least 15 years experience as an evaluator with excellent quantitative and qualitative data analysis skills;
- Complete independence from IUCN, the WGWAP and Sakhalin Energy or any other company operating in the area;
- English language fluency with Russian language fluency an asset (although this can be sub-contracted).

The scientific expert (who might be appointed at a later date, should IUCN so decide) should have:

- A PhD or equivalent in biological sciences, conservation or another related field with a focus on cetacean conservation;
- Complete independence from IUCN, the WGWAP and Sakhalin Energy or any other company operating in the area;
- English language fluency with Russian language fluency an asset (although this can be sub-contracted).

Timeframe

Milestone	Indicative completion date
Finalise appointment of evaluation team	Early August 2014
Finalisation of TOR	Early August 2014
Review response to inception report, finalise evaluation matrix of key issues and questions, and data collection tools, work plan and schedule	15 August 2014
Undertake data collection and analysis	August-September 2014
Submit draft report	22 September 2014
Present draft report to WGWAP 14	29 September-1 October 2014
All comments on draft report	24 October 2014
Submit final report	7 November 2014
Management response and Action Plan developed	19 December 2014

Annex 2. Terms of reference for the WGWAP, 2012

1. Background

For some years now, work has been undertaken to understand, quantify and minimise the impact on the western gray whale population of oil and gas developments on the Sakhalin Shelf. A large part of this work has been undertaken and sponsored by Sakhalin Energy Investment Company Limited and Exxon Neftegaz Limited under a research permit, auspices and guidance of: the Russian Federation Ministry of the Natural Resources and Environment, the Russian Federal Service of Natural Resources Use and Supervision, the Russian Federal Fishery Agency, the International Whaling Commission (IWC), and the International Union for Conservation of Nature (IUCN).

To evaluate the science around western gray whales, in the context of Sakhalin-II, Phase–2, an independent scientific review panel (ISRP) was established in 2004 co-ordinated by IUCN. The report of this panel (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. Subsequent meetings reaffirmed the proposal for establishing a Western Gray Whale Advisory Panel (WGWAP). After membership selection, the first meeting of the WGWAP was convened on October 2, 2006. Meetings of the Panel have been held on a regular two per year basis, supported by a number of special focussed technical meetings of WGWAP task forces.

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:

- Gazprom 50% plus 1 share
- Shell Sakhalin Holdings B.V. (Shell) 27.5%
- Mitsui Sakhalin Holdings B.V. (Mitsui) 12.5%
- Diamond Gas Sakhalin, (Mitsubishi) 10%

Sakhalin Energy is implementing the Sakhalin II Production-Sharing Agreement (PSA), an agreement between the Government of the Russian Federation, the Regional Government of the Sakhalin Oblast, and Sakhalin Energy. Sakhalin II is a phased development project. Phase 1, an oil-only development, involving a single offshore platform (Molikpaq, or PA-A) went into production in 1999 producing for approximately six months of the year during the ice-free period. Phase 1 effectively ended in 2008 when the Single Anchor Leg Mooring facility and the Floating Storage and Offloading tanker at the Molikpaq platform were decommissioned. Phase 2 is an integrated oil and gas development for which construction began in 2005, continued during 2006/7 and finally came on stream in 2009. The two additional offshore platforms, offshore and onshore pipelines, and onshore processing and exporting facilities became fully operational in December 2009. Phase 2 of the Sakhalin II Project was and remains the largest international oil and gas investment in the Russian Federation.

The western gray whale population is still today listed as an endangered species in the Russian Federation Red Data Book and as a critically endangered sub-population in the IUCN Red List of Threatened Species™.

Since the start of the work on western gray whales off Sakhalin, back in the late 1990s, extensive data has been collected and analysed, which has increased our understanding about the importance of the Sakhalin feeding grounds. Additionally, through long-term research programs, quite precise information on both the population size and demographics are available. Although relatively little is known about the migration routes and the breeding and calving locations of this western group of gray whales, the importance of the Sakhalin shelf for feeding and as a site where calf weaning occurs has been determined.

With the satellite tagging conducted in September 2010, and with data collected through photo Identification offshore Sakhalin, offshore Kamchatka and along the Canadian, US and Mexican coasts, there is evidence of migration across the Pacific Ocean and some level of mixing with the eastern gray whale population, whose numbers are thought to be in excess of about 19,000 animals.

In 2011, the population of western gray whales was thought to comprise over 138 living animals. This is based on photo-ID data collected offshore Sakhalin and supported by population models developed by J. Cooke et al (WGWAP-9 meeting). These population models also conclude the population is currently relatively stable or slowly increasing (3%).

Further, data from systematic shore- and vessel-based distribution surveys off north-eastern Sakhalin in the summer-to-fall seasons of 2004-2010 indicate the existence of two main western gray whale feeding areas. The first, Piltun Feeding Area, is located adjacent to Piltun Bay and extends from Ekhabi Bay in the north to Chayvo Bay to the south over a coastline stretch of about 120 km; Whales predominantly feed in this area at a distance of less than 5 km from shore and in water depths of less than 20 m. The second, deeper Offshore Feeding Area is located about 35-50 km from shore to the southeast of Chayvo Bay; the water depth in this area is between 35-60 m.

According to the most recent scientific data (2010), approximately 60% of the western gray whales observed were sighted in the Piltun Area, and the remaining 40% in the Offshore Area, including the Arkutun-Dagi License Block. The distribution and concentration of whales within the Piltun and Offshore feeding areas display both temporal and spatial variability. Inter-annual trends in distribution appear to have coincided, at least in part, with natural variations in benthic food supplies.

Collectively, the monitoring and research activities over the last decade, sponsored by various groups, including by oil and gas companies, represent an annual investment of well over $4million USD, making this one of the most intensively studied baleen whale populations in the world.

2. Goal and objectives

WGWAP is established as an independent advisory body of scientists. The overall goal of the WGWAP is to provide objective independent advice on the conservation and recovery of the WGW population. The WGWAP's specific objectives are:

(a) To provide objective 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 WGW population.

(b) To function as a forum for integrating expertise on conservation science and technology relevant for the conservation and recovery of the WGW population, and as an effective communication channel between industry, the engineering and natural science communities.

(c) To understand and minimize the impact of company activities on the WGW population, both during oil and gas development and routine production operations.

(d) To co-ordinate research aimed at improving the understanding and assessment of the potential effects of human activities on the WGW population and how to address them; achieving synergies between various field programmes; minimising disturbance to WGW from research activities, e.g. by avoiding overlap and redundancy of field research programmes; identifying and mitigating potential risks associated with scientific research activities; and maximising the contributions of research to understanding the status and conservation needs of the WGW population.

3. Principles

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

(a) In accordance with international law, the Russian Federation holds the responsibility for any industrial and other activities undertaken within Russian territorial waters and the adjacent continental shelf, where the Russian Federation has sovereign rights.

(b) Based on international treaties and agreements to which it is a party, the Russian Federation has international obligations to conserve and recover the WGW population within the waters under its sovereignty and national jurisdiction The same holds true of other range States in their respective jurisdictions.

(c) 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 sound and the potential negative impacts on WGW, related habitats and biodiversity important to their conservation are minimised, offset[5] by appropriate measures and maintained to tolerable levels.

(d) Conservation recommendations shall be made and follow-up management decisions taken with openness and transparency; the consequences of any follow-up decisions must be monitored and, if deemed necessary, decisions must be modified or withdrawn over time.

(e) The guidance, advice and recommendations provided by the WGWAP regarding WGW conservation shall strive to:

i. involve the best local, national and international scientific expertise;

ii. be science-based and derived from the best scientific methods, data and information available at the time;

[5] *"Biodiversity offsets are measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate avoidance, minimization and restoration measures have been taken"*. (International Finance Corporation (IFC) Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources).

iii. be compliant with relevant international conventions and agreements and relevant Russian regulations;

iv. make use of Best Available Practices and Best Available Technologies to implement an Ecosystem Approach to Management, especially with relevance to the sustainable use of the marine environment;

v. seek a balance between industrial activities, overall conservation of habitats and biodiversity and the conservation and recovery of the WGW population;

vi. be specific, measurable, achievable and time-bound, including the identification and assessment of risks that can adversely affect their implementation;

vii. be impartial and be developed and conveyed in a transparent manner; and

viii. adhere to a risk based approach managed under "*as low as is reasonably practicable*" principles consistent with responsible industry practice, distinguishing whenever possible those that have a risk management basis from those which are scientific in nature[6].

(f) To this end the WGWAP should have sufficient access to all the relevant data and information from all interested parties and will be free to seek any information necessary and relevant to discharge its duties.

(g) IUCN will work with the WGWAP to obtain a better understanding of conservation principles, ongoing efforts and requirements established by the Russian Government (MNR/IWG and RPN) for Sakhalin Shelf oil and gas development, with the goal of facilitating the work of the WGWAP itself and with the view of developing common WGW conservation and recovery efforts in the future with other non-participating industry operators. To facilitate this, opportunities will be open to:

i. Include a permanent item on the WGWAP meeting agenda offering the competent Russian Government agencies an opportunity to report on recent policy decisions affecting Sakhalin Shelf oil and gas development or the conservation of the WGW.

ii. Formally adopt[7] in each session any recommendations related to the report from the Russian Government agencies or impinging on the functioning of the MNR/IWG or RPN.

iii. Seek the formal recognition of participation/membership of WGWAP Chair in MNR/IWG meetings.

(h) IUCN will examine the merits of having an independent oil and gas industry specialist on the panel to improve the level of relevance and impact of recommendations to industry operations, facilitating their subsequent implementation.

[6] As a source of guidance for the application of "as low as is reasonably practicable" (ALARP) principles, the publication *"Reducing Risks, Protecting people; HSE's decision-making process"* is used as a reference. (U.K. Health and Safety Executive). Managing risk following ALARP principles also meets Russian MNR/IWG directives establishing that conservation efforts should focus on *"managing operators business risk"*, enabling the identification of actions that potentially carry cost recovery opportunity.

[7] w/o waiting for the Panel report to be finalized

(i) IUCN will continue to seek the active participation of other Sakhalin-based industries to avoid inconsistencies in the approach to WGW conservation, monitoring and mitigation adopted by the industry as a whole. In this regard, IUCN should continue to extend invitations to other companies to participate in WGWAP meetings as observers.

4. Scope

(a) The WGWAP provides the opportunity for coordination and cooperation among interested parties, including contracting companies, governments, financial institutions, and civil society, and builds upon and expands the ISRP process.

(b) The WGWAP 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 WGW, both on a proactive basis and in response to specific requests for guidance on relevant issues within its mandate.

(c) SEIC is committed to implement the reasonable recommendations of WGWAP and to clearly identify and document the 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. Likewise, other contracting companies and organisations advised by the WGWAP are also expected to implement the reasonable recommendations and follow its conclusions and advice.

(d) Substantively, the WGWAP shall focus on the conservation of WGW and related biodiversity (as discussed in the ISRP Report). In its considerations and recommendations, the WGWAP will take into account, to the extent possible, the potential impacts of its WGW-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 WGWAP was on activities on the Sakhalin Shelf and this primary focus remains. However, given recent information indicating that the summer range of WGW includes other parts of the Okhotsk Sea and the south-eastern coast of Kamchatka Peninsula, the scope of the WGWAP should be considered to include those other parts of the population's range within Russia. Further, the Panel should keep itself informed about, and take into account in developing its advice, potential threats to WGW in parts of their range outside Russia.

(f) To this end the WGWAP should have sufficient access to data and information from all interested parties and will be free to seek from its owner any information necessary and relevant to discharge its duties. Where necessary or useful, the WGWAP may seek information and input from scientists and researchers in related fields external to the WGWAP, and establish dialogues with scientific groups it deems relevant (such as those in Russia, Japan, China and elsewhere in the WGW range).

(g) Full mitigation of adverse effects of oil and gas developments on Sakhalin shelf on the WGW population cannot be achieved by actions by one single operator. It is therefore desirable that others oil and gas operators participate in the WGWAP process. Convincing them of the desirability of joining the process will require a collective effort by Sakhalin Energy (through leading by example), and IUCN with WGWAP representing the best expertise. Efforts to involve other companies and organizations are to be coordinated by IUCN according to the principles of IUCN & SEIC engagement and partnership.

(h) Should other potential contracting companies not join or should their joining be delayed, it will not constitute a reason for suspending or abandoning WGWAP. The WGWAP will continue to review Sakhalin Energy-related information and to advise Sakhalin Energy accordingly.

(i) The WGWAP will 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 WGWAP;

(b) Actively solicit the participation of Other Companies and co-ordinate similar efforts by the Contracting Companies and WGWAP members;

(c) Encourage, coordinate and facilitate engagement of the WGWAP with the Russian Interdepartmental Working Group on WGW;

(d) Where possible, liaise with non-participating companies on work programs, mitigation measures and assessment of impacts on WGW;

(e) Select and appoint the WGWAP Chair and Members;

(f) Effectively link the relevant stakeholders;

(g) Establish and preserve the independence of the WGWAP;

(h) Provide the conduit for the transmission of all information and documentation requests to and from the WGWAP;

(i) Provide secretariat support to WGWAP and WGWAP's task forces, including (without limitation) the management of Budget Funds and negotiation/execution of contracts with WGWAP Members, as necessary and appropriate for their participation in WGWAP;

(j) Monitor regularly WGWAP's overall performance and compliance with WGWAP's TOR;

(k) Post all relevant reports and materials used and produced by the WGWAP on the IUCN website (http://www.iucn.org/wgwap/), and distribute them through other media/channels when and as IUCN, in consultation with the Chair, may deem necessary and appropriate;

(l) Make all efforts to enable the delivery of the outputs provided for in the TOR; and

(m) Establish and manage administration contracts with Contracting Companies that wish to support the WGWAP 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 WGWAP;

(b) Actively solicit the participation of Other Companies and facilitate engagement of the WGWAP with the Russian Interdepartmental Working Group on WGW;

(c) Provide relevant information and documentation at their disposal to the WGWAP in a timely and well-documented manner to facilitate the efficient functioning of the WGWAP,

(d) Contribute to the sustainable funding of the WGWAP;

(e) Actively support IUCN in effectively maintaining its credibility as the WGWAP impartial convenor; and

(f) With respect to the conclusions, advice and recommendations provided by the WGWAP, 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 therefore).

7. Key tasks for WGWAP

(a) Provide objective scientific, technical and operational recommendations it believes are necessary or useful for conserving the WGW population;

(b) Review all relevant information on the WGW population;

(c) Seek any additional information that it may require for making effective recommendations;

(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 precaution[8];

(e) Conduct annual assessments, using the available information and data, of the biological and demographic state of the WGW population, as a basis for its recommendations and advice on WGW conservation needs and research priorities;

(f) Assess whether the studies, assessments and proposed mitigation and offset plans are adequate for minimizing impacts on the WGW population;

(g) Review:

i. the effectiveness of existing mitigation and offset measures as determined from associated monitoring programme results, and

ii. the likely effectiveness of proposed mitigation and offset measures; provide recommendations regarding modifications, alternatives or the development of new measures;

[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

(h) Review existing and proposed research and monitoring programmes and provide recommendations and advice as necessary or useful;

(i) Recommend new research and monitoring programmes aimed at ensuring the recovery of the WGW population;

(j) Seek meaningful engagement, initially by the WGWAP Chair and Russian Panel members, with the Russian Interdepartmental Working Group on WGW; and

(k) Where possible, actively engage with non-participating companies on work programs, mitigation measures and assessment of impacts on WGW.

8. Modus operandi of WGWAP

8.1 WGWAP composition

i. The technical and scientific expertise required on the WGWAP (the WGWAP 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 convenor.

ii. It is the intention of the Parties to the WGWAP Agreement that the WGWAP include 8-12 of the best available scientists in their respective fields with an ample experience and ability to bridge scientific, technological and policy issues related to both industry, scientific research and conservation. WGWAP members will be independent from, and free of any conflict of interest (whether actual, potential or reasonably perceived) with, any Contracting Companies that the WGWAP will advise. The actual number of scientists will depend on their availability and on the mix of different fields of expertise they individually bring to the WGWAP.

iii. Panel Members shall disclose to the WGWAP Chair and IUCN any real or potential conflicts of interests derived from contractual or other statutory obligations to which they are subject. At the discretion of the Chair, Panel Members may be requested to abstain from participating in Panel discussions in which he/she has a personal interest or has had significant involvement in any such capacity.

iv. To access additional expertise that may be required from time to time, the WGWAP may, at the discretion of the Chair, constitute task forces under the coordination of one of the WGWAP members. The task force is a working group of panel members and Company representatives, and it may include other relevant experts and scientists required to support its work. 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.

v. Starting with this second phase of the Project, there will be agreed periods of tenure for Panel Members and Chairperson. To preserve the institutional memory of the Panel, replacement of Members will be phased-in incrementally, a minority fraction of the whole number at a time. This will be determined by IUCN in consultation with SEIC on an annual basis, but conform to the principles of (b) above.

vi. The WGWAP 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/wgwap).

vii. In consultation with and with the agreement of the WGWAP Chair, IUCN may remove any of the WGWAP members and replace them as necessary and appropriate.

8.2. Work plans, meetings, missions and reports

i. For each calendar year, and no later than two months before of the end of the preceding year, the WGWAP, in consultation with IUCN and the contracting companies, will establish an 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 task force workshops and other events it will convene. Subsequently, and in consultation with the WGWAP Chair, IUCN will establish a more detailed plan for each of the key assignments.

ii. The WGWAP 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 season's operations and mitigation measures occur sufficiently in advance to influence the Contracting Companies' planning, procedures and activities for the ensuing work season. Meetings will be held with participation of Contracting Companies.

iii. To ensure the WGWAP has access to all the relevant information, Contracting Companies will ensure that all their relevant personnel are at hand for consultation by the WGWAP at any particular meeting.

iv. The Chair of the WGWAP has single point accountability for managing the working of the Panel, the proceedings of the meetings and the WGWAP's reports exercising impartiality. This includes being responsible for its final content and production in consultation with panel members and contracting companies. It is expected that adoption of any report by the WGWAP will be by consensus among the WGWAP members. However, if full consensus is not achieved, any of the WGWAP members will have the right and opportunity to provide a written minority view that will be included in the relevant report as an authored annex.

v. The timelines for WGWAP reports and Contracting Company responses will be agreed at each meeting, following consultations conducted by the Chair with IUCN and the Contracting Companies. IUCN will dispatch the agenda and the background documents no later than four weeks in advance of a meeting.

vi. The Chair of WGWAP may, with the advance written approval of IUCN, arrange for assignments or commission field visits and missions, either by one or more WGWAP members or by other independent experts, to analyze or assess a particular issue, event or outcome of direct relevance to the work of the WGWAP. All such assignments, visits or missions will produce reports available to the members of WGWAP, IUCN and SEIC. These assignments and commissions, as far as foreseen in advance, must be duly incorporated in the Annual plan and budget.

vii. The advisory process of WGWAP shall be guided by practices characterizing the delivery of objective, credible and high-quality scientific and technical advice. These practices include the identification of experts for WGWAP's task forces representing a balance of views and disciplines, and peer review of working papers and new scientific outputs when appropriate, according to the discretion of the WGWAP's Chair. In fulfilling its terms of reference, WGWAP shall draw on IUCN networks with the wider scientific community.

viii. Explore formal recognition of participation/membership of WGWAP Chair in MNR/IWG meetings.

8.3 Data and information

i. To fulfil the principle on data and information enunciated above will require cooperation among those collecting and generating such information and data. Data represent the product of a significant investment of both money and time, therefore, appropriate measures aimed at safeguarding the legitimate interests of persons holding rights thereto shall be adopted and respected by all parties concerned. The information and data exchange between IUCN and Contracting Companies will take place according to the following considerations:

- The intellectual property rights of those involved in the collection of data must be respected (e.g. the right to first publication, ownership as well as confidentiality concerns, whether of commercial or other nature);
- The right of first publication is a generally accepted scientific norm that will be respected and complied with;
- If recommendations are to be made that have important implications for both conservation of WGW and industry, they should be based on a full scientific review of both data quality and analysis that can be independently verified;
- Whilst the results of analyses of the data and broad summaries of the data may be included in WGWAP reports if required to explain the rationale for recommendations, the raw data reviewed by panel members will remain confidential and the property of the rightful data collectors or providers;
- When use of proprietary data is involved in any publication or report, the rightful data collectors or providers, including Contracting Companies, will be consulted and requested to approve such use; and
- The information and level of resolution of the data to be made available to the WGWAP will be determined by the WGWAP on the basis of the analysis for which the data are require d and must be reasonable, objective and adequate to the purpose.

ii. Each WGWAP 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 WGWAP information designated as confidential pursuant to 9.d. of this TOR and to respect the rights of first publication. That said, however, the NDA will not preclude the WGWAP from reporting any conclusions relevant to its mandate hereunder that are based upon such information, as long as none of the confidential information is disclosed in such conclusions.

8.4 Recommendations

Depending on their scope[9] and as a mechanism to focus its advice, all WGWAP recommendations are divided into Strategic Advice and Operational Advice. Strategic Advice addresses contemporary but open-ended issues related to the conservation and recovery of the WGW population that calls for the involvement and joint efforts of a wide range of stakeholders including national governments, companies, IGOs, and NGOs.

[9] importance to the WGW conservation and recovery, geographical extension, number of stakeholders involved, complexity of actions, etc.

Operational Advice addresses specific, clearly individualized and time-bound targets, e.g. current project, survey, installation, construction, program, research, and should be addressed to the body or bodies which undertake such activities.

Strategic Advice should be addressed to the competent international and national bodies with responsibilities for the conservation and recovery of the WGW population. Strategic advice includes, among other things:

(a) Advice on needs for further scientific knowledge, policies and common operational implications of industrial operations related to the conservation of the WGW population or its habitat;

(b) Advice containing specific scientific aspects of WGW ecology, the identification of negative impacts, its potential effects and on protective measures to minimize them; including level of integration and urgency of implementation; and

(c) Advice on further research plans and programs by identifying targeted or integrated studies which would improve the knowledge on the status and conservation needs of WGW population.

Operational Advice includes, among other things:

(a) Advice on protective measures and mitigation and offset for ongoing and planned future industrial activities;

(b) Advice on the nature and scope of the monitoring programs specified for ongoing and planned future industrial activities; and

(c) Advice on the improvement of ongoing and future scientific programs and individual research projects to maximize contributions to understanding conservation needs.

8.5 Funding

(a) Funding will initially come mainly from Sakhalin Energy.

(b) Each Contracting Company shall contribute to the funding of WGWAP activities as provided in its contract with IUCN.

(c) IUCN will continue to seek additional funding from multiple sources.

9. Communications and transparency

(a) WGWAP members will not receive financing for their research from Contracting Companies (including their parent or sister companies and subsidiaries), and shall disclose any such conflict of interest (whether actual, potential or reasonably perceived) from recent (last 12 months) or anticipated (next 12 months) relationships with the Contracting Companies.

(b) Information and documentation related to the WGWAP, including these TOR, work-plans, meeting schedules and agendas, reports and responses will be made publicly available on the IUCN website.

(c) IUCN has developed a Communications Strategy which will be implemented and updated as necessary. This strategy is meant, inter alia, to ensure that interested parties have access to all relevant information to enable independent assessment of progress and to have opportunities to interact with the WGWAP including through open information sessions.

(d) All documents submitted to the WGWAP will normally be made publicly available by the time the WGWAP issues its WGWAP 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 WGWAP and interested parties in order to:

i. ensure all interested parties have fair and equal access to information about the WGWAP process and WGWAP Reports,

ii. strengthen the independence of the WGWAP,

iii. enable documentation of information flows to the WGWAP, and

iv. manage requests for information in connection with the WGWAP process and work.

(f) The provisions of paragraph 9(e) above apply to the formal activities of the WGWAP that IUCN will convene, and does not preclude interactions between the WGWAP members and interested party scientists as part of the activities of the task forces contemplated in clause 8.1 (iv) above.

(g) The Chair of the WGWAP will have exclusive authority to speak for the WGWAP on substantive scientific aspects and findings of its work, and will coordinate with IUCN on requests made to him/her by media or the WGWAP members, or other sources, for information, statements and interviews. All queries related to the process of WGWAP 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 WGWAP. Where individual WGWAP members are approached directly, they shall consult and follow the advice of the WGWAP Chair.

10. Performance assessment

Regular performance assessment is essential to ensure that the collaborative effort required by these TOR from all the parties concerned succeeds and contributes to the achievement of the goal and objectives of this partnership. Consequently, assessments of the performance of the WGWAP as an advisory body, of IUCN as a convenor, and of the Contracting Companies in terms of their implementation of the advice from the WGWAP, will be conducted as follows:

(a) Self-assessment will be a recurring item on the agenda of the WGWAP. 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 WGWAP process.

(b) IUCN will, in consultation with the WGWAP 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, WGWAP, 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 WGWAP. The independent agency will make recommendations on how the performance might be improved.

(c) IUCN, as convenor of WGWAP, will in consultation with WGWAP 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, if and as necessary, 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) Nominate candidates for membership in the WGWAP;

(b) b) Provide IUCN with information on issues within the scope of these TOR and important for the WGWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the WGWAP Chair, so that it may be placed on the agenda for the successive WGWAP meetings;

(c) c) Participate in the Panel's meetings as 'observers', and subject to a maximum of four (4) observers. Failure to communicate to the Chair the list of participating observers in each session, two weeks before the meeting will foreclose this option.

11.2 Civil society

Civil society will have the opportunity to:

(a) Nominate candidates for membership in the WGWAP;

(b) Provide IUCN with information on issues within the scope of these TOR and important for the WGWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the WGWAP Chair, so that it may be placed on the agenda for the successive WGWAP meetings;

(c) Participate in the Panel's meetings as 'observers', upon invitation and subject to a maximum of one (1) observer per organisation with a maximum of four (4) NGO observers at a time agreed among themselves and authorized by IUCN. Failure to communicate to the Chair the list of participating observers in each session, two weeks before the meeting will foreclose this option.

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 WGWAP TOR;

(b) Nominate candidates for membership in the WGWAP;

(c) Provide IUCN with information on issues within the scope of these TOR and important for the WGWAP to consider in carrying out its mandate. IUCN will relay the information it receives to the WGWAP Chair, so that it may be placed on the agenda for the successive WGWAP meetings;

(d) Participate in the Panel's meetings as 'observers', upon invitation.

12. Term

The WGWAP was established for an initial period of 5 years. The update of these Terms of Reference is given in the context of the second 5-year term and may be extended for further periods as necessary and useful, subject to agreement between IUCN and Contracting Companies.

WGWAP 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 WGWAP
Contracting Company Response	The point-by-point response to the WGWAP 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 WGWAP

Annex 3. Evaluation matrix

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
Relevance	To what extent does the WGWAP process address the priority issues?	1. How relevant and credible is the WGWAP process for the conservation and recovery of western grey whales? 2. How relevant and credible is the WGWAP process in addressing the impact of Sakhalin Energy operations on western grey whales? 3. How relevant is the WGWAP process to IUCN's engagement with the private sector? 4. Does the WGWAP 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 2011 evaluation recommendation 2.1 regarding involvement of other energy companies?	1. Likert scaling of assessments of relevance by expert observers and participants	1. Survey data 2. Interviews with key informants 3. Review of documentation
Effectiveness	To what extent is the WGWAP process achieving its intended results?	1. How adequate for effective performance of the WGWAP is the information provided to the Panel? 2. How effectively is the WGWAP process addressing issues of data integrity and reliability? 3. How effectively is IUCN performing the roles assigned to it by the WGWAP TOR? 4. How effectively is Sakhalin Energy performing the roles assigned to it by the WGWAP TOR? 5. How effectively are IUCN and Sakhalin Energy working as partners in the WGWAP process? 6. How effectively is the WGWAP Chair performing the roles assigned to him by the WGWAP TOR? 7. To what extent is the WGWAP complying with the principles specified in its TOR? 8. How fully is the WGWAP performing the tasks set out in its TOR? 9. Would the effectiveness of the WGWAP be enhanced by different membership? 10. How clear are the recommendations, advice and other outputs delivered by the WGWAP (2011 evaluation recommendation 3.2)? 11. How practical and useable are the recommendations, advice and other outputs delivered by the WGWAP (2011 evaluation	1. Likert scaling of assessments of effectiveness by expert observers and participants 2. Percentage of WGWAP recommendations completed/ addressed, open, abandoned, superseded 3. Percentage of WGWAP recommendations accepted, queried, rejected by Sakhalin Energy 4. Number of documents posted by IUCN on WGWAP website (in English and Russian) 5. Number of and trends in visits to WGWAP	1. Survey data 2. Interviews with key informants 3. Analysis of WGWAP records 4. Review of other documentation

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
		recommendation 3.2)? 12. How effectively are IUCN and the WGWAP managing Panel recommendations? 13. How effectively are WGWAP recommendations and advice being used by Sakhalin Energy? 14. How effectively are WGWAP recommendations and advice being used by other stakeholders? 15. How effectively have IUCN and Sakhalin Energy engaged the private sector, NGOs and local and national government in the WGWAP process (2011 evaluation recommendations 3.4, 3.5, 3.7)? 16. What factors promote the effectiveness of the WGWAP? 17. What factors inhibit the effectiveness of the WGWAP? 18. Has the WGWAP been effective enough to warrant its continuation?	website	
Efficiency	How cost-effective Is the WGWAP process?	1. What are the financial costs of the WGWAP process to Sakhalin Energy, IUCN and others? 2. Do Sakhalin Energy, IUCN and other funding agencies consider these costs to be an effective investment in relation to the direct and indirect results achieved? 3. Do Sakhalin Energy, IUCN and other funding agencies identify ways in which cost effectiveness could be enhanced? 4. Do the various stakeholders consider WGWAP roles, responsibilities and tasks to be clearly defined and assigned? 5. How transparent is the WGWAP process? 6. Are WGWAP task forces enhancing the Panel's performance? 7. Are WGWAP annual work plans produced on time and adhered to? 8. How efficient are WGWAP- Sakhalin Energy communications at Panel meetings and at other times? 9. How efficient are WGWAP-IUCN communications, in Russian as well as in English? 10. How efficient are WGWAP external communications, in Russian as well as English? 11. How efficient is IUCN logistical support to the WGWAP? 12. How effectively is the WGWAP assessing its own performance (2011 evaluation recommendation 3.6)?	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. Number of and trend in documents deemed confidential by IUCN and not made public 5. Proportion of WGWAP documentation, including website content, available in Russian as well as English.	1. Survey data 2. Interviews with key informants 3. Analysis of WGWAP budget and other records 4. Review of other documentation
Impact and sustainability	To what extent is the WGWAP process contributing to the	1. Has the WGWAP process had any impact on the conservation or recovery of the WGW population? 2. Has the WGWAP process achieved sustainable positive changes in	1. Likert scaling of assessments of impact by expert observers and	1. Survey data 2. Interviews with key informants 3. Review of other

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
	overall conservation and recovery of the WGW population?	Sakhalin Energy practice that are likely to persist beyond the life of the WGWAP project? 3. Has the WGWAP process to date had any influence over broader State and industry practice in the range? 4. Has the WGWAP process to date had any impact on marine conservation practices in the oil industry in general? 5. Does the impact of the WGWAP process warrant its continuation or termination?	participants 2. Number of design or operational changes by Sakhalin Energy attributable to WGWAP recommendations	documentation

Annex 4. Online survey

This annex presents a summary of the questions asked in the online survey undertaken as part of the evaluation.

Where the question below appears as a statement in italics, respondents were asked to mark one of the following: *strongly agree*; *agree*; *disagree*; *strongly disagree*; *don't know*. Comment boxes provided space for respondents to explain their answers, if they wished.

Background

The relevance of the WGWAP

1. *The WGWAP process is relevant to the conservation and population recovery of western grey whales.*
2. *The WGWAP process is a credible contribution to the conservation and population recovery of western grey whales.*
3. *The WGWAP process is relevant to addressing the impact of Sakhalin Energy on western grey whales.*
4. *The WGWAP process is a credible contribution to addressing the impact of Sakhalin Energy on western grey whales.*
5. *The WGWAP process is relevant to IUCN's engagement with the private sector.*
6. *The WGWAP process addresses issues of relevance to the wider oil and gas industry operating on the Sakhalin Shelf.*

Effectiveness

7. *The information provided to the Panel is adequate for it to perform effectively.*
8. *The WGWAP process is addressing issues of data integrity and reliability effectively.*
9. *IUCN is performing the roles assigned to it by the WGWAP TOR effectively.*
10. *Sakhalin Energy is performing the roles assigned to it by the WGWAP TOR effectively.*
11. *Sakhalin Energy and IUCN are working effectively as partners in the WGWAP process.*
12. *The WGWAP Chair is performing the roles assigned to him by the WGWAP TOR effectively.*
13. *The WGWAP is complying fully with the principles specified in its TOR.*
14. *The effectiveness of the WGWAP would be enhanced by different membership.*
15. *The recommendations, advice and other outputs delivered by the WGWAP are clear.*

16. *The recommendations, advice and other outputs delivered by the WGWAP are practical and useable.*
17. *IUCN and the WGWAP are managing Panel recommendations effectively.*
18. *Sakhalin Energy is using WGWAP recommendations and advice effectively.*
19. *Other stakeholders are using WGWAP recommendations and advice effectively.*
20. *IUCN and Sakhalin Energy have engaged the private sector effectively in the WGWAP process.*
21. *IUCN and Sakhalin Energy have engaged the Government of the Russian Federation effectively in the WGWAP process.*
22. *IUCN and Sakhalin Energy have engaged the Government of the Sakhalin Oblast effectively in the WGWAP process.*
23. *IUCN and Sakhalin Energy have engaged NGOs effectively in the WGWAP process.*
24. What factors promote the effectiveness of the WGWAP?
25. What factors inhibit the effectiveness of the WGWAP?
26. *The WGWAP has been effective enough to warrant its continuation.*

Efficiency

27. *The WGWAP process is cost-effective.*
28. *Roles and responsibilities in the WGWAP process are clearly defined and assigned.*
29. *Tasks in the WGWAP process are clearly defined and assigned.*
30. *The WGWAP process is transparent.*
31. *WGWAP Task Forces enhance the Panel's performance.*
32. *The WGWAP adheres to its annual work plans.*
33. *The WGWAP fulfils its annual work plans.*
34. *The WGWAP and Sakhalin Energy communicate efficiently.*
35. *The WGWAP and IUCN communicate efficiently.*
36. *Internal communications in the WGWAP process are as efficient in Russian as they are in English.*
37. *External communications in English about the WGWAP process are efficient.*
38. *External communications in Russian about the WGWAP process are efficient.*
39. *IUCN provides efficient administrative and logistical support to the WGWAP.*
40. *The WGWAP is assessing its own performance effectively.*

Impact

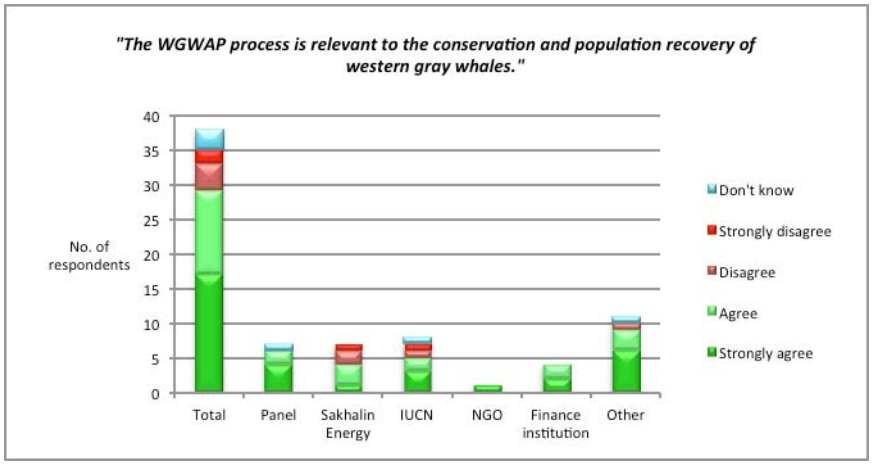
41. *The WGWAP process has had a positive impact on the conservation of the western grey whale.*
42. *The WGWAP process has had a positive impact on the population recovery of the western grey whale.*
43. *The WGWAP process has achieved sustainable positive changes in Sakhalin Energy practice.*
44. *The WGWAP process has had a positive influence on broader government practice in the range of the western grey whale.*
45. *The WGWAP process has had a positive influence over broader industry practice in the range of the western grey whale.*
46. *The WGWAP process has had a positive impact on marine conservation practices in the oil industry in general.*
47. *The impact of the WGWAP process warrants its continuation.* [This question will include a response option "too soon to say".]

Annex 5. List of interviews

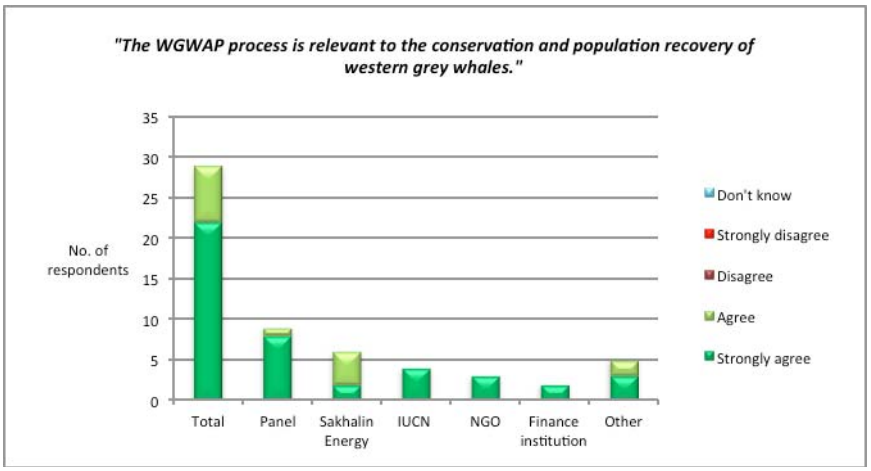
A. Berzina	Project Officer, IUCN GBBP
K. Broker	Consultant to Sakhalin Energy
G. Bos	IUCN GBBP
G. Carbone	IUCN GBBP
R. Carton	Oversight Unit, IUCN
J. Cooke	WGWAP
B. Dicks	WGWAP
M. Donaghy	Consultant to Sakhalin Energy
S. Edwards	IUCN GBBP
R. Evans	Formerly Sakhalin Energy
G. Gailey	Consultant to Sakhalin Energy
G. Donovan	WGWAP
J. Hancox	Environ
J. Hughes	IUCN Council
S. Humphrey	Former WGWAP Rapporteur
D. Lisitsin	Sakhalin Environment Watch
S. Lock	Sakhalin Energy
C.G. Lundin	IUCN GMPP
S. Maginnis	Nature-based Solutions Group, IUCN
J. Marton-Lefèvre	Director General, IUCN
E. Nevenchina	Ministry of Natural Resources, Sakhalin Oblast
D. Norlen	Friends of the Earth
D. Nowacek	WGWAP
M. Posadski	Mizuho Bank
R. Racca	Consultant to Sakhalin Energy
R.R. Reeves	Chair, WGWAP
A. Rutenko	Consultant to Sakhalin Energy
T. Saksina	IUCN GMPP
B. Southall	WGWAP Associate Scientist
S. Stuart	IUCN Species Survival Commission
G. Tsidulko	WGWAP
A. Vedenev	WGWAP
M. van der Veen	Sakhalin Energy
A. Vladimirov	Sakhalin Energy
E. Vorontsova-Kasyman	Executive Secretary, IWG
A. Yablokov	WGWAP
T. Zengerly	Sakhalin Energy

Annex 6. Comparable evaluation survey responses, 2009, 2011 and 2014

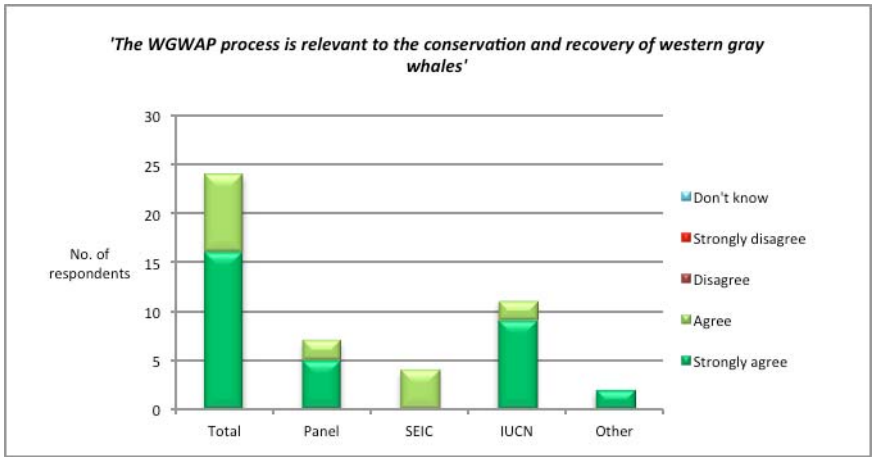
Figure 6.1. Relevance of the WGWAP process to the conservation and population recovery of western grey whales



2014 survey

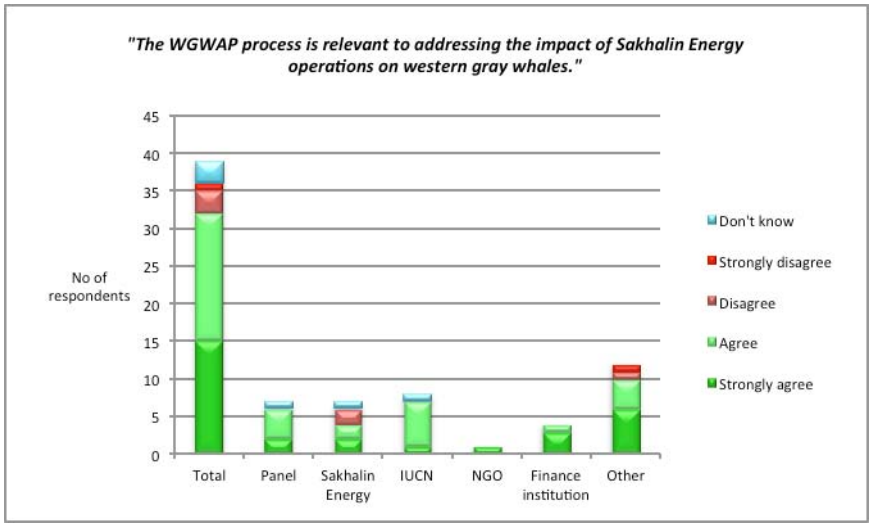


2011 survey

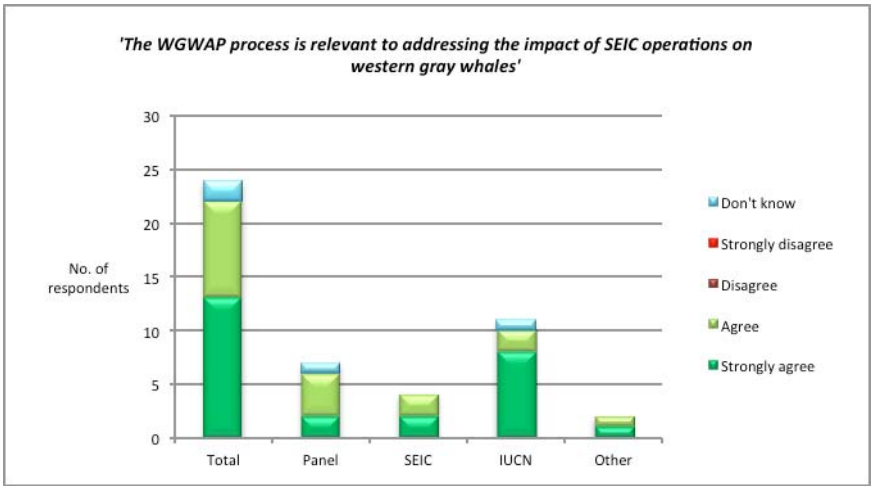


2009 survey

Figure 6.2. Relevance of the WGWAP process to addressing the impact of Sakhalin Energy operations on western grey whales

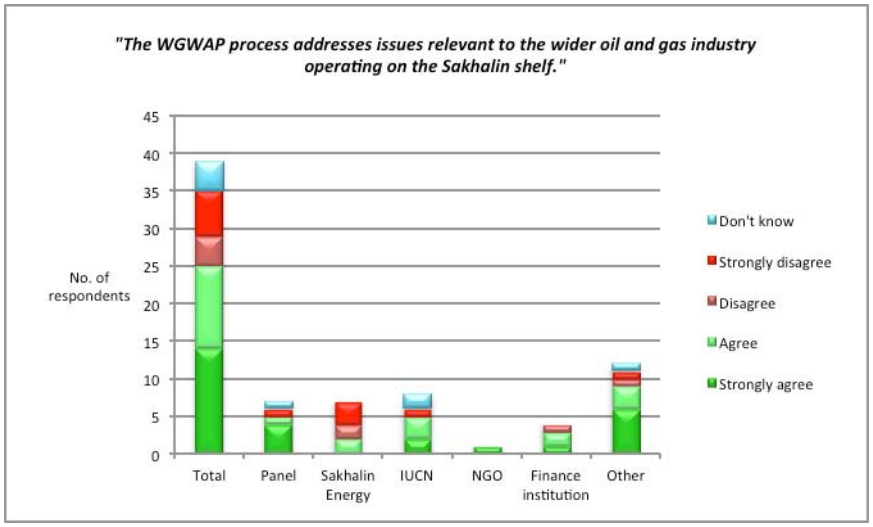


2014 survey

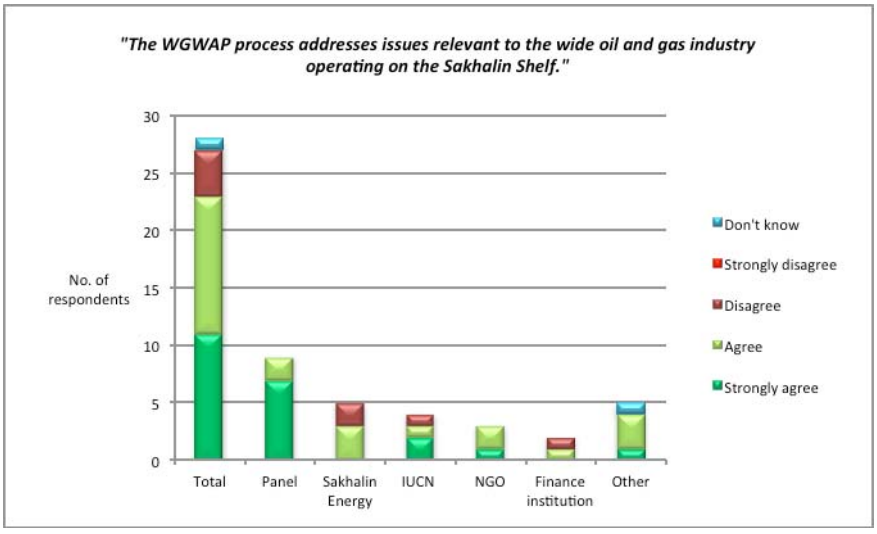


2009 survey

Figure 6.3. Extent to which the WGWAP process addresses issues relevant to the wider oil and gas industry operating on the Sakhalin shelf

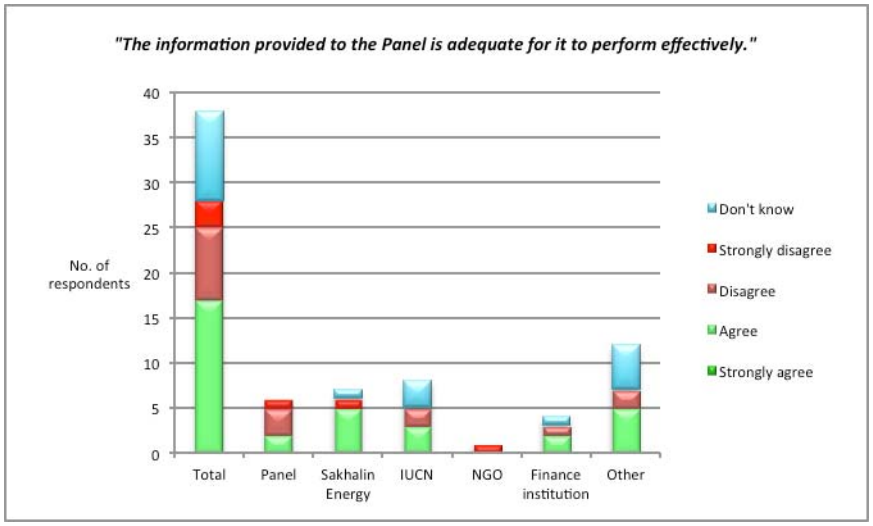


2014 survey

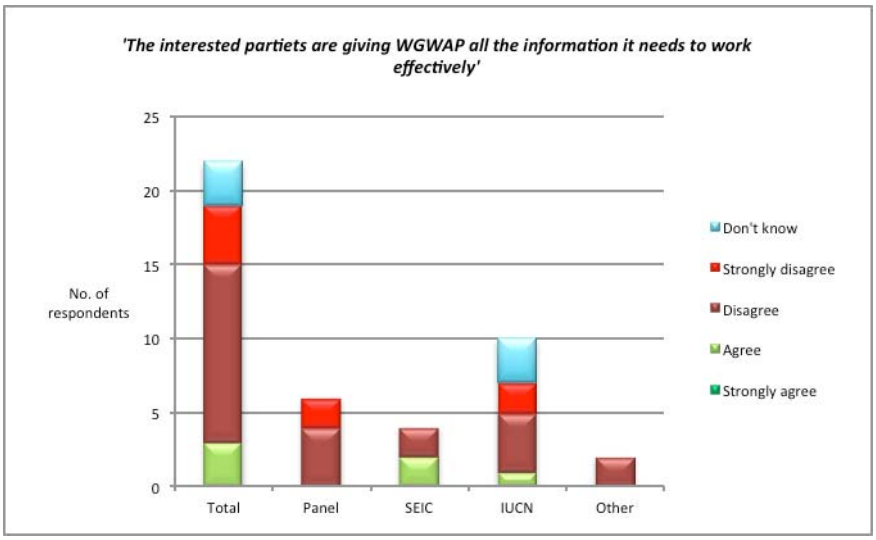


2011 survey

Figure 6.4. Quality of information provided to the Panel

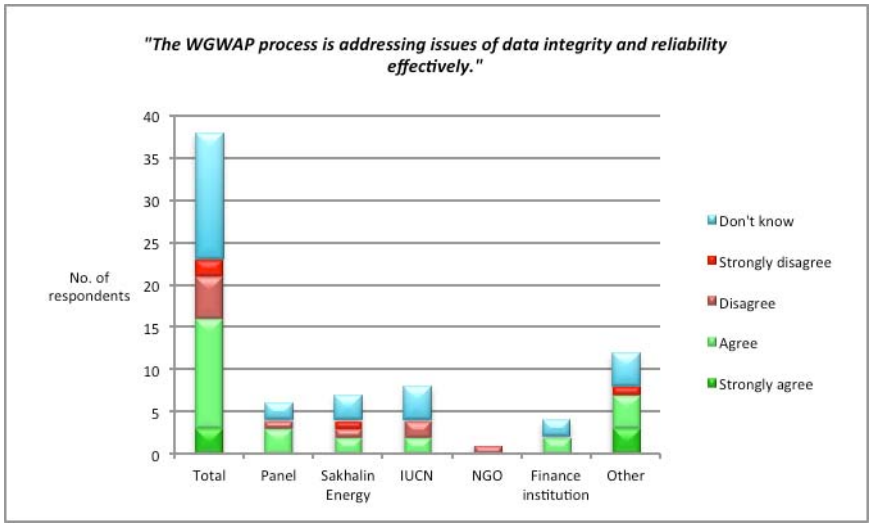


2014 survey



2009 survey

Figure 6.5. Extent to which the WGWAP process addresses issues of data integrity and reliability effectively



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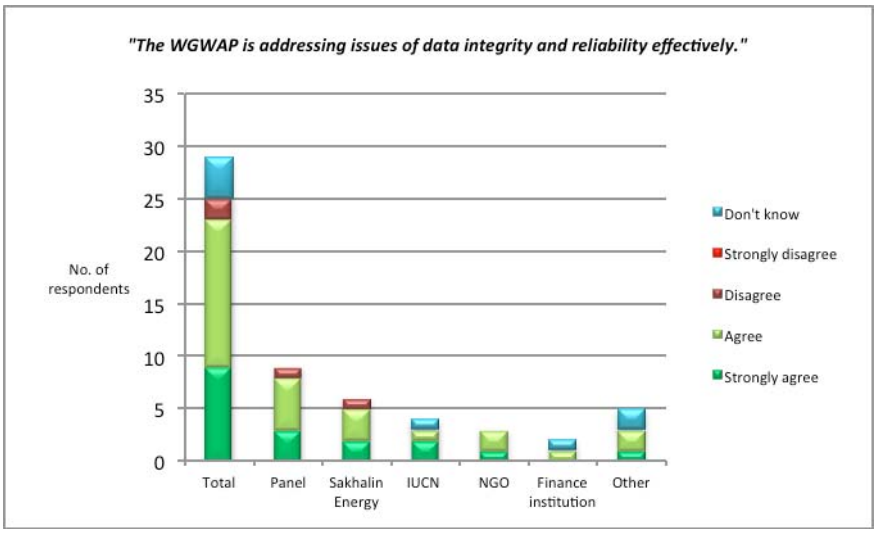
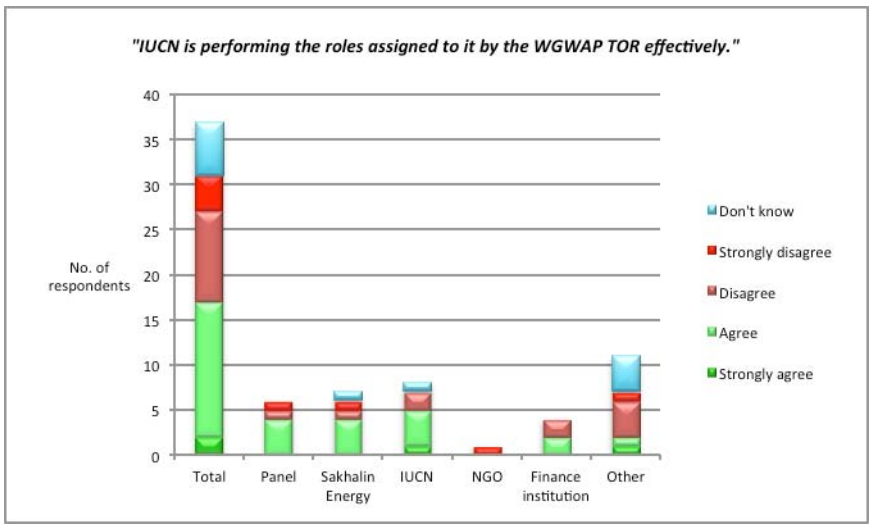


2011 survey

Figure 6.6. Extent to which the IUCN is performing the roles assigned to it by the WGWAP TOR effectively



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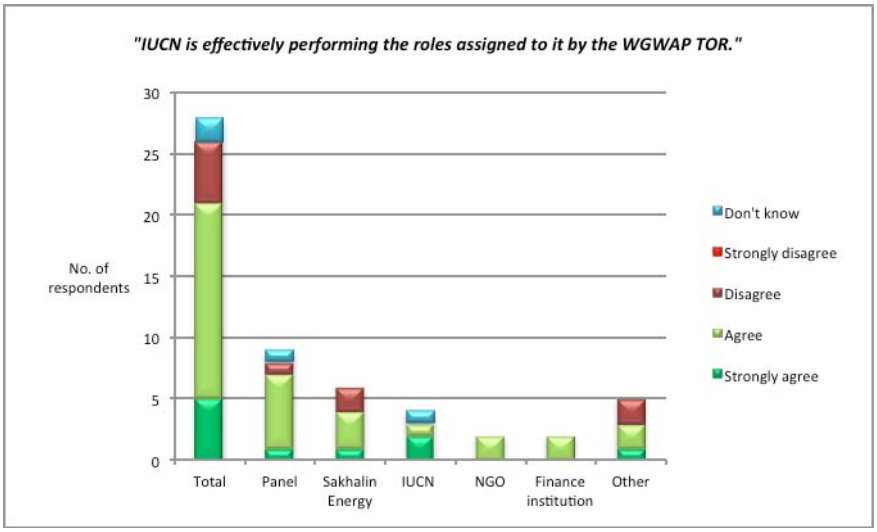

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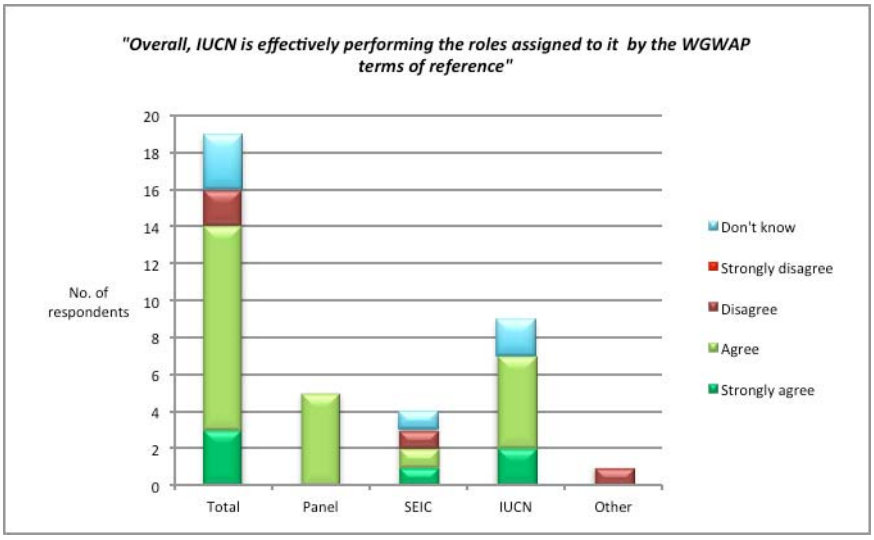
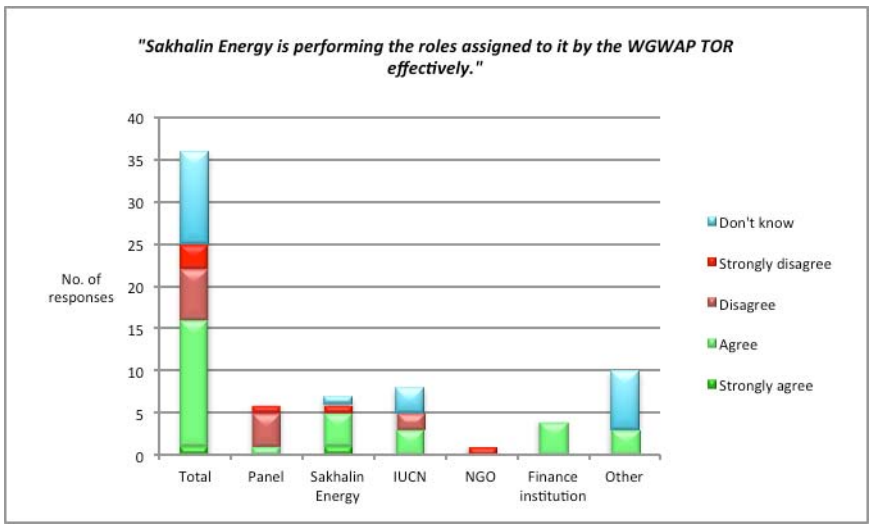


2009 survey

Figure 6.7. Extent to which Sakhalin Energy is performing the roles assigned to it by the WGWAP TOR

2014 survey



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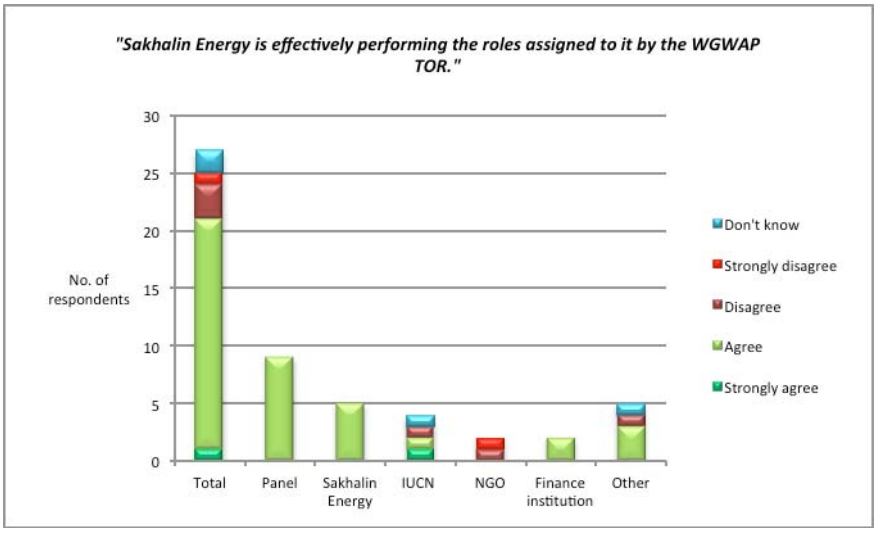

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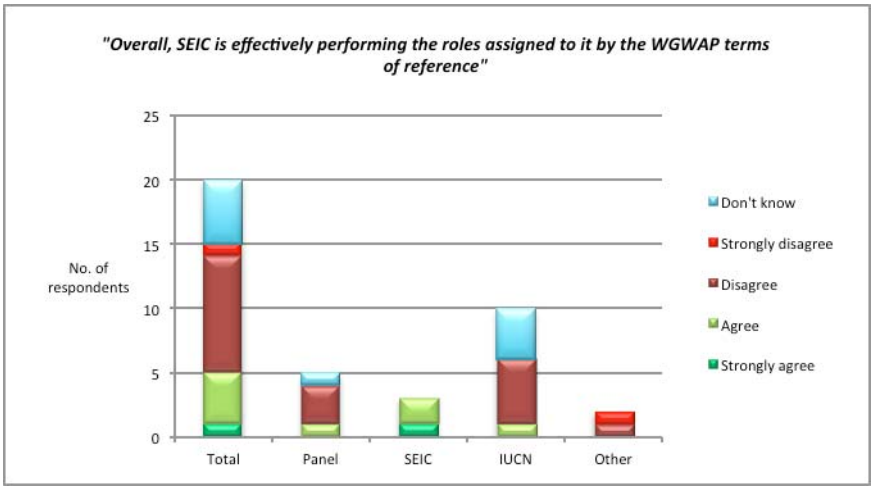
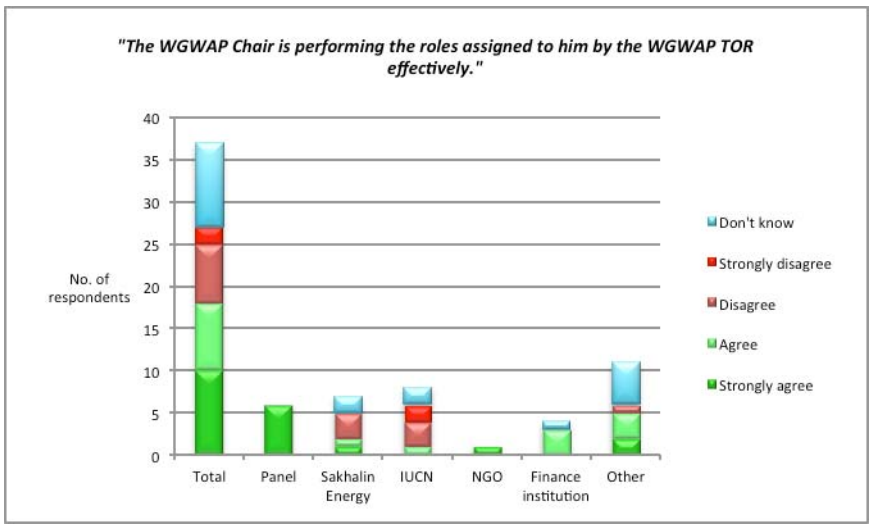


Figure 6.8. Extent to which WGWAP Chair is performing the roles assigned to him by the WGWAP TOR

2014 survey



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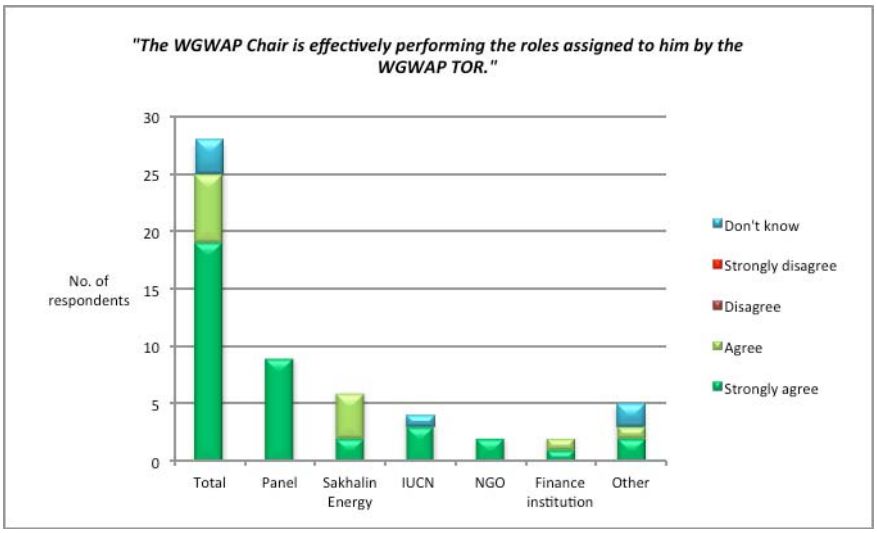

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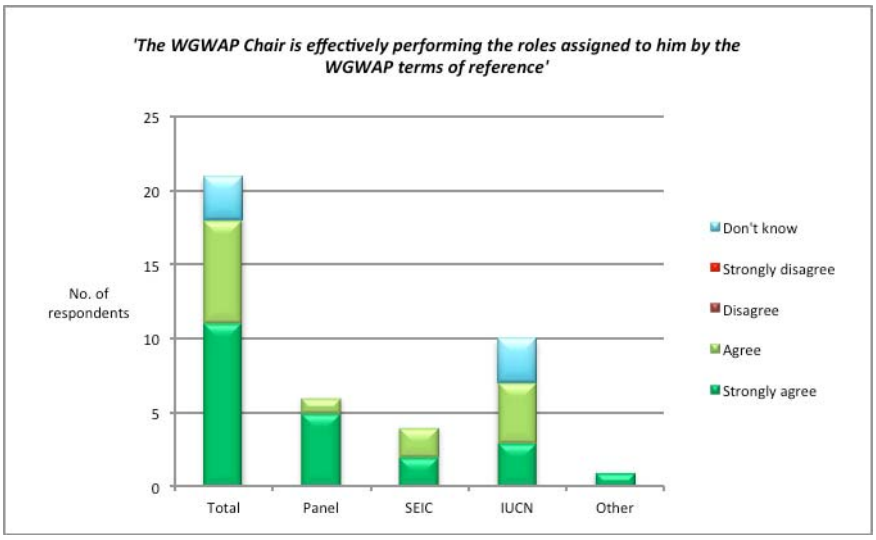
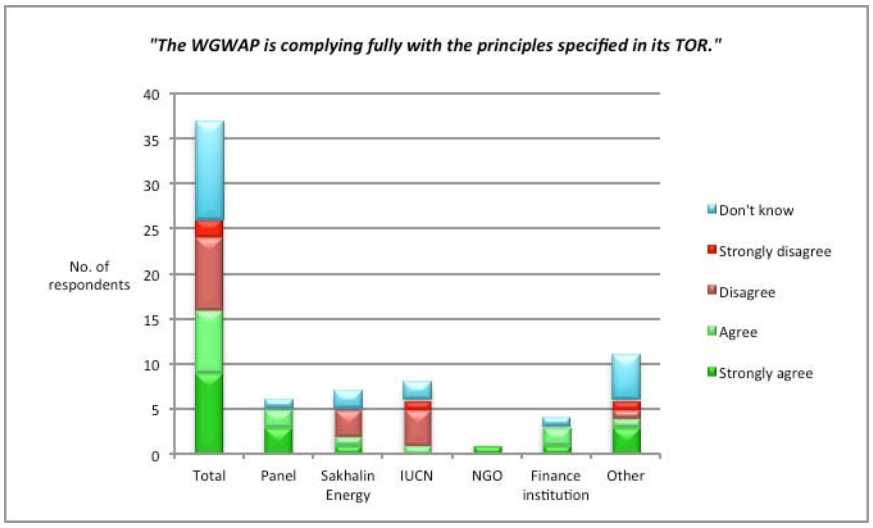


Figure 6.9. Compliance of WGWAP with the principles specified in its TOR



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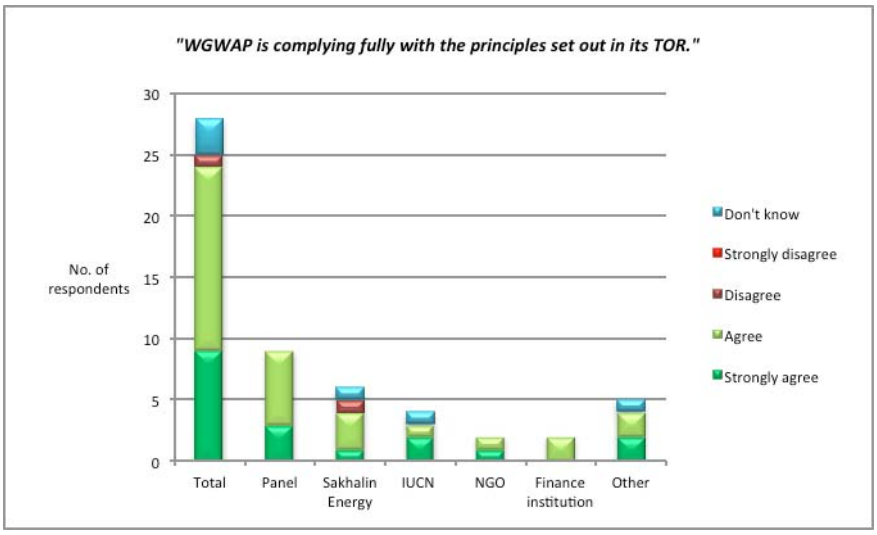

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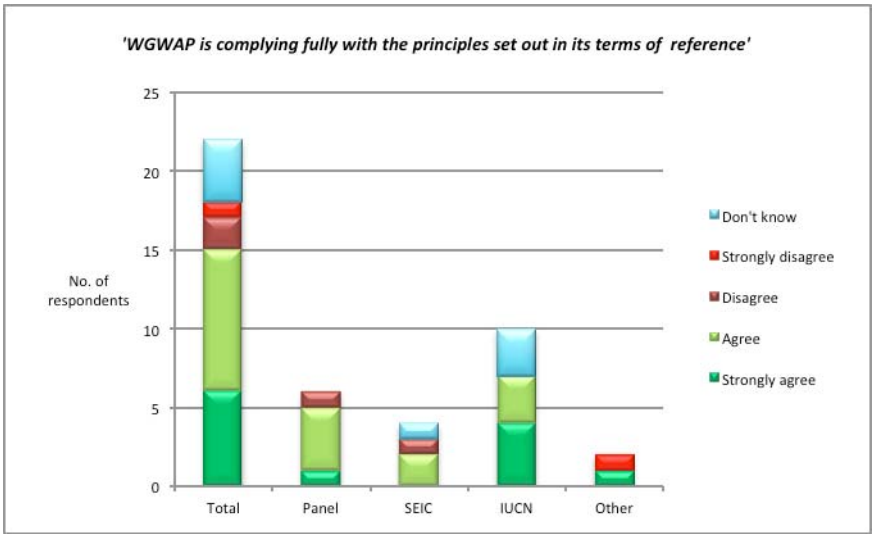
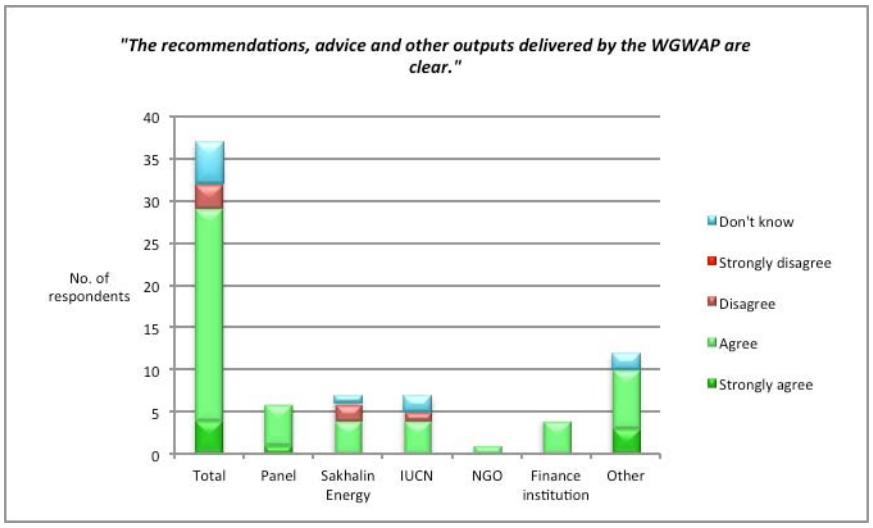
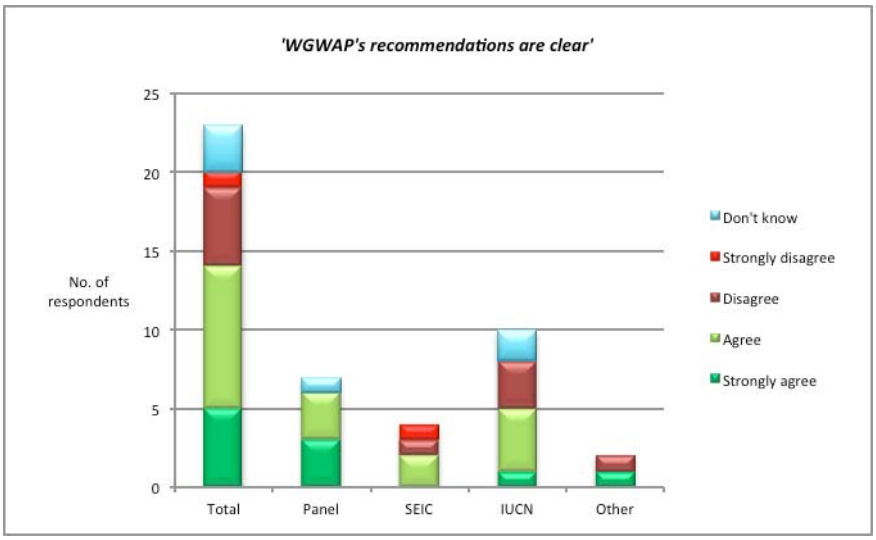


2009 survey

Figure 6.10. Clarity of outputs delivered by the WGWAP

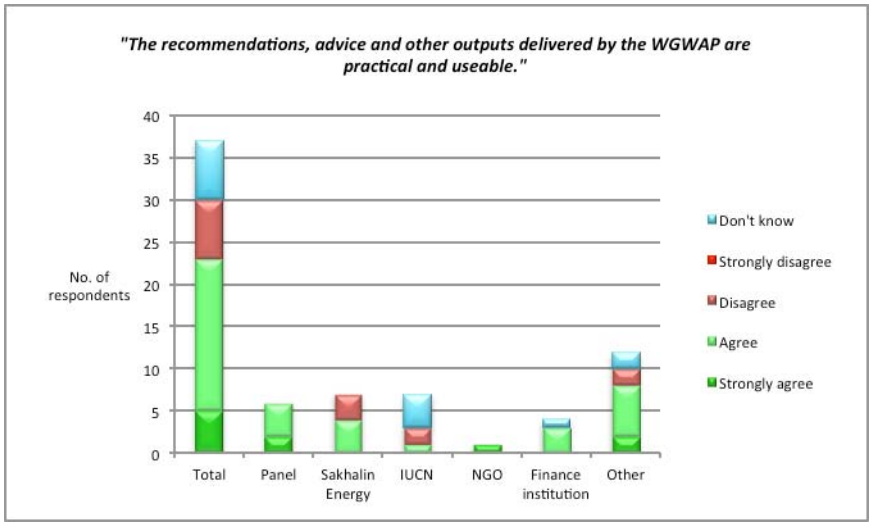


2014 survey



2009 survey

Figure 6.11. Practicality and usability of outputs delivered by the WGWAP



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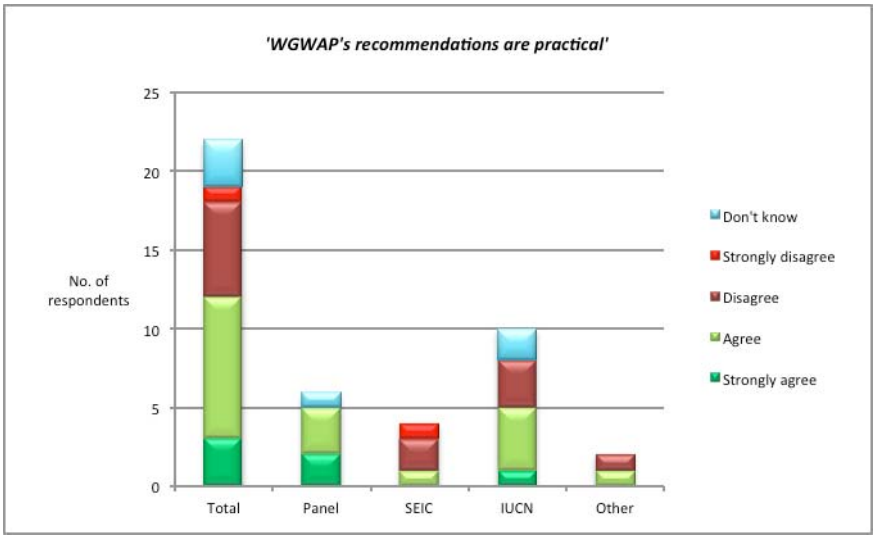
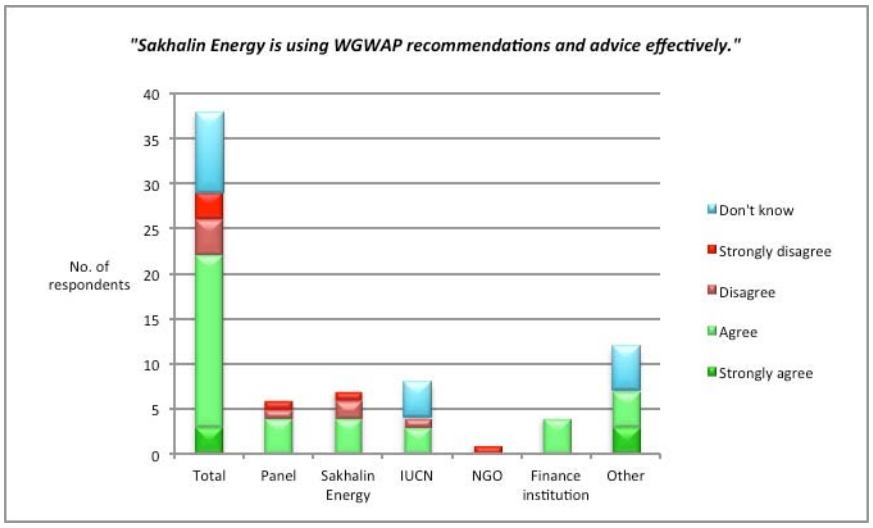


2009 survey

Figure 6.12. Sakhalin Energy use of WGWAP recommendations and advice



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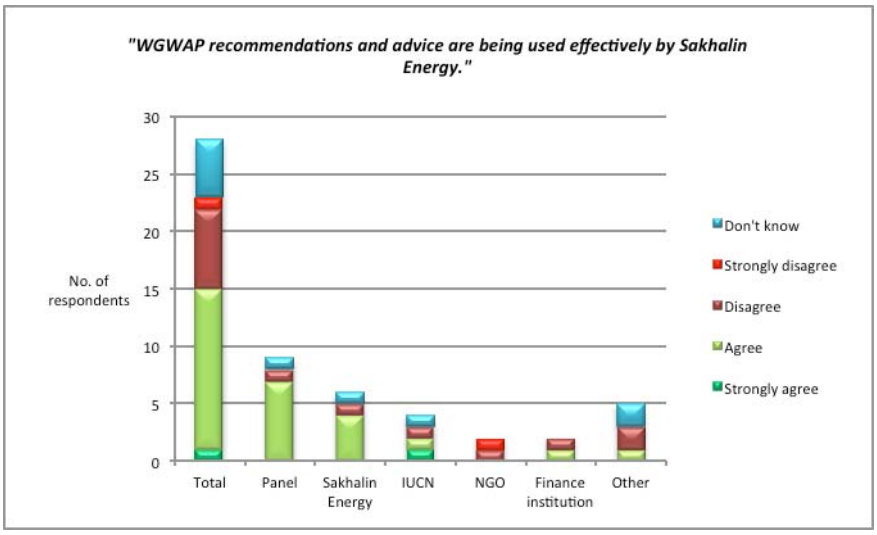

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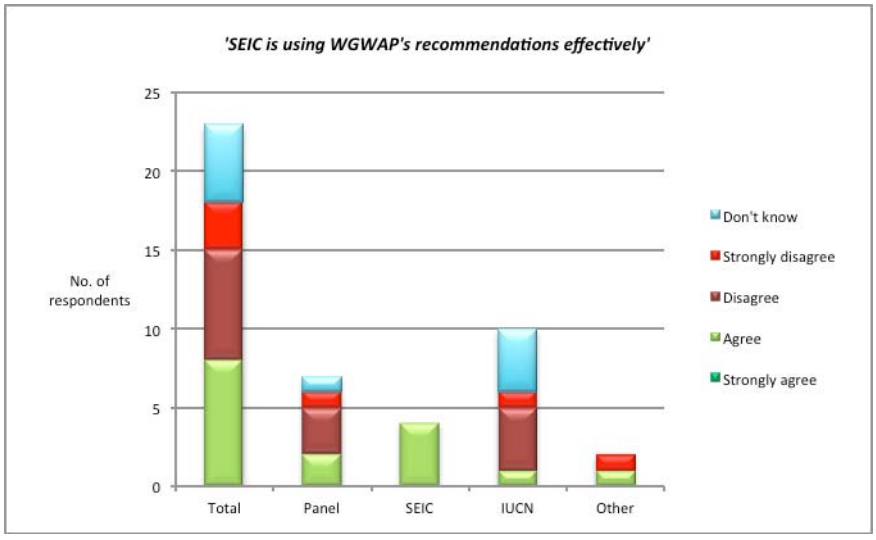
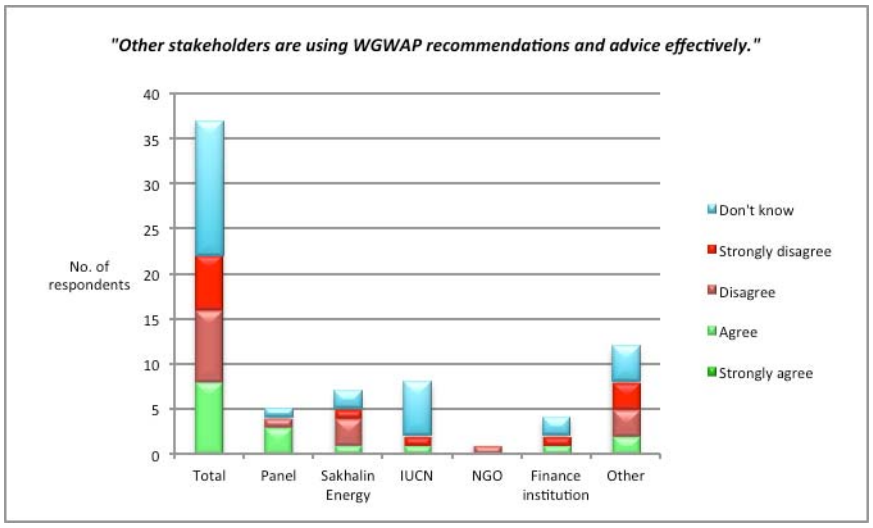


2009 survey

Figure 6.13. Other stakeholders' use of WGWAP recommendations and advice



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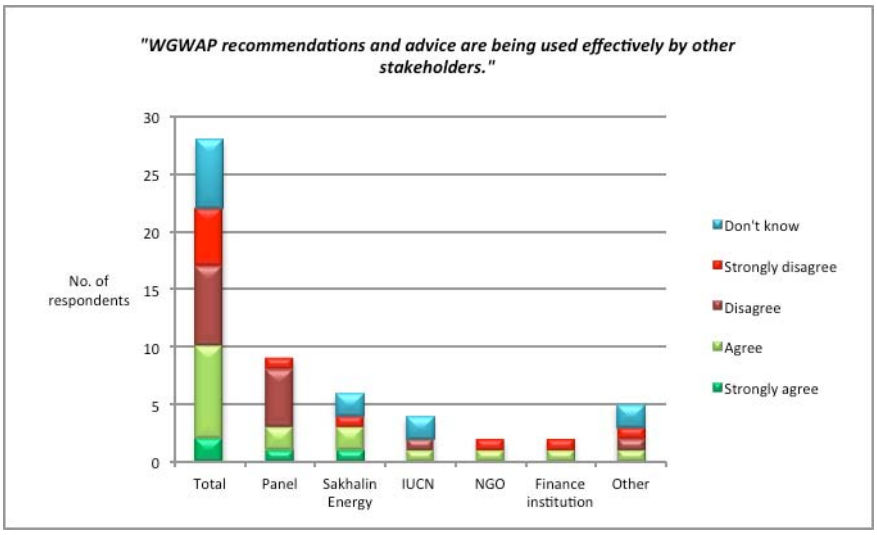

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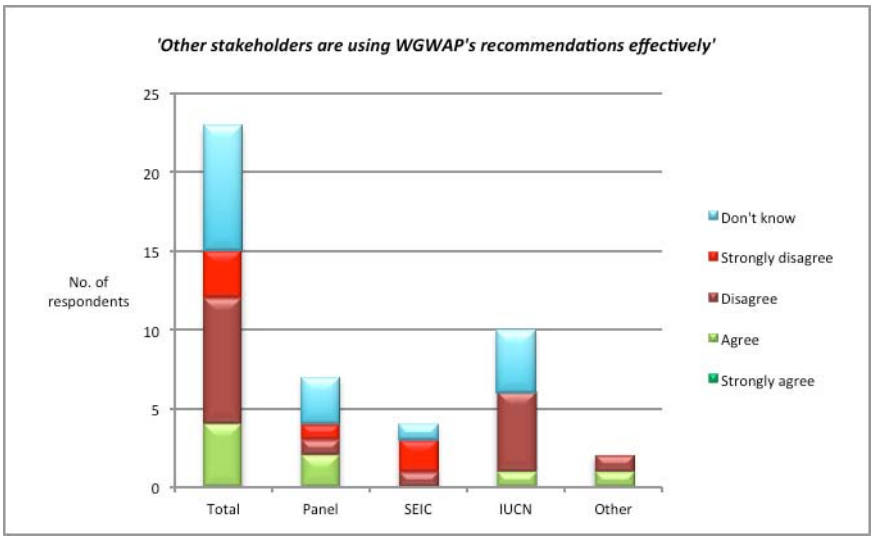
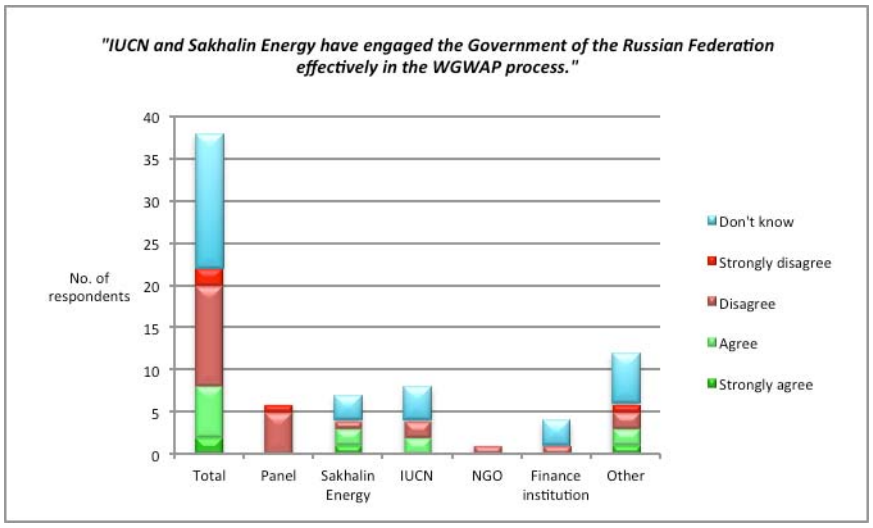


2009 survey

Figure 6.14. Engagement of the Russian Federal Government by IUCN and Sakhalin Energy



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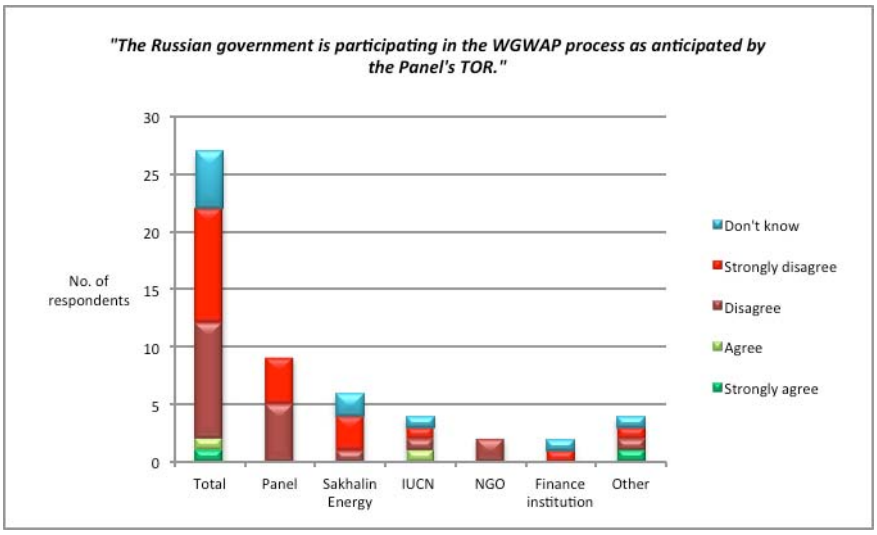

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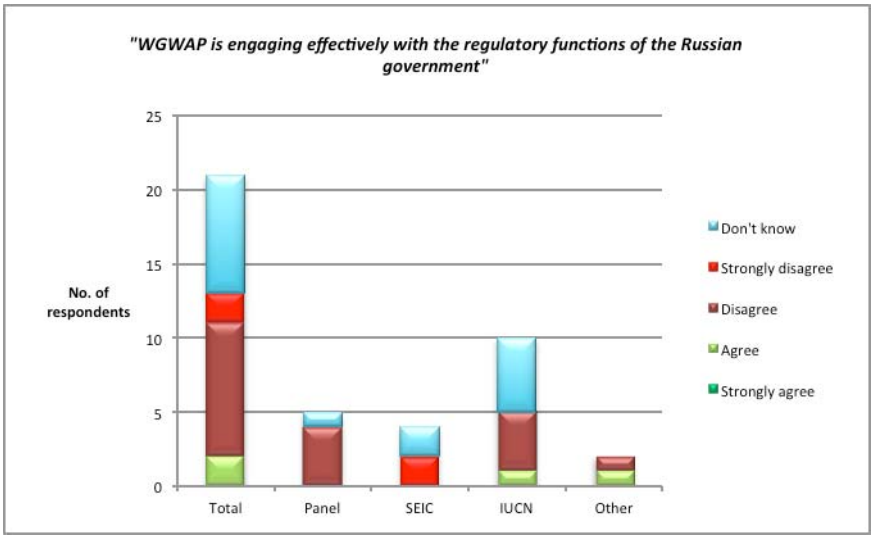
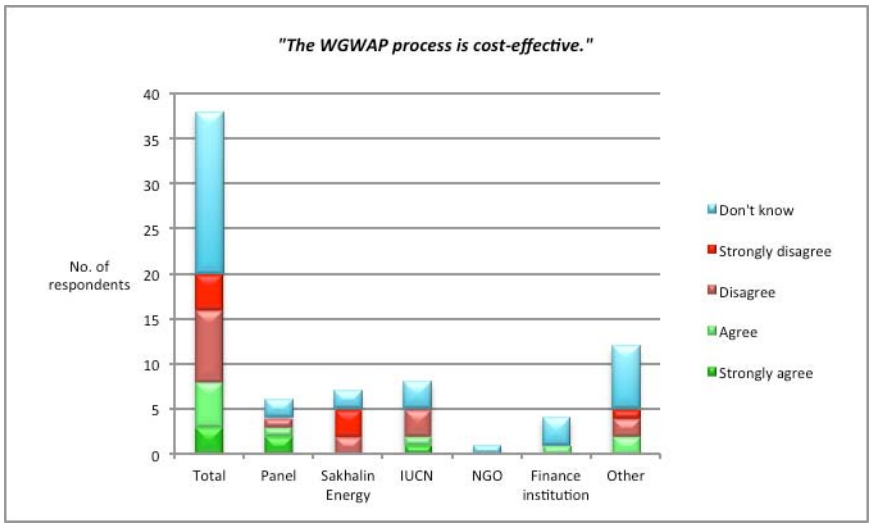


2009 survey

Figure 6.15. Cost-effectiveness of the WGWAP



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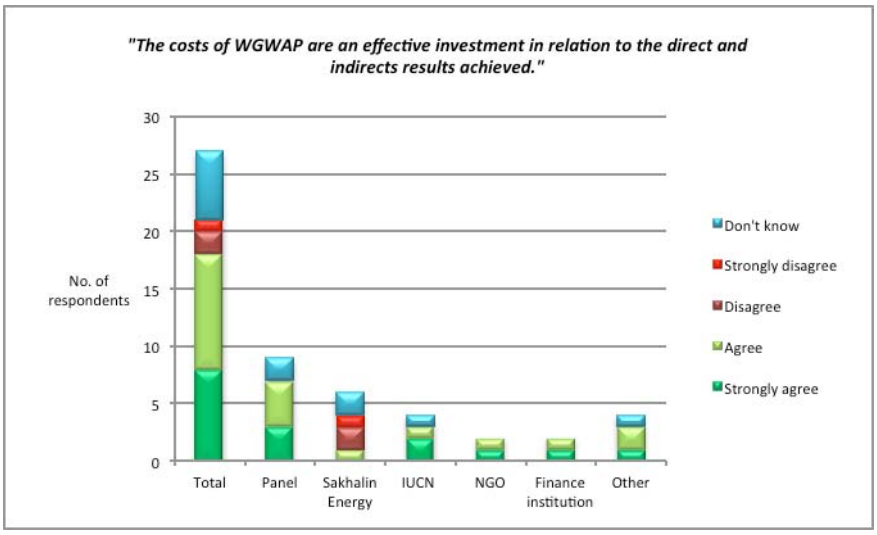

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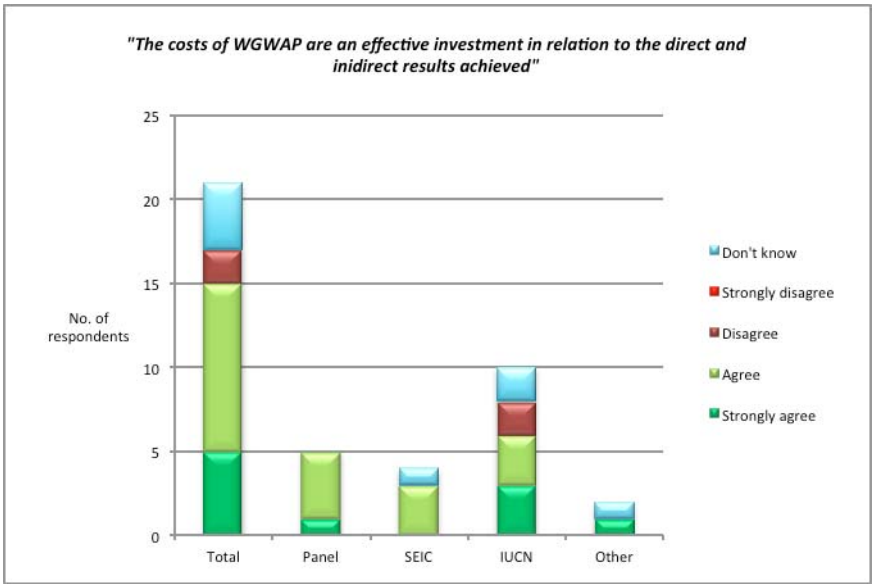
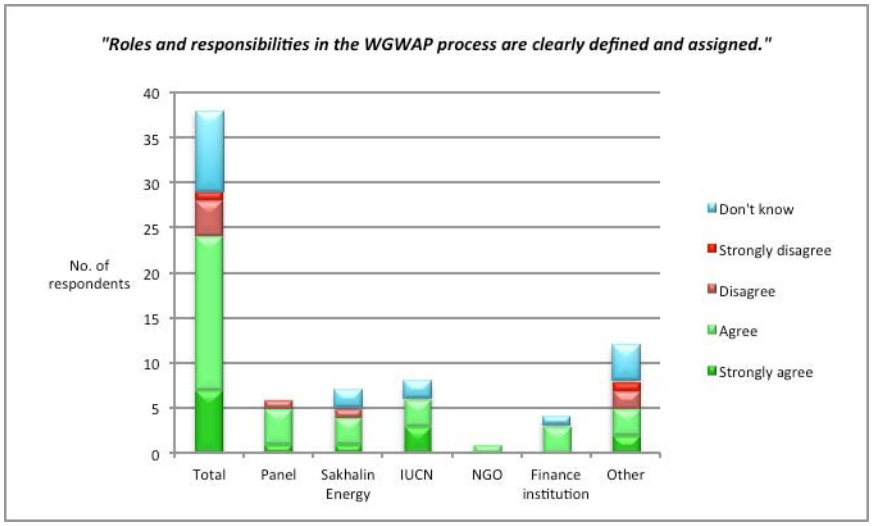


2009 survey

Figure 6.16.Clarity of roles and responsibilities in the WGWAP process



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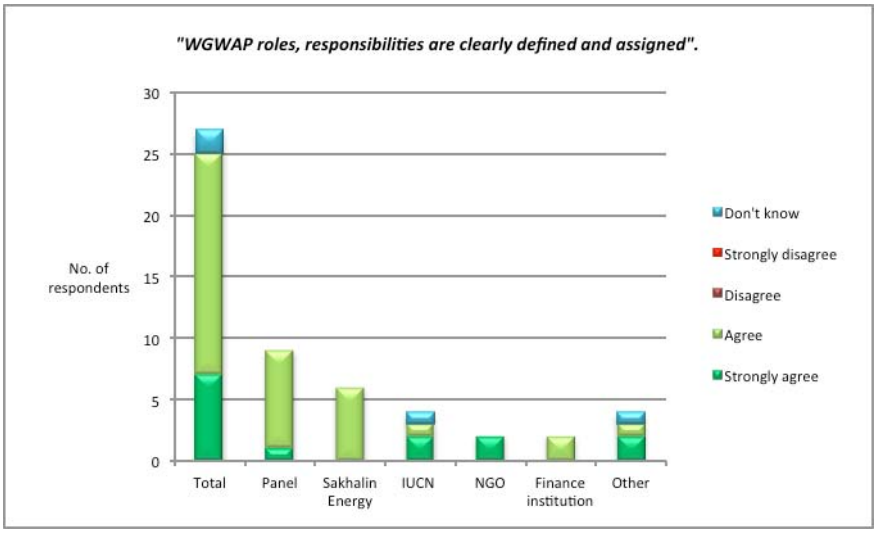
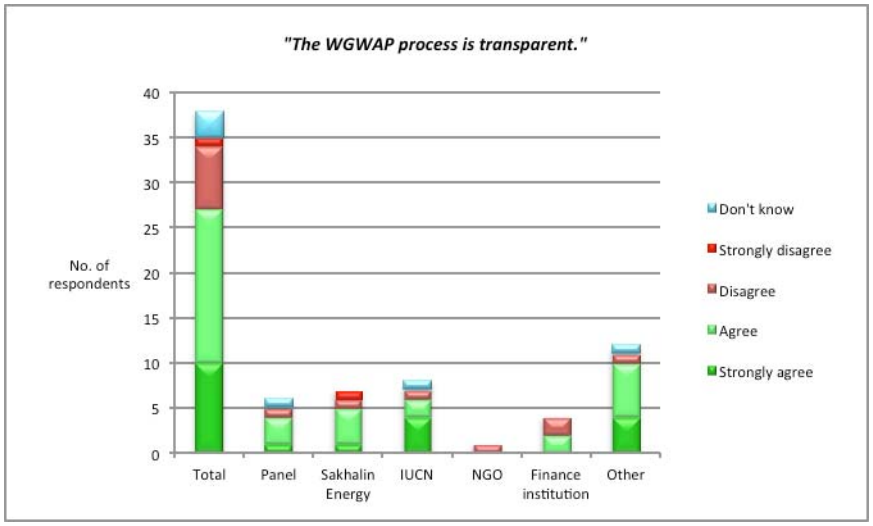


2011 survey

Figure 6.17. Transparency of the WGWAP process



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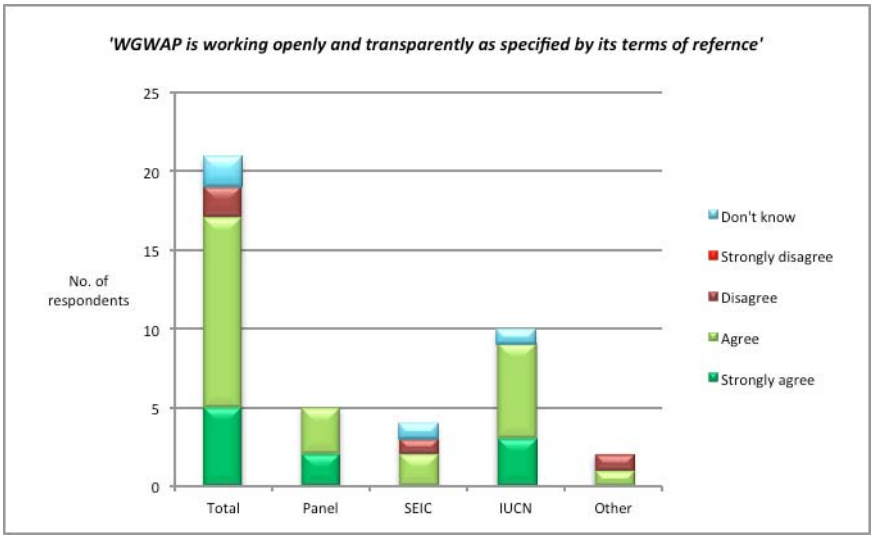
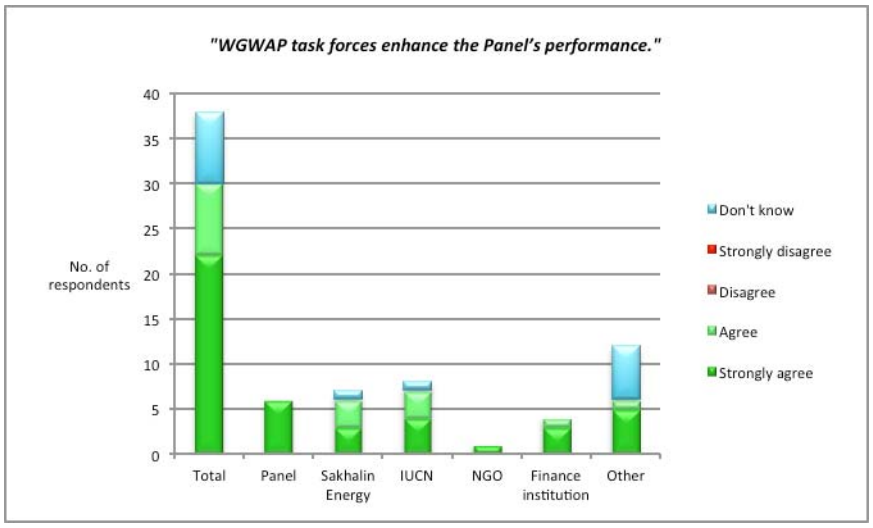


2009 survey

Figure 6.18. Extent to which WGWAP task forces enhance the Panel's performance



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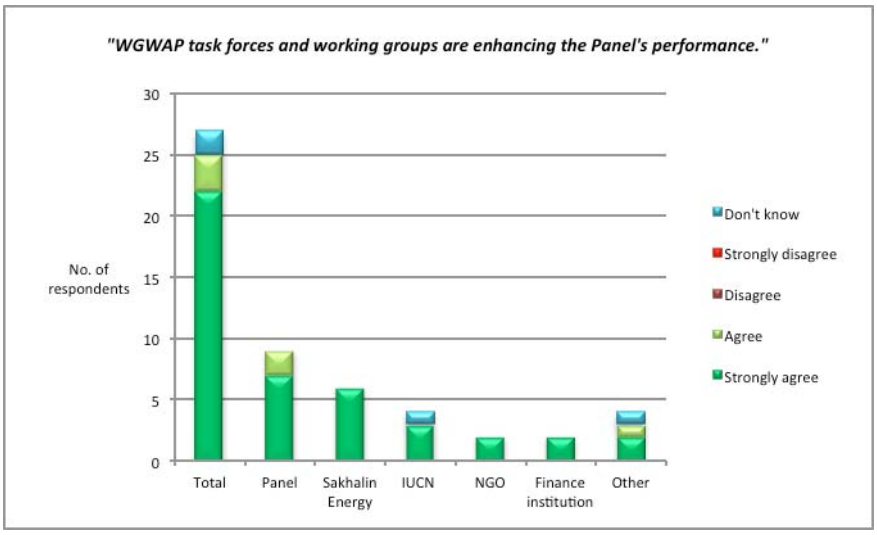

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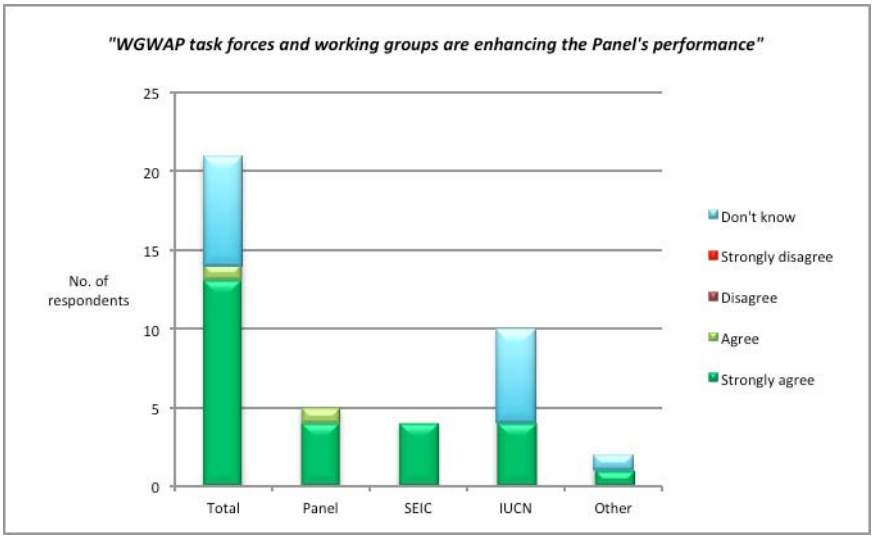
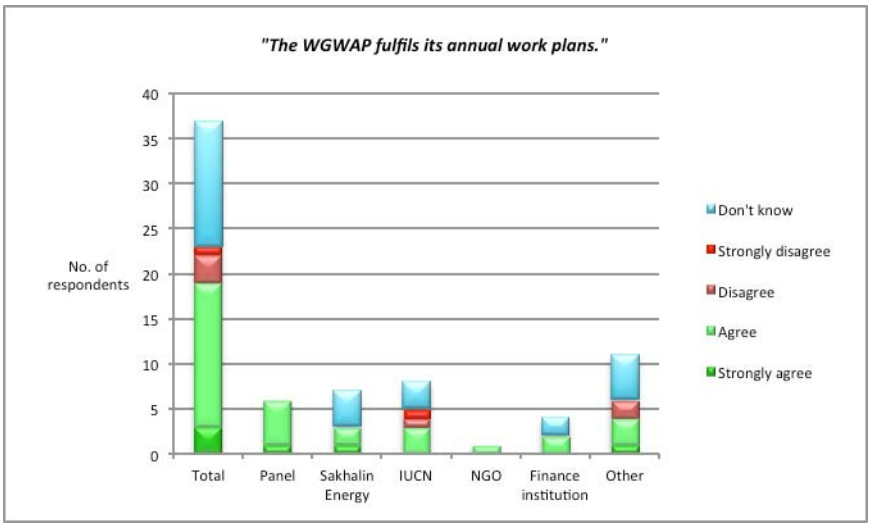


2009 survey

Figure 6.19. Extent to which the WGWAP fulfils its annual work plans



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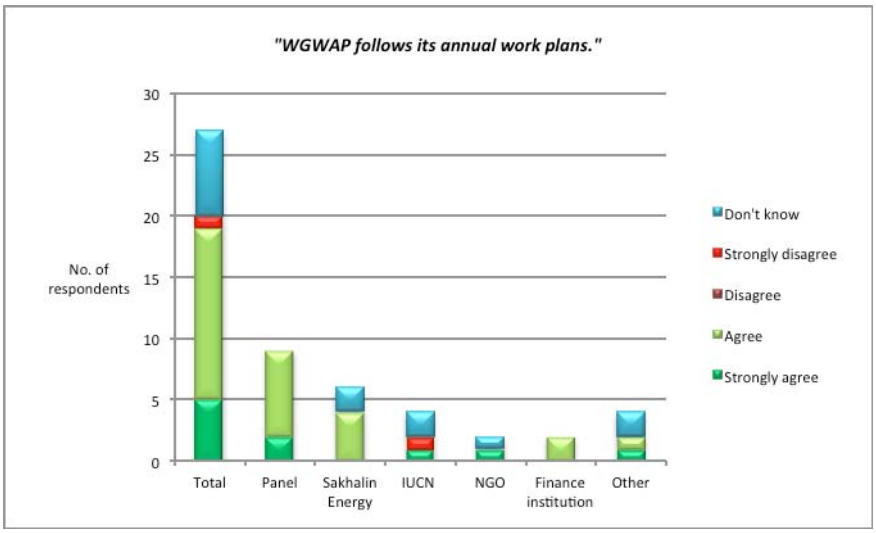

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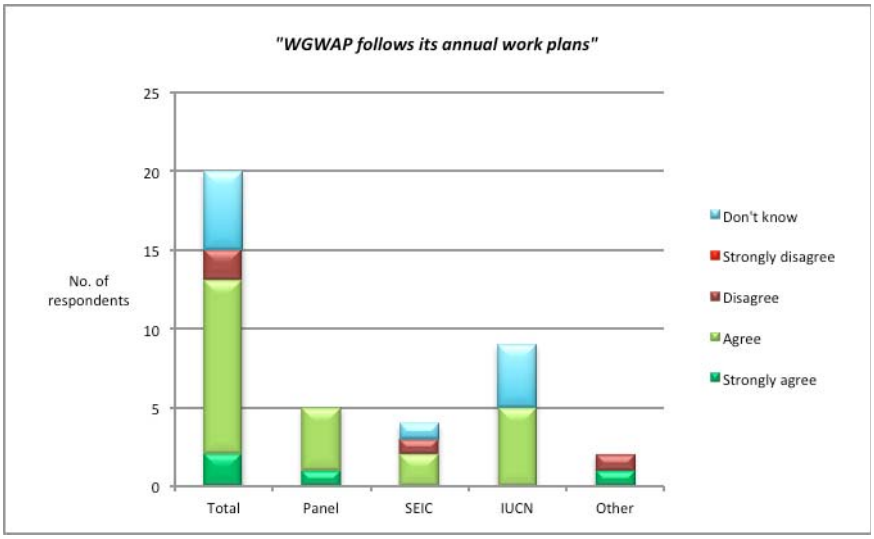
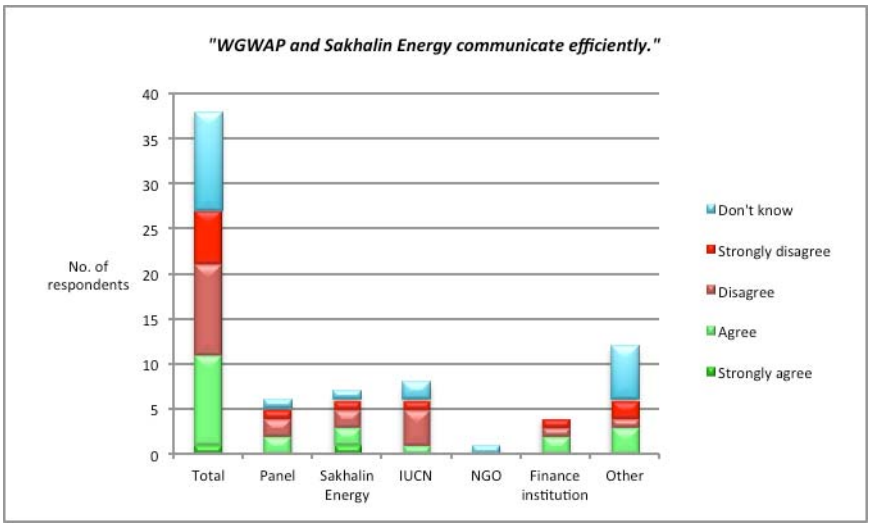


2009 survey

Figure 6.20. Effectiveness of communication between WGWAP and Sakhalin Energy



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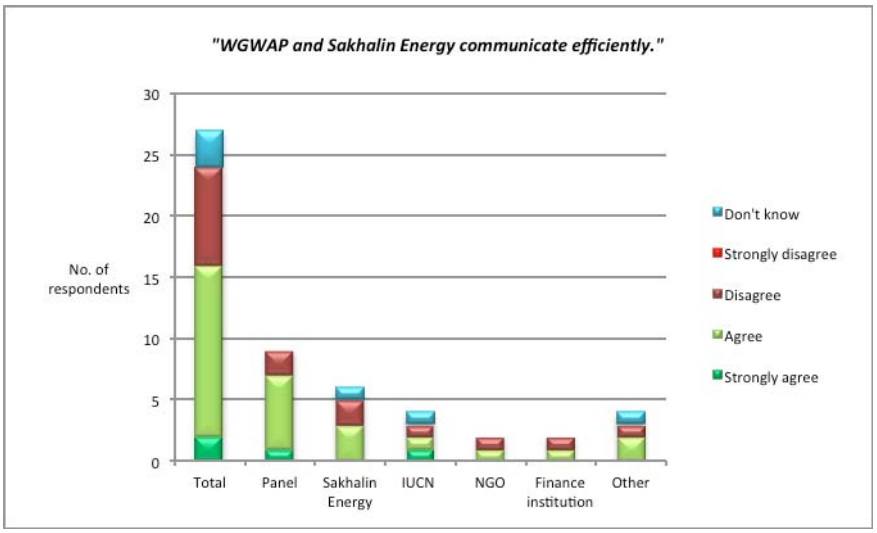

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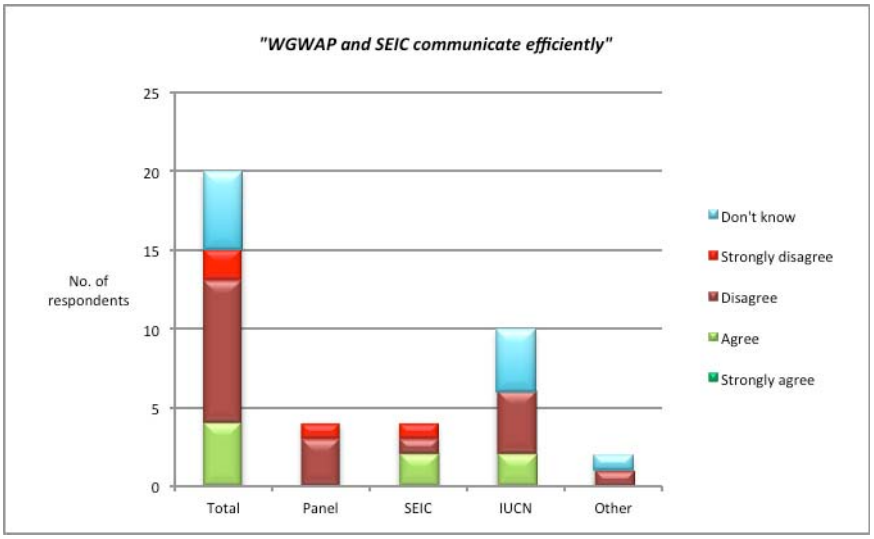
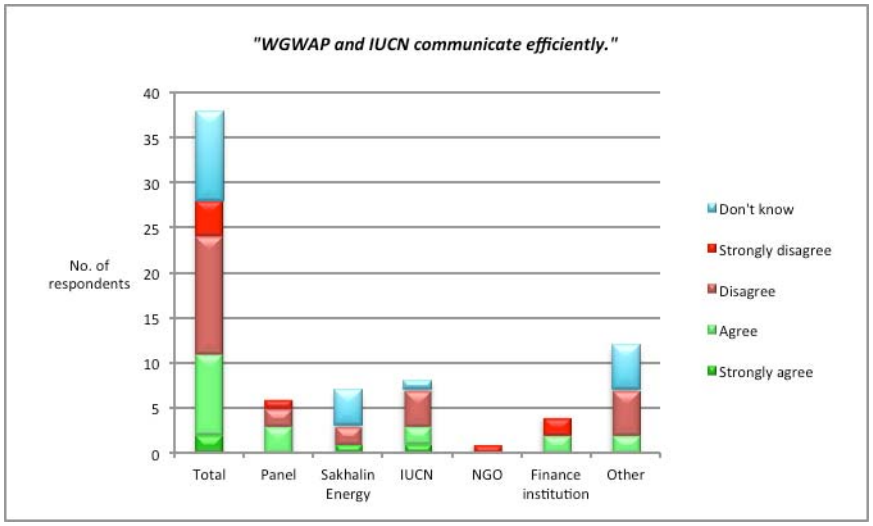


2009 survey

Figure 6.21. Effectiveness of communication between WGWAP and IUCN



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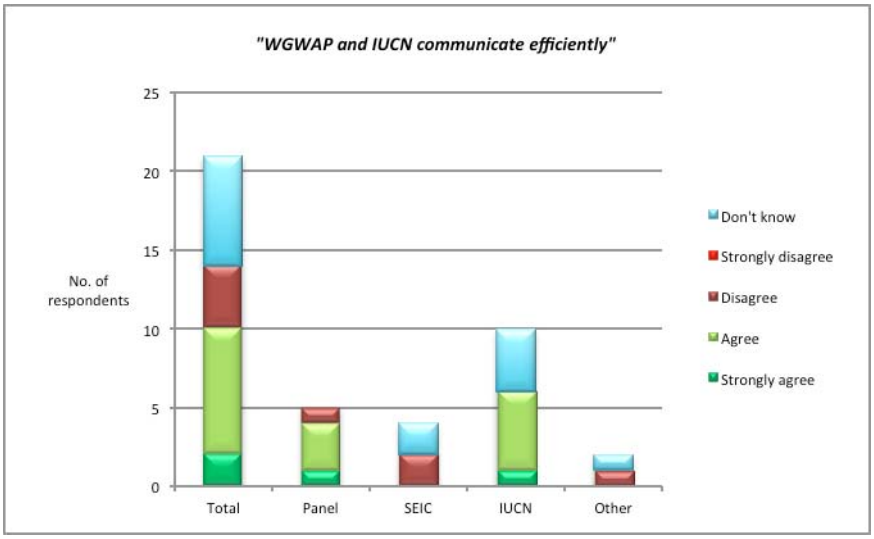
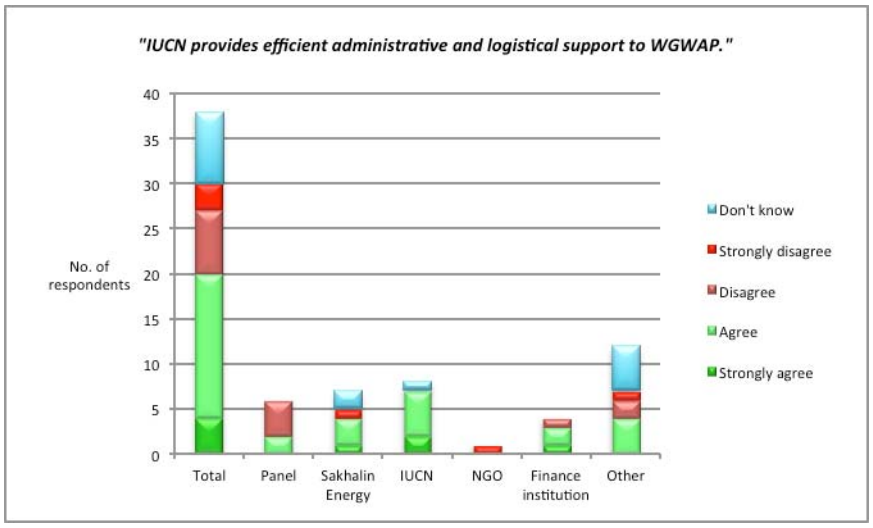


2009 survey

Figure 6.22. Efficiency of IUCN administrative and logistical support to WGWAP



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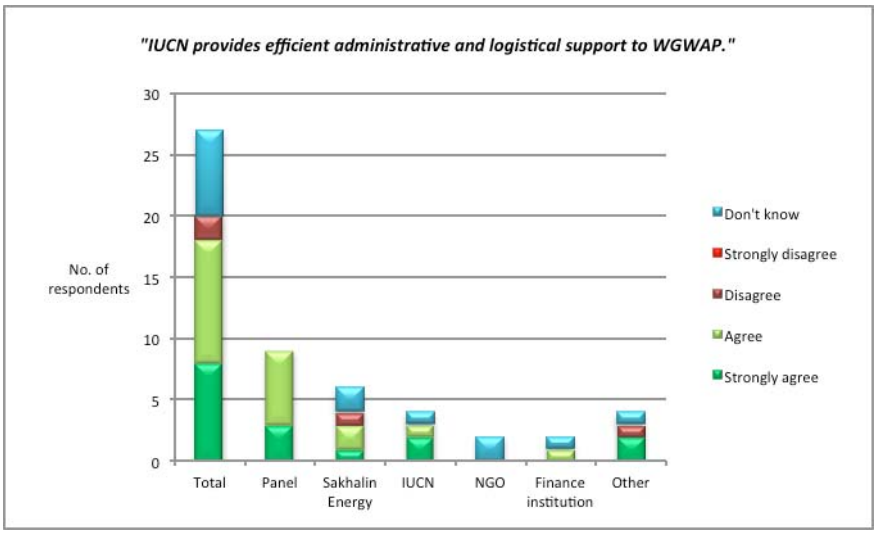

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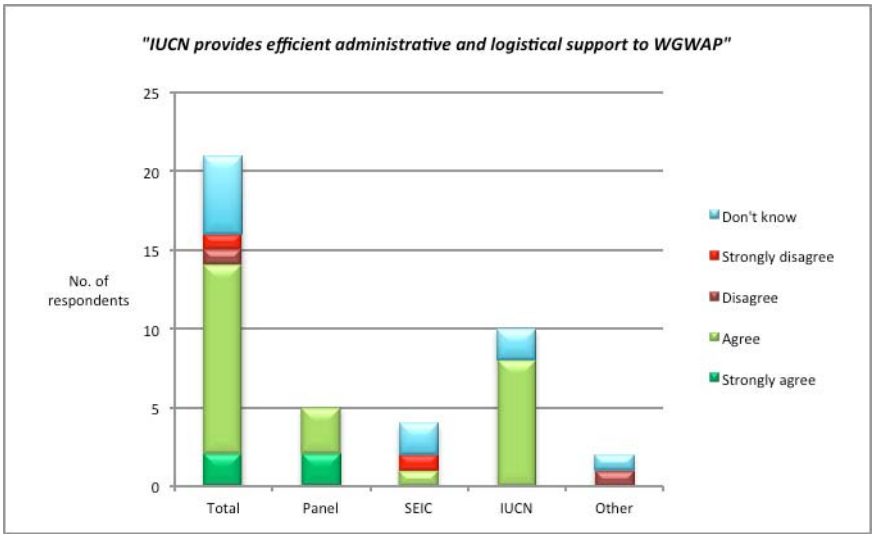
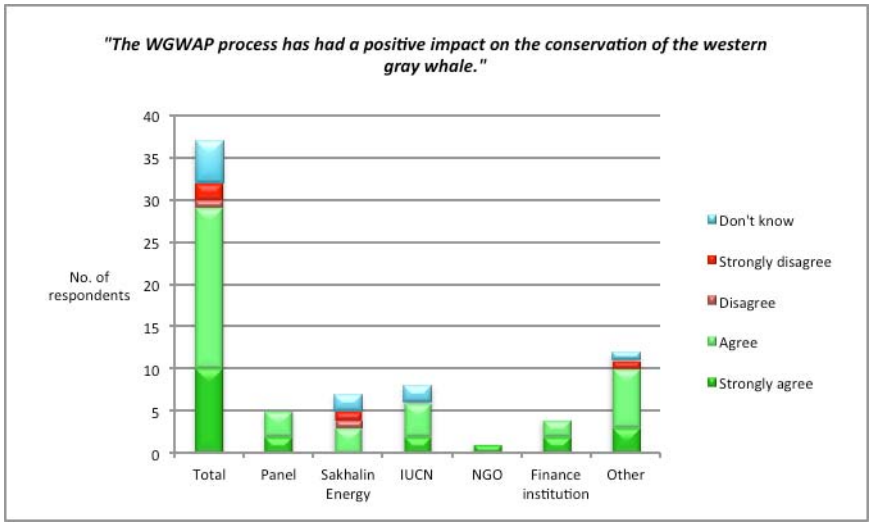


2009 survey

Figure 6.23. Impact of the WGWAP process on the conservation of the western grey whale



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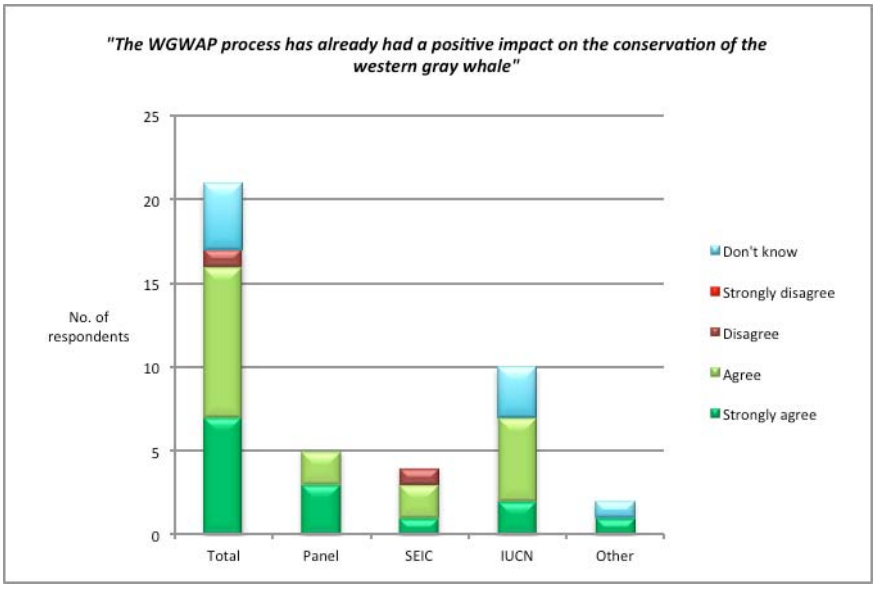
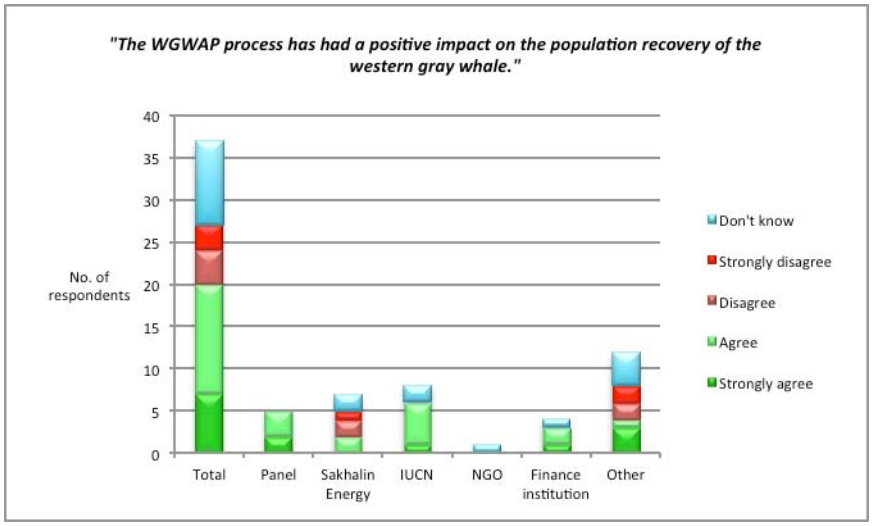


2009 survey

Figure 6.24. Impact of the WGWAP process on the population recovery of the western grey whale



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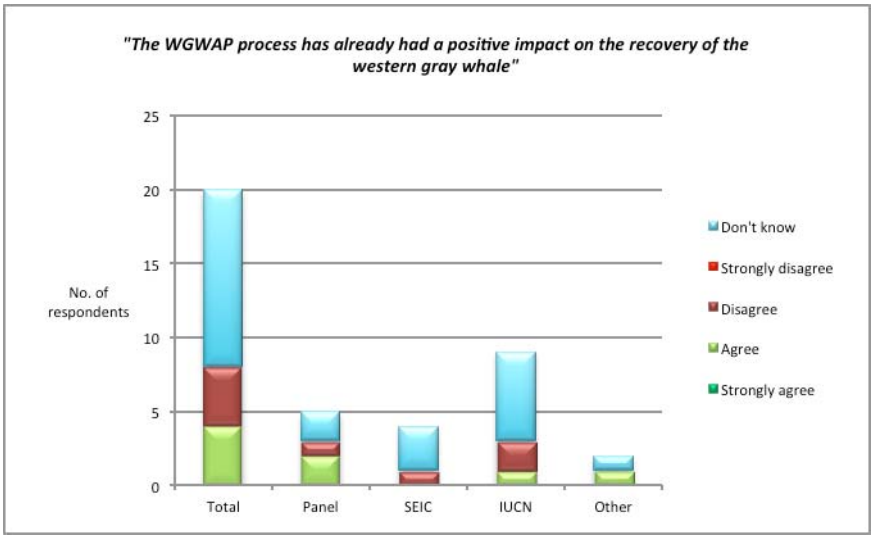
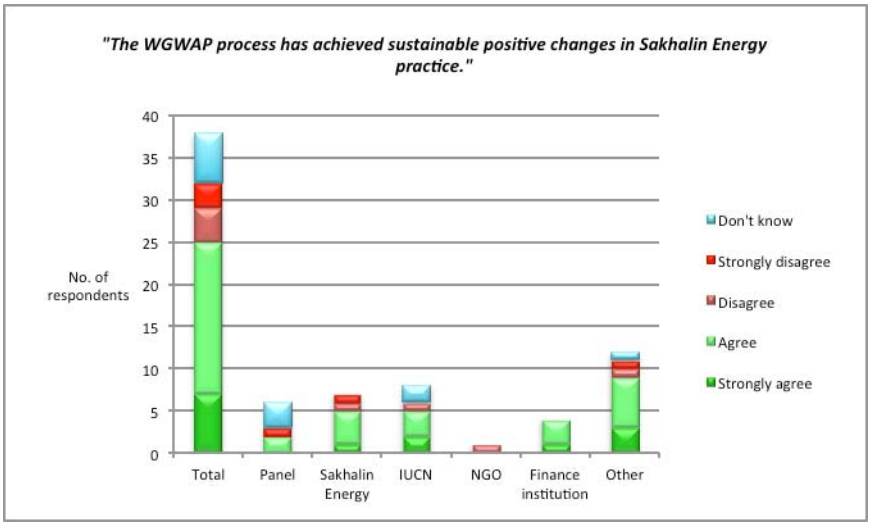


2009 survey

Figure 6.25. Extent to which the WGWAP process has achieved sustainable positive changes in Sakhalin Energy practice



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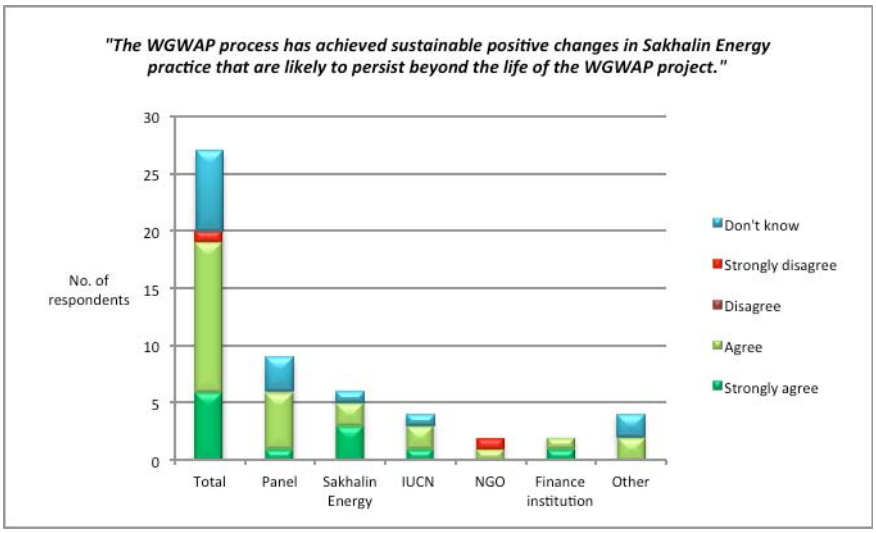
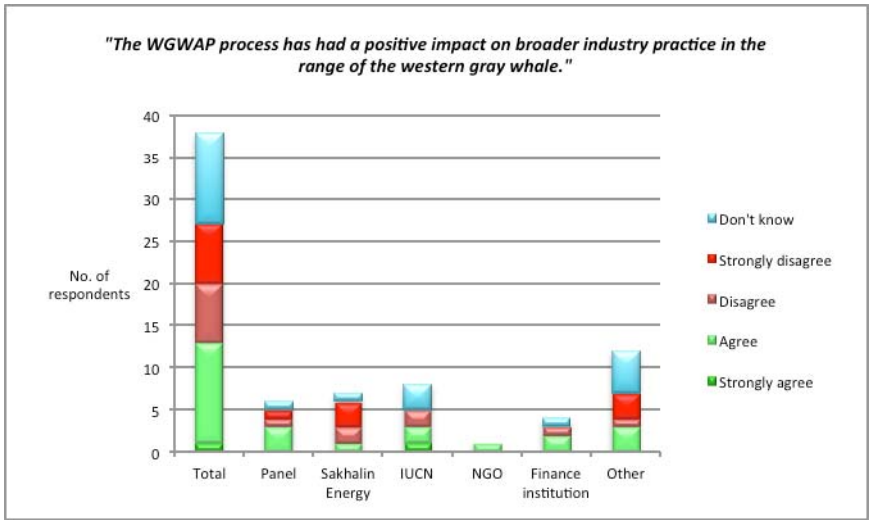
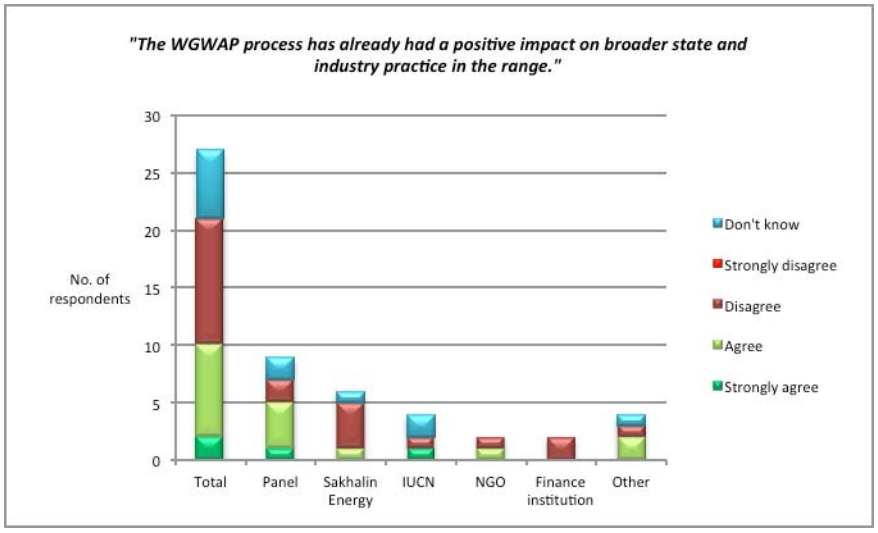


2011 survey

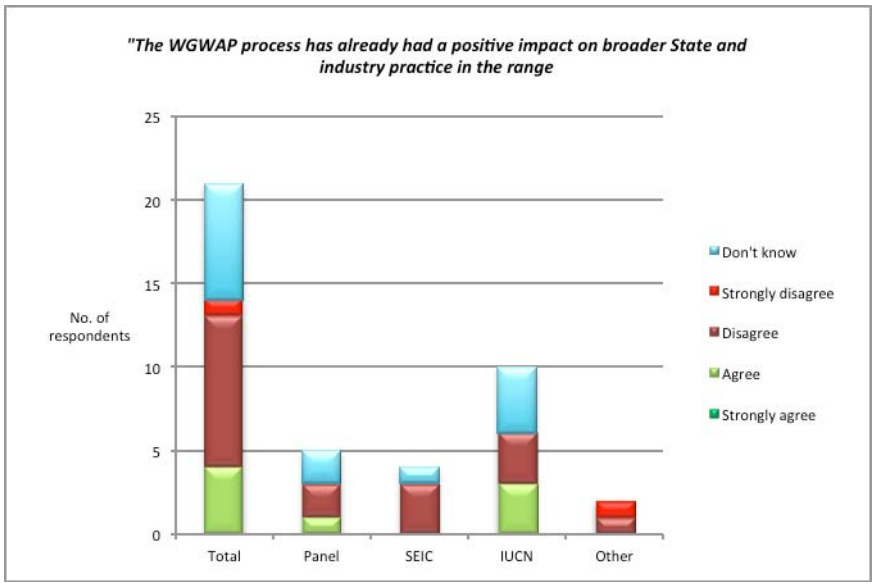
Figure 6.26. Impact of the WGWAP process on broader industry practice in the range of the western grey whale



2014 survey

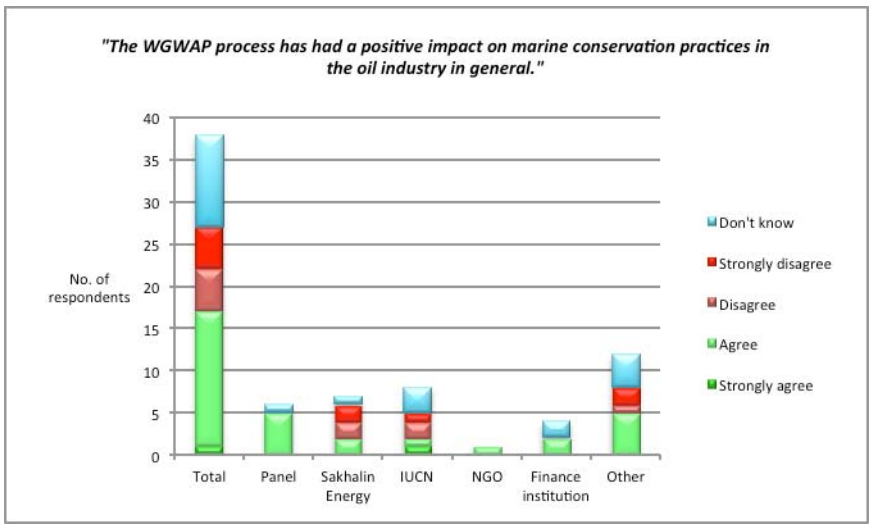


2011 survey



2009 survey

Figure 6.27. Impact of the WGWAP process on marine conservation practices in the oil industry in general



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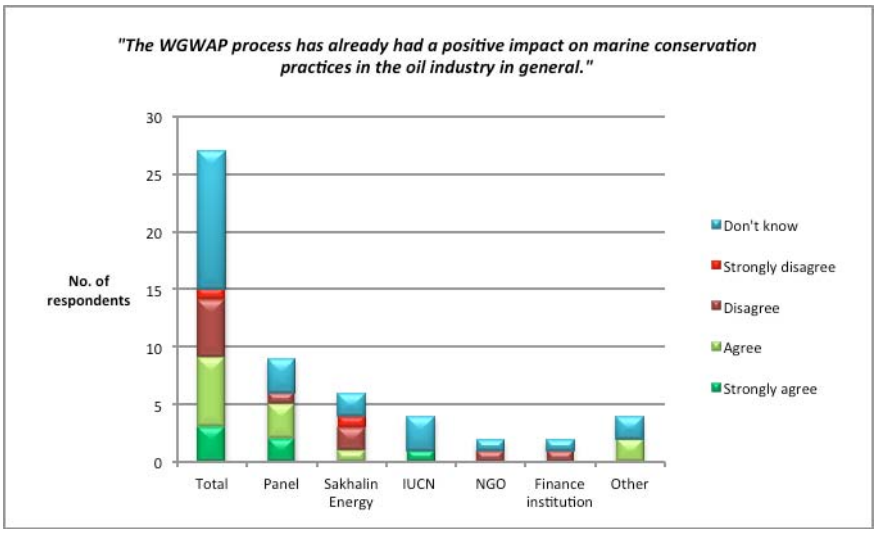

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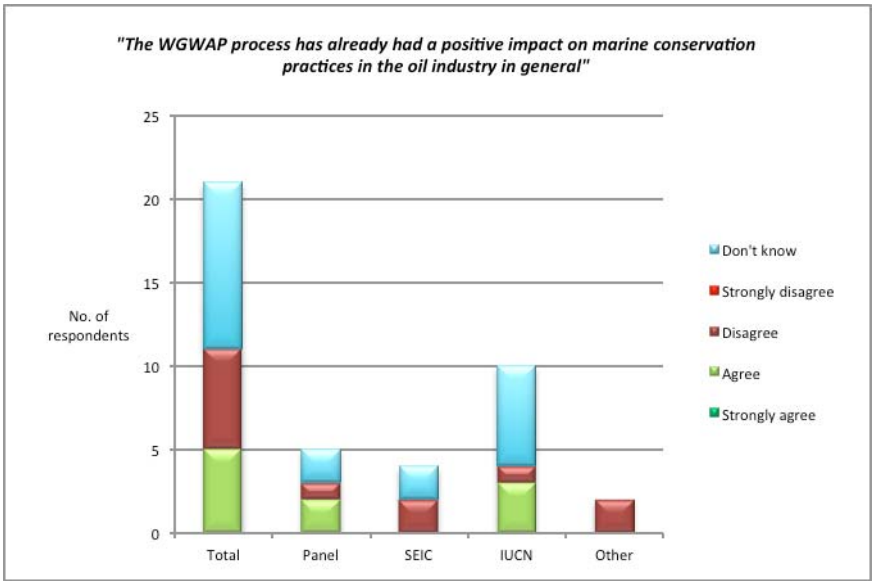

2009 survey