



## **IUCN Management Response to the 4<sup>th</sup> Independent Evaluation of the Western Gray Whale Advisory Panel**

Gland, 18 February 2019

In Summer 2018, IUCN commissioned the 4<sup>th</sup> Independent Evaluation to review the impact and effectiveness of the IUCN's Western Gray Whale Advisory Panel (WGWAP). We are grateful to all stakeholders for their contribution to this evaluation, completed by Chris Alan and David Gordon of Ajabu Advisors in November 2018.

IUCN welcomes the findings and recommendations of this evaluation report. In particular we are very pleased with the overall conclusion of the reviewers who stated that:

*“Overall, we find that the WGWAP has contributed in meaningful ways to minimizing impacts from offshore oil and gas development on Western Gray Whales, but concerns remain whether best practices to minimize impacts will be sustained in the future.”*

The reviewers have also made ten specific recommendations. IUCN's response is included in the Annex.

Reflecting on the future of the WGWAP, as also acknowledged in the report, the conservation of the western gray whales needs the joint contribution of many different players, from the scientific, business and government sectors. We are certainly very proud that our engagement with Sakhalin Energy has led to positive contributions to the conservation of the western gray whales, but we are aware of the need to persevere with our efforts to mobilize all other relevant players.

The report also provides useful pointers to initiate a discussion about how the Panel could evolve after 2021 (when the current Panel mandate expires), and it stresses that the continuation of the Panel is greatly valued by the stakeholders.

To conclude, we are proud of the WGWAP achievements highlighted in the report and greatly value the continued support, contribution and engagement of all stakeholders in the process. We are looking forward to continue working with all stakeholders to deliver on the current Panel mandate, but also define the future modus operandi, building on the scenarios highlighted in the evaluation.

For any questions on the IUCN Management Response to this evaluation, please kindly contact:

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## Annex - IUCN responses to the 10 recommendations made in the Independent Evaluation

<p>1. The WGWAP should review the range of risks that it assesses to ensure that it is focusing adequate attention on less known, longer-term issues, such as feeding ecology, oil spill prevention, cumulative impacts, and fisheries.</p>	<p>We are aware that there are a number of other risks affecting the conservation of the western gray whales. These have been regularly highlighted and often addressed by the Panel with the existing means and expertise.</p> <p>In the composition of the new Panel, which will start operating in March 2019, we have therefore included a position for a cumulative impact assessment expert. With this expert on board, we expect to be able to at least evaluate existing research and consolidate existing knowledge.</p> <p>We also plan to continue the collaboration with IWC in the framework of the Conservation Management Plan for the conservation of the western gray whale at the rangewide level and expect to liaise regularly with the IWC's 'bycatch initiative'.</p>
<p>2. The WGWAP should consider whether it requires a Panel member who is a specialist on oil spill prevention and a Panel member with direct experience working for the oil industry, ideally with engineering and/or Health, Safety, and Environment expertise, who can help with an independent evaluation of company responses.</p>	<p>With regards to the recommendation to include in the Panel experts in the oil and gas industry with particular attention to engineering and/or Health &amp; Safety and oil spill prevention expertise, adding such expertise would risk creating redundancy as the company is regularly audited by independent bodies to assess the integrity and safety of their operations. We will encourage the company to share the results of these audits and inform the panel of any potential risk factor identified.</p> <p>With regards to including a Panel member “with direct experience working for the oil industry....who can help with an independent evaluation of company responses” , we don't consider this necessary. The Panel will continue to strive to make its recommendations practical and reasonable. In the past, an open and honest dialogue with the company has helped to ensure that recommendations are as practical as possible but still relevant and effective from a conservation perspective. We trust that this kind of dialogue will continue.</p>
<p>3. Sakhalin Energy should formally provide its research plans, including research plans of the Joint Programme, to the WGWAP for review and input, on an annual basis.</p>	<p>The company already provides information about its own research and monitoring plans. However, with regards to the Joint Programme, the Panel has had few opportunities to provide meaningful and timely input, and therefore has had only limited influence, in part because the objectives, content and scale of the Joint Programme are determined jointly by two companies, only one of which is engaged directly with WGWAP.</p>

	<p>IUCN will continue to discuss with Sakhalin Energy ways for the Panel to receive information earlier in the planning process so that it can provide meaningful and timely input (or seek an alternative approach for the Panel to provide its advice).</p>
<p>4. IUCN and the WGWAP should continue to produce publications in order to scale its impact. IUCN and the WGWAP should also consider publicizing its primary recommendations through the media in order to build support, encourage compliance, and scale its impact.</p>	<p>We are doing this and we are committed to continue producing publications (including scientific papers and IUCN reports). IUCN will engage more actively with Russian media directly and indirectly through the observers with the aim of publicizing the recommendations more effectively. We will not however ask the WGWAP to initiate any media communications as the Panel should not engage in advocacy.</p> <p>Furthermore, the work of the WGWAP is part of a broader programmatic approach which allows IUCN to take its recommendations to a wider audience, beyond Sakhalin.</p>
<p>5. Sakhalin Energy should prioritize providing full and timely information to the WGWAP to ensure its effectiveness. Sakhalin Energy should renegotiate with ENL policies regarding access to information in the Joint Programme, in order to ensure that any data developed with Sakhalin Energy funding can be provided to the WGWAP for the Panel's full review and consideration.</p>	<p>The issue of timely provision of Joint Programme results has been an issue from the start (over 15 years ago), and all three parties (SEIC, IUCN and the Panel) have made efforts to improve the situation given the difficulties of aligning with the company's reporting requirements to regulators and the company's need to coordinate with its Joint Programme partner.</p> <p>Three years ago we established a process to ensure that information from Sakhalin, especially documents that are solely owned and controlled by SEIC, are shared well in advance of panel meetings and this has worked reasonably well.</p> <p>Good progress has also been made to improve access to photo-ID results. We are working with IWC to establish a photo-ID data sharing agreement to ensure that images collected by the different research groups are combined into a single unified catalogue.</p> <p>Finally, we emphasize that the WGWAP does not expect or request to receive raw data from the company as is suggested in recommendation 5. In fact, raw acoustic data, for example, cannot be made available to anyone outside Russia – only the analytical reports that are produced from such data can be shared.</p>

<p>6. Sakhalin Energy should demonstrate that its commitment to Western Gray Whale conservation and the success of the WGWAP is embedded into the company's corporate culture. Sakhalin Energy staff who regularly engage with the WGWAP should convey the positive value of the WGWAP to their superiors, ensuring a common understanding within the company of the value that the WGWAP has provided to Sakhalin Energy and a common commitment to the WGWAP's future success.</p>	<p>We are aware of the challenges linked to staff changes and we stand ready to support current and future transitions in hopes of seeing the company maintain the level of commitment it has demonstrated over the past 3 years. We have appreciated the great effort made by Sakhalin Energy's HSE team in recent years and during the current transition.</p>
<p>7. The WGWAP, IUCN, and Sakhalin Energy should increase their joint engagement of the Russian government in WGWAP initiatives, building relationships and understanding within relevant Russian government agencies about the value of the WGWAP.</p>	<p>We plan to continue holding the annual WGWAP meeting in Moscow which has proven to be a good way to get visibility and opportunity for engagement with the Russian stakeholders (also with other stakeholders).</p> <p>IUCN will work with WGWAP and Sakhalin Energy to gain more clarity on which stakeholders to engage and partner with, and then develop a specific engagement strategy. IUCN's programmatic engagement through its relevant Regional Office with relevant Russian government agencies is already in place and provides a good avenue to strengthen our specific messages related to the conservation of the western gray whales.</p> <p>Finally, the launch of the Russian Business and Biodiversity Initiative is promising; it will provide a platform to work with key stakeholders in the energy sector, and hopefully in specific seascapes, including the Sea of Okhotsk.</p>
<p>8. The WGWAP, IUCN, Sakhalin Energy, and lenders should review budgets for both the WGWAP and the Joint Programme, to ensure that funding allocated to Western Gray Whale conservation issues is adequate to meet the requirements of Sakhalin Energy's HSESAP.</p>	<p>IUCN has calculated a minimum WGWAP budget below which it cannot ensure the effective operations of the Panel and this has been shared with lenders and Sakhalin Energy. IUCN is not in a position to review the Joint Programme budget, but the WGWAP can provide guidance on how the proposed Joint Programme budget can be optimized.</p>

<p>9. Lenders, in addition to lender consultants, should engage more regularly and actively in WGWAP proceedings in order to ensure that WGWAP recommendations are implemented and to ensure compliance with lender and IFC social and environmental standards.</p>	<p>IUCN will discuss with the lenders their current procedures used to ensure implementation of the recommendations and compliance with lenders' standards and IUCN will eventually set up other communication processes to ensure more direct links between IUCN and the lenders.</p>
<p>10. The WGWAP, together with all stakeholders, should review scenarios in the report for continuation and/or transformation of the WGWAP after 2021. Following review, the WGWAP and IUCN should take steps to explore potential options, including, but not limited to, transforming the WGWAP into a range-wide initiative.</p>	<p>This discussion already started during the WGWAP19 meeting (Moscow, November 2018), building on the input provided by the external evaluators. IUCN will now take the lead in this process, working closely with IWC as well as seeking scientific input from the WGWAP. Furthermore, the companies and other institutions that have indicated interest in exploring a post-2021 panel will be consulted from the outset.</p>