



Evaluation of the Western Gray Whale Advisory Panel

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Preface

The Western Gray Whale Advisory Panel is an important step forward in IUCN's efforts to achieve more responsible environmental performance and more committed conservation action by the private sector. Although there have been many challenges during its first two years of operation, the panel has made significant progress and has pioneered new modes of operation for science in tackling the practical conservation issues that arise from oil and gas development in a marine environment.

A draft of this report was submitted to IUCN on 2 February, 2009. Comments (comprising a number of factual corrections) were received on 2 March. This final report takes those comments into account, but otherwise describes the situation as I saw it a month ago. Details will inevitably go out of date, but I trust that the underlying arguments remain valid.

It has been a privilege to undertake this first evaluation of the GWAP's work, to observe two of its plenary meetings, and to meet all the panel members and the other key players in this complex venture. I am grateful to have been given this opportunity, and grateful to all those who patiently answered my questions – not least those who endured the online questionnaire survey that I asked them to complete.

I hope that the evaluation will prove to be a useful input to the development and impact of the GWAP process.

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Abbreviations

BBP	Business and Biodiversity Programme
DAC	Development Assistance Committee
EIA	environmental impact assessment
ENL	Exxon Neftegas Ltd.
HSESAP	Health, Safety, Environmental and Social Action Plan
IISG	Interim Independent Scientists Group
ISRP	Independent Scientific Review Panel
NGO	non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
SEIC	Sakhalin Energy Investment Company
UK	United Kingdom
GW	western gray whale
GWAP	Western Gray Whale Advisory Panel

Summary and recommendations

Background

The western gray whale is a critically endangered species whose summer feeding grounds off Sakhalin Island have become the site of intensive oil and gas exploration and exploitation by a number of companies, including the Sakhalin Energy Investment Company. Concern about the impact of these activities on the western gray whale led SEIC to invite IUCN to form an advisory scientific panel to help it develop and implement appropriate monitoring and mitigation responses. Interim bodies worked to this end between 2004 and 2006. The Western Gray Whale Advisory Panel of 11 scientists was established in late 2006. Intended to build collaboration with all the companies operating off Sakhalin, it has so far been able to work only with SEIC. Although its TOR envisage possible expansion to other parts of the western gray whale's range, the panel has so far been fully occupied with a focus on the Sakhalin area. In addition to its five plenary meetings to date, the GWAP has operated a number of specialist task forces that have worked in the margins of plenary gatherings and held some separate meetings. Plenary and task force meetings involve panel members and SEIC managers and scientists. NGOs' and lending institutions' observers attend plenary meetings.

Relevance

The GWAP is clearly relevant to the conservation and recovery of the western gray whale population, but the restriction of its scope to the Sakhalin Shelf and to only one of the energy companies operating there means that it does not address all of the priority issues in this regard.

Similarly, the panel is highly relevant to the impact of oil and gas activities on this species, subject to the restrictions inherent in working with only one of the companies operating off Sakhalin. The relevance of its work is further constrained by its inability to secure monitoring data from SEIC when those data have been collected in joint programmes with other companies.

Recommendation 2.1¹. IUCN should intensify direct and indirect efforts to persuade other companies – primarily the ENL and Elvay Neftegaz consortia – to collaborate with the panel in the same way as SEIC. IUCN and panel members should also continue less formal efforts to secure research collaboration and data sharing on particular issues and activities.

In addition, the GWAP has major relevance to IUCN's efforts to engage the private sector in more committed environmental awareness and conservation action.

For all these reasons, the panel's work is highly relevant to civil society's concerns about the conservation of the western gray whale and about the environmental performance of the private sector. While some NGOs appear to have concluded that the panel now has less leverage over SEIC and no longer show active interest in its work, other international and Russian groups do still affirm its relevance.

Effectiveness

Overall, the GWAP has worked well during its first two years, deploying high quality science and impressive personal commitment to implement the ten tasks and adhere to the principles set out for it in its TOR. Several factors significantly constrain its effectiveness, however, in addition to the relevance issues just mentioned. These include delayed and incomplete delivery of data and plans by SEIC. The fact that so

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

much of the single participating company's data cannot be released to the GWAP because of agreements with other companies compounds the panel's data access problems. SEIC's credibility is significantly compromised by its failure to fulfil its commitments in this regard.

Recommendation 3.1. SEIC should ensure that data, plans and other documentation are provided according to schedules agreed with the panel that allow the panel adequate time to review and respond to them thoroughly.

The panel has not been as proactive and strategic in its engagement with the company as had been envisaged, and devotes the bulk of its effort to detailed scientific assessment of monitoring and mitigation data and proposals. It has developed longer-term work programmes, notably through its task forces, that have helped to move it out of purely reactive mode, but it is often forced back into that mode when SEIC inputs arrive late. The panel does not give its annual work plans the attention that was envisaged in its TOR.

At the heart of the panel's work are its recommendations to SEIC. The panel and IUCN have been too slow in developing a functional database of these recommendations and their status. This 'living document', as the GWAP TOR intended it, was only posted on the website over two years after the panel was launched. It shows gradual progress in implementing the recommendations of earlier panel meetings, but no action on 63% of those from the fourth meeting (nine months ago). The credibility of the company's commitment to the panel process is therefore at risk. Developing clear and practicable recommendations whose implementation can be unambiguously monitored has been a learning curve for the panel, and further improvements are required.

Recommendation 3.2. IUCN and the panel should ensure that the recent upgrade to recommendation management is sustained and that the public recommendations table on the website is kept current. Although it is inappropriate to include the full detail of panel-SEIC communications on each recommendation in this public table, a brief explanation should be provided of their status where this is not self evident from the status statement itself.

Recommendation 3.3. The panel should continue its efforts to improve the specificity, clarity and practicability of its recommendations.

Recommendation 3.4. SEIC should accelerate its implementation of or other response to the panel's recommendations.

In general, the GWAP has followed an appropriate approach to the confidentiality of data and documents and is acknowledged by most observers to be operating openly and transparently. However, this is a sensitive issue on which the panel and IUCN should make maximum effort to respond to the public's interest in full disclosure.

Recommendation 3.5. Management of the GWAP website should include high visibility statements about the panel's confidentiality principles and how they are applied to the public availability of documents.

The GWAP has a difficult task in maintaining impartiality in the eyes of conservation and private sector interests. Despite some criticisms, it has generally done well in this regard. While deeply held convictions and old suspicions made relations between the panel and the company difficult at first, the overall commitment and professionalism of the group as a whole, and the guidance provided by its leadership, have helped the GWAP to move beyond the initial difficulties.

Motives, trust and credibility are sensitive concerns with regard to NGO participation in the GWAP process, which is widely seen as inadequate. The intensity and value of civil society participation can be enhanced by extra efforts at publicity and transparency.

Recommendation 3.6. Through the GWAP website and other media, IUCN should increase the publicity that it gives to the panel's work; emphasise the opportunities that the panel process gives for constructive collaboration with the energy industry for conservation purposes; and be candid about the challenges that the panel faces.

Like the NGOs, the lending institutions associated with the Sakhalin II project are not participating as actively in the GWAP process as they did initially. They insist that SEIC must comply with the Health, Safety, Environmental and Social Action Plan that forms part of its loan conditions, and that the work of the panel is highly important in this context. Although lenders could take punitive action in response to violations of this plan, the practical likelihood of this is small and the panel's leverage is no longer strong.

Recommendation 3.7. Lending institutions should maintain their active commitment to the GWAP and attendance at its meetings.

Overall, IUCN has operated effectively in its convening, advocacy and support roles regarding the GWAP. On balance, it has managed to maintain an impartial stance. It has been less clear in identifying and separately advocating its own positions on issues that the panel may address. Nor has it succeeded in linking the relevant stakeholders in the manner envisaged by the GWAP TOR. The number of stakeholders meaningfully linked into the GWAP process has shrunk as the difficulty of involving other companies and of convincing NGOs about the credibility of the process has become apparent.

SEIC has been less effective in performing the roles for 'contracting companies' set out in the GWAP TOR, although enumeration of those roles indicates some that it has fulfilled – most notably funding the panel process. Overall, the effectiveness of SEIC in the GWAP process has fallen far short of expectations, and reached such a low point in 2008 that many wondered whether the panel could continue. SEIC's credibility, and that of the panel process, have been significantly impaired as a result.

The GWAP's interaction with the government of the Russian Federation is unsatisfactory, and the government has not taken up the opportunities for collaboration with the panel that are set out in the TOR. The panel is unable to collaborate with the Russian authorities to promote energy companies' involvement in and compliance with environmental monitoring and mitigation procedures.

Recommendation 3.8. Through its links to this state member, IUCN should be more active in urging official Russian government recognition of the panel and its role. It should also work harder to persuade the Russian authorities to require other energy companies to collaborate with the panel. At the operational level, IUCN should make more satisfactory arrangements for Russian government participation as observers on the panel, as provided for by the TOR.

Recommendation 3.9. IUCN should do more to raise the panel's profile in Russia, through translation of more documents on the website, more active outreach and holding more panel meetings in that country.

The GWAP has not fulfilled its TOR's requirement for a self-assessment process at each meeting, although a useful discussion of its *modus operandi* was included on the agenda of GWAP 5.

Recommendation 3.10. The panel should ensure that, without necessarily titling it 'self-assessment', a structured review is repeated on each subsequent agenda.

Efficiency

The cost effectiveness of the GWAP process can only be assessed subjectively. The results being achieved are worth the money being spent on them, and there are no obvious ways to achieve those results at significantly lower cost. Conversely, however, the process could be far more cost effective. To remedy its

weaknesses is not primarily a matter of higher or lower budgets. If the panel were performing more satisfactorily, its cost-benefit ratio would be more impressive.

One potential cost saving measure would be to hold only one plenary meeting of the panel per year. This is not advisable. Contact and continuity would suffer too much.

Recommendation 4.1. The GWAP should continue to hold two plenary meetings per year.

The panel's efficiency suffers because its enthusiastic and committed members are unrealistic in their work planning, agreeing more tasks for themselves than they can usually manage satisfactorily.

Recommendation 4.2. The GWAP chair should intensify his efforts to promote realistic work planning by the panel.

Panel meetings are generally conducted efficiently. The various task forces significantly enhance the GWAP's efficiency.

The panel's website, hosted by IUCN, plays a major role in the perceived openness of the panel process. It is not managed efficiently enough. Materials take too long to be uploaded and too few of the documents available there are presented in Russian.

Recommendation 4.3. IUCN should upgrade its management of the GWAP website and ensure that more of the key documents on it are available in Russian.

Beyond the passive communications offered by the website, the GWAP needs an active communications effort as well. Again, it is communications with Russian stakeholders that are particularly important.

Recommendation 4.4. To achieve and sustain adequate interaction with the Russian government, IUCN should ensure prompt translation of key panel documents and their distribution to the relevant Russian state agencies. The distribution programme should also cover Russian NGOs.

Recommendation 4.5. IUCN should give high priority to developing an overall communications plan for the GWAP. This should include revival of the open information sessions provided for by the panel's TOR.

The influence and impact of the GWAP

It is premature to consider whether the GWAP process has had a positive impact on the recovery of the western gray whale population. It has begun to have positive impacts on the conservation of the species.

The GWAP process over its first two years has had a modest positive impact on civil society's awareness of the threats to the western gray whale. This impact is restricted by several factors, however. First, the two human populations (and their NGOs) that should be in the forefront of growing public awareness – Russia and Japan - have been inadequately served by IUCN publicity about the GWAP. Secondly, not enough of the public information sessions envisaged in the panel's TOR have been held. Finally, what publicity there is can be too easily criticised as reticent about the challenges that the panel process has faced. This reinforces the more sceptical public attitudes about the panel's interaction with the energy sector.

The panel's work has as yet had only limited influence on broader state and industry practice in the range of the western gray whale, or on marine conservation practices in the oil industry overall.

The sustainability of the WGWAP

The sustainability of the WGWAP itself is not a necessary objective. It is more appropriate to identify the most useful and feasible ways forward for the process. These may take it in directions not envisaged when the panel was established two years ago, and restrict it from some of the modes of development that were anticipated then.

Recommendation 6.1. IUCN should intensify its efforts to convene appropriate scientific expertise to promote the conservation and recovery of the western gray whale across its range, in partnership with governments, civil society and the private sector in the states concerned. This should not be a role for the WGWAP.

In the short to medium term, the panel has much more work to do just to achieve the necessary results with SEIC. As recommended above, IUCN should redouble its efforts to involve other companies working on the Sakhalin Shelf. A key way to do this is through stronger collaboration with the Russian authorities. That strategy is complex and challenging, but the Union has not yet tried hard enough to make it work.

It is also possible, however, that the WGWAP will be terminated before its five year timeframe elapses. At the end of its fifth meeting in December 2008, the panel effectively began a period of probation. Communications and collaboration with SEIC had been so wholly inadequate in the latter part of that year that all parties recognised the need for urgent improvement – failing which the panel could obviously not continue. The prospects had improved somewhat by the end of WGWAP 5, on the basis of new and firm assurances from the company that it would now deliver on its commitments. But the panel and the company now have an exceptionally heavy programme of work leading up to WGWAP 6 in April 2009, with even more demanding performance targets and deadlines than usual. The panel's survival and credibility now depend not only on a return to earlier standards of performance by all parties, but on an even higher level of delivery than has been achieved before. IUCN, too, needs to rebuild and extend its levels of support, communications and advocacy for the panel.

The highest priority for the WGWAP is to put its existing process with SEIC back on the rails, and to keep it on track at the accelerated pace needed for credible delivery over the remainder of the current five year timeframe. This stronger performance should then provide the foundation for the broader collaboration with other companies towards which IUCN and the panel should strive. One key test of enhanced operations in 2009 will be the implementation of the panel's recommendations on the seismic survey work that SEIC plans for this year.

After two years, the WGWAP finds itself with a narrower focus than its TOR envisaged. An interface with just one of the companies working off Sakhalin is too narrow. But the remaining three years of the panel's current timeframe should be devoted to more effective interaction with the private sector in that area, while IUCN expedites separate measures to promote the range-wide conservation and recovery of the western gray whale.

Amendments to the WGWAP TOR

The WGWAP TOR have served as a constructive framework for the first two years of the panel's work, and will accommodate the adjustments and developments recommended above.

Amendments to the TOR are therefore not a priority, although recognition that range-wide conservation will be pursued by other means would imply deletion of the last sentence of section 3(a) of the TOR and of section 4(e). Section 4(i) also serves little further purpose, as a full vision statement was not developed at the first meeting and the preparation of one now is not a priority.

1. Introduction

1.1. The status of the western gray whale

In the 1960s, some feared that the western gray whale was extinct. Although this proved not to be true, the animals are critically endangered, with best estimates of the population now suggesting that there may be about 130 remaining (excluding calves). Where they breed is still uncertain, but their main summer feeding ground is off the north east coast of Sakhalin Island. These waters are also the site of intensive oil and gas exploration and extraction by several consortia of Russian and other companies, including the Sakhalin Energy Investment Company (SEIC). Construction work on land and sea, seismic exploration, the movement of vessels and other human activities may all disturb western gray whales or damage their food supplies and habitat at a critical period in their annual cycle. Possible oil spills and other potential pollution also pose a significant risk to this endangered population. These are not the only risks. Commercial whaling of the species has ceased, but western gray whales are still entrapped and die in fishing gear from time to time. There were four or five such deaths between May 2005 and August 2007, all of them females. So far, no mortality of western gray whales has been shown to have been caused by oil and gas operations off Sakhalin.

1.2. The development of the GWAP

By 2004, there was growing concern about the impact of Sakhalin oil and gas activities on western gray whales. Meanwhile, there was increasing collaboration between IUCN and Shell (a prominent member of the SEIC consortium) on a range of environmental and conservation issues. Against this background, SEIC asked IUCN to convene a scientific panel to advise it on potential impacts and mitigations arising from the Sakhalin II oil and gas project in the western gray whale feeding area. Its report was also intended to inform potential lenders to Sakhalin II, and other concerned parties such as governments and NGOs, about how the project might affect western gray whales.

Playing its common role of neutral but expert convenor and facilitator in environmental matters, IUCN brought together an Independent Scientific Review Panel (ISRP) that met four times before producing its report in early 2005. Chaired by Dr R.R. Reeves, who is chair of the IUCN Species Survival Commission's Cetacean Specialist Group, the 14-member ISRP was intended to be a discrete process. During and after its work, however, consensus grew about the need for a longer-term advisory panel. A recommendation to this effect emerged from the follow up meeting that was convened in May 2005 to provide scientific feedback to SEIC's response to the ISRP report.

At the lenders' request, a further meeting was convened with the independent scientists in Vancouver in September 2005, to look in more detail at issues arising from the ISRP's report and SEIC's response to it. The report of that meeting stated that

Perhaps the single most important outcome of the Vancouver meeting was agreement on the formation of a long-term Western Gray Whale Advisory Panel (GWAP) to provide a mechanism for independent review and recommendation regarding management of... threats [to the western gray whale]. We recommend the immediate formation of this panel.

IUCN, 2005: 3.

SEIC then submitted a formal request to IUCN to convene the GWAP, and IUCN agreed to do so. Meanwhile, however, as it became clear that this process would take some time, IUCN decided to bring together an Interim Independent Scientists Group (IISG) to review SEIC's plans for monitoring and protecting western gray whales during the 2006 construction season. The IISG met in Vancouver in April 2006. It discussed the proposed GWAP further, concluding that it was of "utmost importance" that

...the modus operandi of the GWAP needs to shift from the reactive or review approach that has been followed to date... to a much more proactive approach. This would mean that the deliberations and meetings of the GWAP are timed and organised to allow it not only to assess, comment upon and develop recommendations from documents produced by SEIC and other participating companies, but also to prescribe the types of research and monitoring that are needed to provide an adequate basis for gray whale protection. In other words, the GWAP needs to become directly involved in setting the scientific agenda for oil- and gas-related studies of gray whales and their associated biodiversity on the Sakhalin Shelf.

IUCN, 2006a: 2.

IUCN officially established the GWAP on 2 October 2006. Its terms of reference (TOR) are shown at Annex 2. Its overall goal, as stated in the TOR, is the conservation and recovery of the western gray whale population. Its objectives are:

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

IUCN, 2006b: 2-3.

The TOR emphasise the important role of the Russian government and those of other range states in addressing the impact of Sakhalin oil and gas development and other human activity on western gray whales, and in promoting their conservation. They stress the principles of openness and transparency in the GWAP's operations; the importance of full provision of all relevant information and data to the Panel; and the requirement that intellectual property rights and confidentiality concerns be respected.

The TOR (Annex 2) go on to explain that "the GWAP is an advisory rather than a prescriptive body, and its decisions will be in the nature of recommendations rather than prescriptions... The contracting companies advised by the GWAP are expected to follow its conclusions, advice and recommendations" and to identify and explain those cases in which they choose not to do so. So far, SEIC is the only contracting company, and is providing most of the funding for the panel's operations. The TOR commit both IUCN and SEIC actively to solicit the participation of other companies.

Although the initial focus of the panel is on the Sakhalin Shelf and the western gray whale, the TOR anticipate the expansion of its coverage to more of the western gray whale's range and to "other key biota (such as Steller's Sea Eagles or salmon)".

1.3. GWAP activities to date

Like its predecessors, the GWAP is chaired by Dr R.R. Reeves. It is slightly smaller than the ISRP, with 11 members: three from Russia, three from the United Kingdom (including one based in Germany) and five, including the chair, from the United States. One GWAP member resigned in January 2008 due to pressure of other work. A new member, who had already worked extensively with the panel as an 'associate scientist', joined the following month.

Required by its TOR to meet at least annually, the panel has held five meetings so far. It has developed a cycle of spring and autumn meetings. The spring meeting should provide an opportunity, *inter alia*, to review the results of SEIC's monitoring and other environmental activities from the previous summer

season – the ice-free period off Sakhalin when whales come to the area and human activities are most intensive. The autumn meeting should be the time for the panel to discuss the company’s plans for the following summer. However, since WGWAP 3² the panel has increasingly focused on its own programme of work, and the company has not always delivered its plans and field data in good time for panel meetings, so that the spring/autumn cycle has not always been as effective or necessary as was originally envisaged.

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

Building on the earlier experience of the ISRP and the IISG, the WGWAP meetings have continued with a generally consistent set of agenda items. These include discussion of SEIC work plans, both for construction activities and for environmental monitoring; annual assessments of the western gray whale population; photo identification programmes; multivariate analysis of factors affecting whales’ behaviour; several aspects of whales’ reaction to noise, with special emphasis on the acoustic impacts of seismic surveys; satellite tagging; a range of environmental monitoring issues, with particular reference to benthic monitoring; the monitoring and management of vessel movements, including the work and observations of marine mammal observers; and provision for oil spills. The work of other scientific groups is also reported and discussed at each panel meeting.

At panel meetings, members discuss the items on the agenda with an SEIC delegation led by the company’s Environmental Manager and including scientists contracted to carry out SEIC’s various environmental and related studies – many of which are done in partnership with other companies, notably Exxon Neftegas Ltd. (ENL). Financial institutions are allowed by the panel’s TOR to send a maximum of four observers to WGWAP meetings, as are interested NGOs; IUCN selects the NGO observers.

Specialist task forces have been part of WGWAP’s operations throughout these first two years. TOR for a photo-ID task force were discussed at WGWAP 1; WGWAP 2 reviewed TOR for the seismic and the oil spill task forces. Most recently, an environmental monitoring task force was launched during WGWAP 4 and is now starting its work. The photo-ID task force is now in a second phase, having had its TOR renewed by the panel; the oil spill and seismic task forces have completed the work that was originally set out for them, but renewed TOR were agreed for the latter at WGWAP 5. Task forces hold separate, private meetings of nominated panel members and company scientists, and report their conclusions back to the full panel.

While the panel meetings and the days immediately before and after them are times of intensive activity for all involved, substantial effort is needed from panel members and their counterparts between meetings too. Some panel members also attended an intersessional briefing by SEIC in Vladivostok in February 2007, and a range-wide workshop on western gray whales that was convened by IUCN in Tokyo in September 2008. Task forces are a key field of effort for many panel members between WGWAP meetings, and the seismic task force held separate meetings in June 2007 (in The Hague) and March 2008 (in Lausanne).

1.4. Performance assessment arrangements

The WGWAP TOR (Annex B, section 10) emphasise the importance of regular assessment of the panel’s performance as an advisory body, of IUCN as a convenor and of the contracting companies’ implementation of WGWAP advice. They therefore commit the panel to making self-assessment “a recurring item on the agenda”. Not surprisingly, the first WGWAP meeting did not include a self-assessment

² The five plenary meetings of the panel to date are referred to as WGWAP 1, WGWAP 2 etc.

process, but such an exercise was carried out in March-April 2007 and reported at the panel's second meeting (IUCN, 2007).

The panel's TOR also provide for an independent external evaluation every two years of "the performance of the collaboration under these TOR and the effectiveness with which IUCN, GWAP, and the Contracting Companies have played their respective roles".

1.5. Terms of reference for the evaluation

This is the first of the biennial evaluations for which the GWAP TOR provide. Its terms of reference are shown at Annex 1. They state that

The overall objective of this formative evaluation is to contribute to potential enhancement of GWAP performance by assessing the effectiveness of the engagement between the implementing parties of this initiative, namely IUCN, the GWAP and its Chair, and SEIC (hereafter referred to as the "GWAP process") in terms of:

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

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

- *the **relevance** of the GWAP process;*
- *the **effectiveness** of the results of the GWAP process;*
- *the **cost effectiveness** of the GWAP process;*
- *the **operational efficiency** of the GWAP process;*
- ***influence and impact:** the extent to which the GWAP process is contributing to the overall conservation and recovery of the population;*
- *the **sustainability** of the GWAP.*

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

1.6. Evaluation approach and activities

Although the evaluation TOR envisaged that up to three people might be used for the task, it was eventually decided to work with a single evaluator, reporting to the IUCN Evaluation Department. Following early discussions about the TOR with the Evaluation Department and the IUCN Marine Programme, the consultant drew up an evaluation matrix and indicators, shown at Annex 3. He also prepared an online survey form, which is reproduced at Annex 4, and distributed it to 42 respondents: the 11 Panel members, seven SEIC staff and consultants, 15 IUCN staff (including one Shell employee on secondment to IUCN) and nine others (staff of NGOs, lending agencies and their advisers). The matrix and the survey form were both approved by the Evaluation Department.

In order to build up the evidence on which this evaluation is based, the evaluator

- attended and observed the fourth and fifth meetings of the GWAP;

- reviewed relevant documentation, including reports on panel meetings and the consolidated list of panel recommendations;
- distributed the online survey form and analysed the 24 responses received, as shown in Figure 1³;
- carried out personal interviews with 40 key informants (listed at Annex 5).

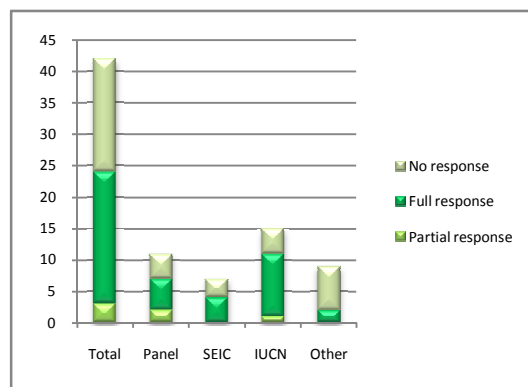


Figure 1. Survey response rates

Like any such instrument, the online questionnaire survey form was a necessarily crude means of gathering people’s views. Several respondents complained that the lack of a middle option between ‘agree’ and ‘disagree’ made it impossible to register a nuanced or partial view. Conversely, of course, the absence of a middle position is specifically intended to force respondents – perhaps unfairly! – into more explicit answers. Overall, and despite the mediocre 57% response rate, responses to the survey provide a useful supplement to the other data and judgements on which this evaluation is based.

³ In this and subsequent charts, ‘SEIC’ refers to staff and consultants of SEIC; ‘IUCN’ refers to staff of the IUCN Secretariat, including one Shell employee seconded to IUCN; ‘Other’ refers to staff of NGOs, lending agencies and their advisers.

2. The relevance of the WGWAP

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

The relevance of the WGWAP to the conservation and recovery of the western gray whale population is limited by the fact that the panel addresses human impacts on only one part of the animal’s poorly understood range. As the Sakhalin Shelf is the principal summer feeding ground for these whales, however, work to assess and mitigate any potential adverse human impacts on the whales in this area is highly relevant to the broader concern of conserving them and helping their population to recover. Respondents to the online survey for this evaluation confirmed this general relevance (Figure 2)⁴.

The panel’s relevance could arguably be much increased if it were working on conservation and recovery of the western gray whale across the whole range. At present it has no direct relevance to addressing the impact of human activities like fishing and shipping, although arguably it has some general or indirect relevance to these broader issues (Figure 3). The most immediate threat to the animals appears to be entanglement in fishing nets. This has caused several deaths in recent years, whereas on available evidence no mortalities, or even injuries, can be directly attributed to oil and gas operations off Sakhalin. IUCN and the panel are well aware of the importance of these range-wide issues. As noted above, IUCN recently convened a range-wide workshop in Tokyo to discuss them.

The WGWAP TOR (Annex B, section 4(e)) envisaged that “as knowledge accumulates, resources increase, and the relevant interested parties from across the range of the western gray whale become involved, the scope of the WGWAP may be broadened to include more of the range of the western gray whale”. It is not practical, however, for the current panel to do this. As this report will show, the panel has more than a full work load just addressing the activities of SEIC. Although the WGWAP does not address issues on the Sakhalin Shelf in isolation from range-wide factors, a range-wide panel for the western gray whale would require very different TOR and a substantially different membership, with a different mix of expertise and nationalities. Some panel members do of course work with western gray whales across other parts of their range, or have other, relevant expertise. Their inputs are certainly needed in range-wide efforts.

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

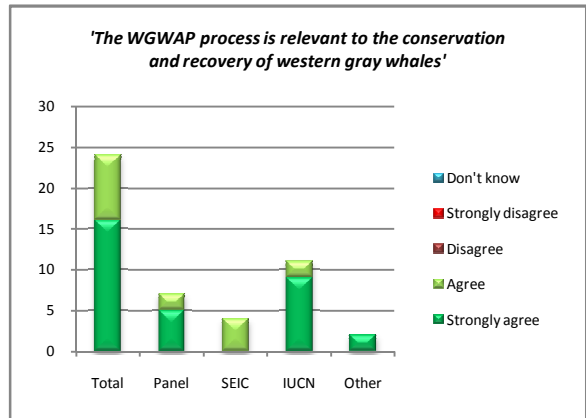


Figure 2. Survey: general relevance of WGWAP process

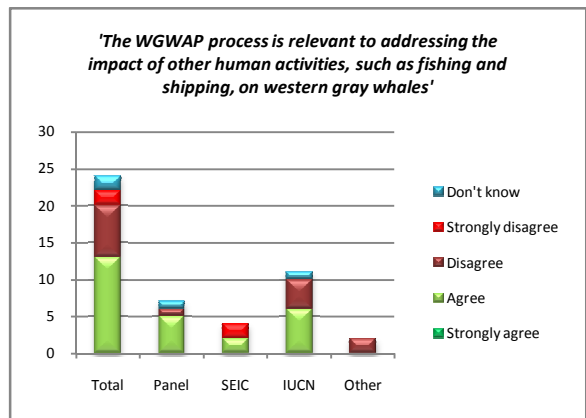


Figure 3. Relevance of WGWAP process to addressing broader human impacts

⁴ Charts showing responses to the online survey indicate the number of people in the various categories who answered a particular question. If one or more respondents did not answer that question, the total is less than the 24 who filled in part or all of the survey form.

2.2. Relevance to the impact of oil and gas activities on western gray whales

Having been established for the purpose at the request of the company, the GWAP is highly relevant to addressing the impact of SEIC operations on western gray whales (Figure 4). While the panel’s TOR envisaged that the number of contracting companies that it advises would increase, this has not happened. The panel’s relevance is therefore largely restricted to the one company, SEIC, with which it works. It can do little or nothing to address the actual or potential impacts of other oil and gas operations on the Sakhalin Shelf and on the island itself.

SEIC was proactive in requesting the establishment of the panel and is committed to collaborating with and supporting it financially for five years. But other oil and gas companies operating in the area have not only declined to work with the panel but also prevent the release to the panel of data that they collect in joint monitoring and research programmes with SEIC. This greatly restricts what the panel can do to advise SEIC, and restricts its relevance to addressing the impact of oil and gas activities still further. For example, the panel is unable to use the photo-ID data jointly collected by SEIC and ENL, and must rely only on the records of the Russia-US team that has been monitoring western gray whales annually since 1997.

Despite the enormous knowledge and expertise of the panel members, they must therefore contend with ignorance about many of the data sets and company activities that are pertinent to their task. The relevance of their work suffers accordingly (Figure 5). There are two ways to redress these shortcomings. Neither is easy, but IUCN and the panel should keep trying. IUCN should continue making formal proposals to other companies – primarily the ENL and Elvary Neftegaz consortia – to collaborate with the panel in the same way as SEIC. IUCN and panel members should also continue less formal efforts to secure research collaboration and data sharing on particular issues and activities. Signals from the other companies are not uniformly negative in this regard. There are some signs that progress can be made, and that the relevance of the panel can thereby improve. Significant improvements in participation by the broader oil and gas industry around Sakhalin, however, would imply the need for restructured funding arrangements for the panel. It would be unreasonable to expect SEIC to continue carrying the financial burden of a panel with which other companies are also collaborating actively.

2.3. Relevance to IUCN

For many years, IUCN has been grappling with the thorny issue of engaging with the private sector: finding modes of collaboration that will stimulate companies’ awareness of environmental and conservation issues, encourage their efforts to mitigate their environmental impacts and promote their commitment to conservation. Although many conservation organisations around the world receive substantial funding from corporations, IUCN’s members have often criticised its private sector engagements – in particular its growing partnership with Shell. In this broad sense, the development and operation of the GWAP with

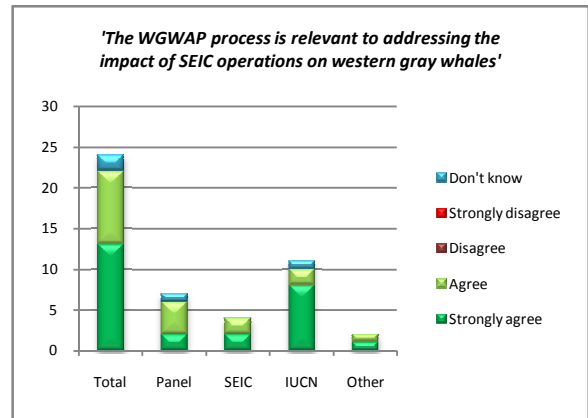


Figure 4. Survey: relevance of GWAP process to addressing impact of SEIC operations

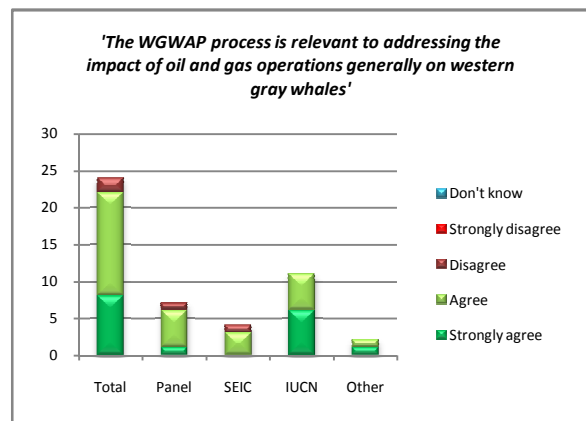


Figure 5. Survey: relevance of GWAP process to addressing impact of oil and gas operations in general

funding from SEIC – in which Shell’s former majority holding is still 27.5% - are highly relevant to IUCN’s private sector strategy.

Part of that strategy – steered by the IUCN Business and Biodiversity Programme in collaboration with the thematic programmes – is to set up expert panels to interact with one or more companies on specific aspects of their operations or on selected environmental issues. So far, three such panels have been established. The first was the GWAP. Another, set up in 2007, advises the Holcim cement company on ways to enhance its environmental and biodiversity strategies. A third panel, also established in 2007, advises the government of Mauritania on the implications of offshore oil and gas development on environmentally sensitive areas.

This evaluation is not mandated to review the potential of panels as a mode of IUCN engagement with the private sector, but it is clear that the GWAP process is highly relevant to this strategic question. The GWAP and its predecessors have now generated over four years of intensive experience with interaction between conservation scientists and the oil and gas industry. IUCN has rightly devoted much time and effort to the establishment and operation of the GWAP, over and above the full time co-ordination position within its Marine Programme that is funded by SEIC. From some points of view this level of effort is excessive and probably not replicable, even though the GWAP has been relatively self-contained with its dedicated funding and staff person. Oil and gas impacts on western gray whales off Sakhalin are just one of countless critical conservation challenges around the world. The GWAP concept is very relevant to further efforts by IUCN in general and its Marine Programme in particular to apply conservation science in engagements with the private sector, but future panels would probably need to be simpler and obviously cannot be set up for each company, species or impact area about which there may be environmental concern.

2.4. Relevance to civil society

A wide range of NGOs seek to represent civil society’s concerns about the environmental performance of the private sector. Russian and international organisations have been monitoring Sakhalin oil and gas developments closely and have expressed many strong criticisms of the environmental behaviour of SEIC and other companies. Public lending agencies’ environmental principles and conditions are another expression of civil society concern, representing the growing commitment of many governments to conserve biodiversity – a commitment that has been growing due to pressure from at least some sectors of their electorates.

From both these perspectives, the GWAP is certainly relevant to civil society’s efforts to influence the environmental performance of the private sector (Figure 6). Although often critical of IUCN’s stance with regard to business, and more often critical of the oil and gas companies operating off Sakhalin and elsewhere, some NGOs have found it worthwhile to engage with the panel process and to take up the opportunity to attend meetings as observers. Of the maximum four NGO observer seats available, two were taken up at the first GWAP meeting, all four at the second and third meetings, two at the fourth and just one at the fifth (perhaps because one NGO invitation to that meeting was misdirected).

NGO attendance has arguably waned because they see the panel’s relevance to their concerns as waning, for three reasons. First, SEIC secured its construction finance, even though (due partly to NGO pressure) most of the public lending agencies had withdrawn. Secondly, the most environmentally sensitive period

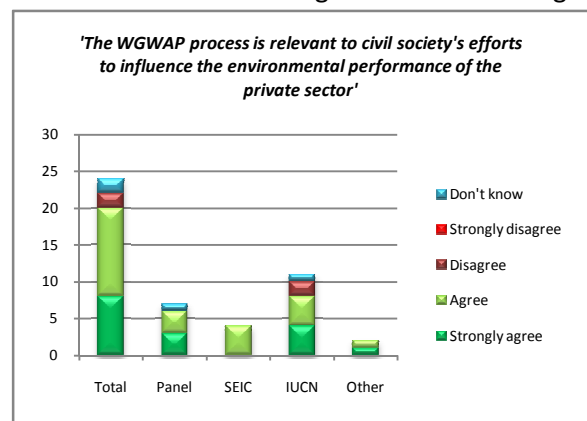


Figure 6. Survey: relevance of GWAP process to civil society's efforts

off Sakhalin for the time being – the installation of Sakhalin II infrastructure – is almost over, and the importance of the panel’s input could be seen as decreasing. Thirdly, some NGOs may have concluded that the panel is not proving as effective in altering company behaviour as they had hoped. However, some international and Russian NGOs continue to monitor the WGWAP process closely and, where possible, to attend panel meetings. They still find the panel’s work relevant to their concern for the conservation of the western gray whale and their commitment to tracking the environmental performance of energy companies.

One key dimension of the panel’s relevance to civil society concerns the leverage it may still have through the conditions of SEIC’s loans. All lenders apply the same set of environmental conditions and require SEIC compliance with a Health, Safety, Environmental and Social Action Plan for Sakhalin II. Many interest groups in civil society would be concerned to see close adherence to that plan, and loan conditions permit the lenders to cancel their funding if the company defaults in this regard. It is debatable whether this would actually result from any but the most outrageous violations of the plan. The strength of the panel’s relevance to civil society concerns is a function of its perceived leverage, which – despite the formal loan conditions – is not strong.

3. The effectiveness of the GWAP

3.1. Introduction

The effectiveness of the GWAP is in many ways the central concern of this evaluation. The panel must obviously be relevant, working towards appropriate objectives (chapter 2); and it must work efficiently (chapter 4). The heart of the matter is whether it is working effectively to achieve its intended outcomes. To answer that question, this chapter begins by asking whether the GWAP is doing what was intended, and comments on the nature of its strategies and focus. It then assesses a number of factors that are likely to influence the panel's effectiveness. First and foremost are the recommendations that it is generating. After that, various other aspects of the panel's operations are assessed, followed by discussion of the performance of various key agencies: IUCN, SEIC and the Russian government. To conclude, the chapter assesses how far the GWAP is on track to achieving its objectives and vision.

3.2. The GWAP's activities

The GWAP TOR (Annex 2) identify ten key tasks for it (see box). Overall, the panel has worked well to tackle these tasks over its first two years of operation. Most respondents to this evaluation's questionnaire survey concurred with this view (Figure 7), although a minority disagreed – probably because of the operational constraints on the panel's effectiveness that will be discussed below (section 3.5). The GWAP has certainly provided the recommendations envisaged in task (a) (section 3.4), although how proactively is a matter for debate (section 3.3). It does receive and review all available information related to the western gray whale population (task (b)), but one of its key problems is the availability of

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

GWAP TOR: key tasks for the panel

- (a) Proactively provide scientific, technical and operational recommendations it believes are necessary or useful for conserving the WGW population.
- (b) Receive and review all available information related to the WGW population;
- (c) Seek and secure any additional information that it may require.
- (d) Using the best available data and information, assess whether the Contracting Companies' studies, assessments and proposed mitigation plans (i) take account of the best available scientific knowledge, (ii) identify information gaps, and (iii) interpret both existing knowledge and information gaps in a manner that reflects precaution.
- (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 plans are adequate to ensure that the proposed activities will not have significant impacts on the WGW population;
- (g) Review (i) the effectiveness of existing mitigation measures as determined from associated monitoring programme results, and (ii) the likely effectiveness of proposed mitigation measures; provide recommendations regarding modifications, alternatives or the development of new measures;
- (h) Review existing and proposed research and monitoring programmes and provide recommendations and advice as necessary or useful;
- (i) Recommend new research programmes aimed at ensuring the ultimate recovery of the WGW population;
- (j) Actively assist in soliciting the participation of Other Companies in collaboration with and as agreed by other Contracting Companies and IUCN.

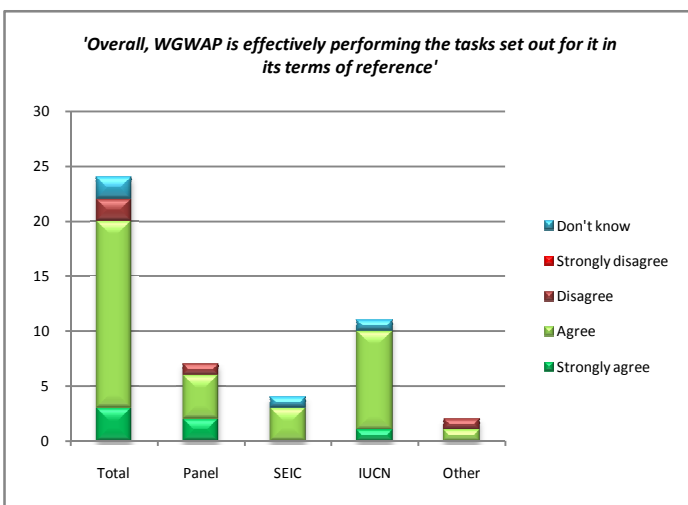


Figure 7. Survey: overall effectiveness of GWAP

information. It seeks the additional information that it requires (task (c)), but it often cannot secure it (section 3.5).

The panel has been diligent in its assessment of SEIC’s studies, assessments and proposed mitigation plans (tasks (d) and (f)), although its TOR envisaged that it would be reviewing the efforts of more than one company in this regard. Those disagreeing with the assertion in Figure 8 probably did so because of concern about the factors inhibiting the panel’s access to data and to SEIC plans.

Although many respondents to the questionnaire survey endorsed the effectiveness of the WGWAP’s annual assessments of the state of the western gray whale population (task (e)), a minority were critical (Figure 9). Indeed, it is hard to see how these annual assessments – which focus on the demographics reported by the yearly Russian – US survey - can be considered fully adequate or effective when overall knowledge about the species’ activities elsewhere in its range remains limited and when the panel’s access to population survey data is restricted (section 3.5).

The panel devotes much of its effort to reviewing SEIC’s existing and proposed mitigation measures with regard to potential adverse effects of the company’s activities on the western gray whale (task (g)). It is unable to work with other companies, as was hoped when the TOR were drafted, but it does give detailed attention to SEIC’s mitigation efforts. The management of marine traffic and the disturbances associated with seismic survey work have been particular fields of focus, and the panel has reviewed and made recommendations on SEIC’s oil spill response plans.

Tasks (h) and (i) in the panel’s TOR – reviewing research and monitoring programmes and recommending new ones where needed – link back to tasks (d) and (f). Perhaps because of the wording of the question, however, survey respondents were more critical with regard to this aspect of the WGWAP’s effectiveness (Figure 10). Some referred again to the panel’s inability to obtain full and timely information about the research and monitoring programmes that it is supposed to be reviewing. Others referred to issues of attitude, method and approach, feeling that the panel is sometimes too automatically critical of SEIC activities; that it focuses too much on the details of SEIC programmes and too little on the bigger picture; and that its authority is sometimes compromised by internal disagreements.

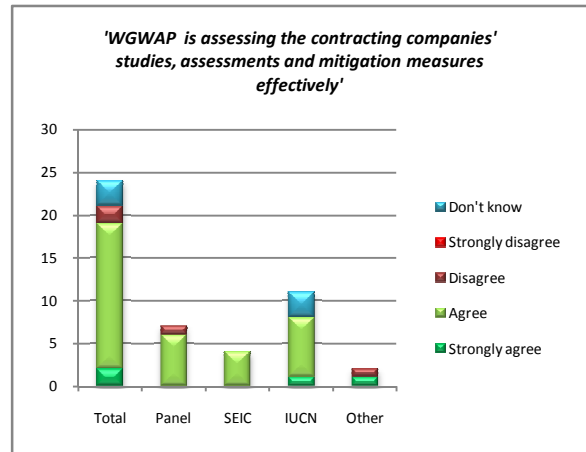


Figure 8. Survey: WGWAP assessment of companies' work

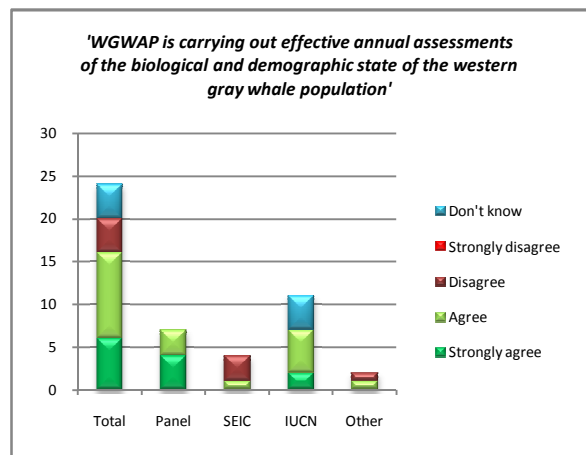


Figure 9. Survey: effectiveness of WGWAP's annual assessments of western gray whale status

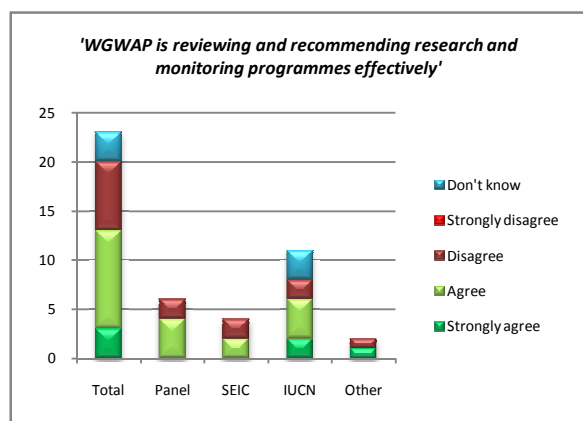


Figure 10. Survey: WGWAP review of research and monitoring

There is uncertainty, too, about the final task (j): actively helping to encourage other companies to participate in the work of the panel. The GWAP TOR also specify soliciting the participation of other companies as a task for IUCN and for 'contracting companies' (currently SEIC). The TOR cast the panel in the subsidiary role of assisting in the process, but most interviewees emphasise that it is primarily up to IUCN to encourage other companies to join in (section 3.8).

3.3. Strategy and focus

The GWAP's predecessors – the ISRP and the IISG – were necessarily reactive in character. Their urgent task was to comment on SEIC's environmental impact assessments and immediate plans for construction and related activities. When the GWAP was established, its five year time frame was meant to facilitate a more proactive and strategic approach, going beyond a simple commentary on company plans from meeting to meeting and from season to season. This would enable the panel to work in a systematic and structured way towards achievement of the vision that, according to its TOR, would be developed during its first meeting. The vision

...will be translated, through [the panel's] successive annual work plans, reviews and assessments, into proactive recommendations and advice to Sakhalin energy and other contracting companies.

IUCN, 2006b: 6.

Elements of a vision were indeed developed at the panel's first meeting in November 2006, although there is no reference to it in the minutes of that meeting; it was reported separately by IUCN (IUCN, 2006c: 6-8). There has been little reference to the vision at subsequent panel meetings.

The panel has succeeded to some extent in moving its analysis of SEIC's plans upstream, and working with company scientists more thoroughly to enhance the avoidance or mitigation of adverse impacts. The increasing emphasis on collaboration through task forces has helped in this regard. The task force mode also enables the panel to be more proactive, in developing longer-term programmes of joint work with the company. However, panel attempts to be more structured and strategic are often frustrated by SEIC's late delivery of data and plans. This makes measured intersessional work more difficult and often forces the panel back into the mode of rushed reaction to SEIC's inputs in the days just before and during its meetings. A key case in point concerns the panel's original hope that SEIC (and ENL) would develop a comprehensive, three year research and monitoring plan, and that the panel could work with SEIC to optimise it. Although this has been under discussion since the third meeting of the GWAP, the fifth meeting still had to conclude that the company had not given enough detail for the panel to be able to respond constructively. Instead, the panel and the company have had to settle for a more fragmented – though still valuable - approach through various task forces.

From another perspective, of course, the scope of the panel's work remains unduly focused on a single company and a single, though vitally important, part of the western gray whale's range. Some critics argue that the GWAP has not been adequately proactive or strategic with regard to the big picture of western gray whale conservation and recovery. Being composed of natural scientists rather than planners or policy specialists, the panel has focused instead on the detailed and highly challenging science of these whales and of human impacts on them.

The GWAP TOR envisaged that its scope might be broadened to the whole range of the animal. IUCN remains committed to broader efforts across the range and, as has been noted, convened a workshop to this end in Tokyo in September 2008. Several panel members contributed to this workshop, but IUCN's current view – endorsed by this evaluation – is that a range-wide panel for the western gray whale would have to differ significantly from the current GWAP. Funding mechanisms and membership are two key variants. The current panel has its hands full working with SEIC on the impacts of oil and gas exploration and exploitation on the Sakhalin shelf. Efforts to involve other companies in its work should continue.

Efforts to provide expert input into range-wide conservation of the species should be promoted and structured separately (sections 2.1, 6.3).

3.4. The Panel’s recommendations

The first key task specified by the GWAP TOR is the proactive provision of scientific, technical and operational recommendations (see box on page 10). Given the discussion above, it is not surprising that respondents to this evaluation’s survey had mixed views about the panel’s performance in this regard.

The panel has been slow to develop an adequate system to record and track its recommendations. This has been a source of frustration for all parties involved. There has been a long standing intention to place a summary table of the panel’s recommendations and their status on the GWAP website and to update it regularly - a ‘living document’ as IUCN originally described it (IUCN 2006c: 5). The failure to do this until very recently has significantly reduced the transparency of the GWAP process. After much recent effort, however, a consolidated, cleaned table of all recommendations was available for discussion at the fifth meeting of the GWAP in December 2008. It has since been posted on the website.

At that meeting, the chair argued that it was not helpful to go into detailed analysis of how many recommendations had been implemented, evaded, abandoned etc. Tabulation of the recommendations in this way is admittedly crude. It implies that the recommendations all have the same weight and significance, and it does not reflect the many factors that may affect their status. For the purposes of this evaluation, however, it is appropriate to offer a summary of how the now substantial population of GWAP recommendations has developed, and what has happened to them. Because the GWAP’s work built on that of the ISRP and the IISG, the consolidated table of recommendations includes those made in the earlier phases. Some of them are still being actively addressed. By the end of GWAP 4, a total of 292 recommendations had been made. The second, third and fourth meetings of the panel made rather fewer recommendations than the first meeting and the earlier gatherings – partly because so many concerns had already been addressed, and partly through a better focused and more realistic approach to the process. It is not appropriate to formulate a recommendation on every single issue of concern, and sometimes several points can be captured in a single recommendation.

SEIC is expected to respond to each of the panel’s recommendations, and, if chooses not to comply, to explain clearly why not. Over the last two years, the panel has developed a series of recommendation categories that reflect what has happened to each one. Many have been dealt with satisfactorily, in the panel’s view, and are considered closed. Many others are also considered closed, but because they have been superseded by a new recommendation. This may be because the panel chose to reformulate its earlier advice, or because circumstances or available data have changed. A third category is also considered closed, not because it had been satisfactorily dealt with but because the issue it addressed is no longer current and it is not helpful to keep the recommendation open. In other words, the panel is not satisfied with what happened in these cases. Three other categories represent recommendations that need

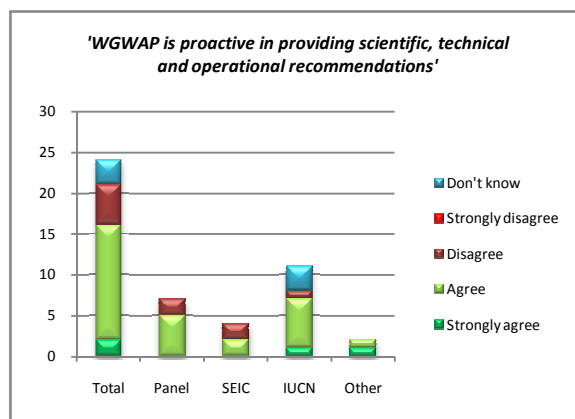


Figure 11. Survey: whether GWAP is proactive in provision of recommendations

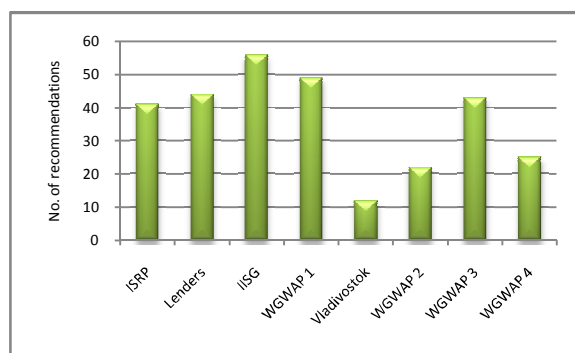


Figure 12. Number of recommendations made by GWAP and earlier meetings

clarification or expansion; those that are currently in progress; and those, usually most recent ones on which no action has yet been taken. Table 2 and Figure 13 show the numbers and proportions of recommendations from each GWAP and pre-GWAP meeting in these various categories. (The table gives the formal name of each category as well as an abbreviated name that is used in the charts.) Because 113 of the total 292 recommendations are classed as having been superseded by new recommendations, it is more useful to chart the status of the other 179. This is done in Figure 14.

Table 2. Status of GWAP and earlier meetings' recommendations

Full category title	Closed – implemented or resolved satisfactorily	Closed - no longer relevant but had not been implemented satisfactorily at the time it became moot	Closed - superseded by a new recommendation	Open - in need of clarification or expansion	Open - in progress	Open - no action yet taken
Shortened category title (see charts)	Closed, satisfactory	Closed, not satisfactory	Closed, superseded	Open, needs amendment	Open - in progress	Open - no action yet taken
ISRP	7	6	26	1	1	
Lenders	9	10	22	1	2	
IISG	23	10	20	1	1	1
GWAP 1	10	2	28	3	6	
Vladivostok		2	6		4	
GWAP 2	11	2	4	1	3	1
GWAP 3	13	2	6	4	18	
GWAP 4	4		1	2	3	15
Total	77	34	113	13	38	17

For reference to earlier meetings (ISRP, Lenders, IISG), see section 1.2 above.

Source: GWAP recommendations table, December 2008.

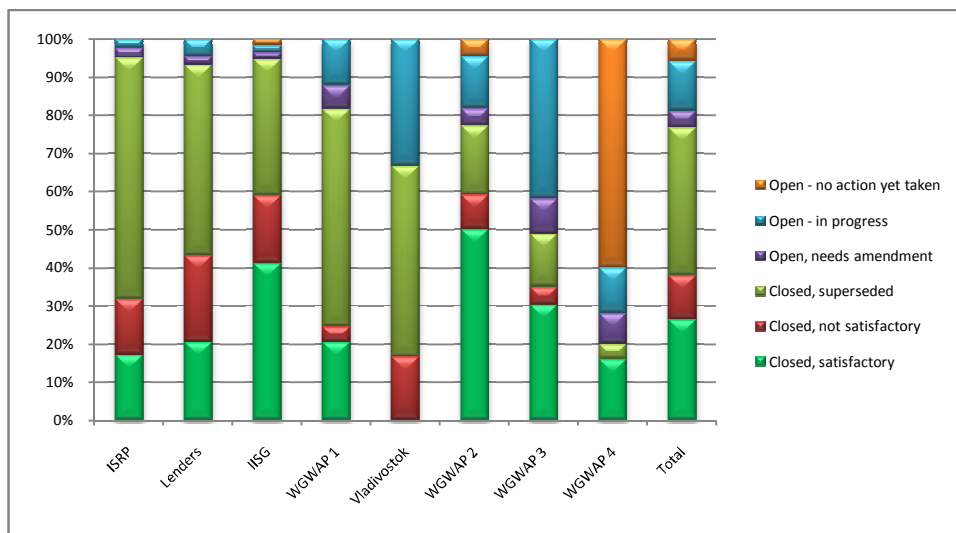


Figure 13. Status of all GWAP and earlier recommendations

In principle it is not satisfactory that so many recommendations should be superseded by new ones. Such situations may imply that the panel decides it can improve on what it said before, or – more likely – that circumstances are changing more quickly than its recommendations are being implemented. In any event, it seems more meaningful to look at Figure 14, which excludes these superseded recommendations. Bearing in mind the differing number of recommendations per meeting, it can be seen that significant proportions of the pre-GWAP meetings' recommendations were closed without satisfactory action and that some recommendations from almost all meetings still need to be tidied up through various amendments. It is more encouraging to see that, of the GWAP 1 recommendations that were not

superseded, almost half have been closed with satisfactory outcomes. This proportion rises to 61% for WGWAP 2. Not surprisingly, the proportion of satisfactorily closed recommendations drops for WGWAP 3 and 4. It is of greater concern that, by WGWAP 5 when these data were presented, it seemed that no action had yet been taken on 63% of the WGWAP 4 recommendations (excluding the one recommendation already shown in Figure 13 as superseded).

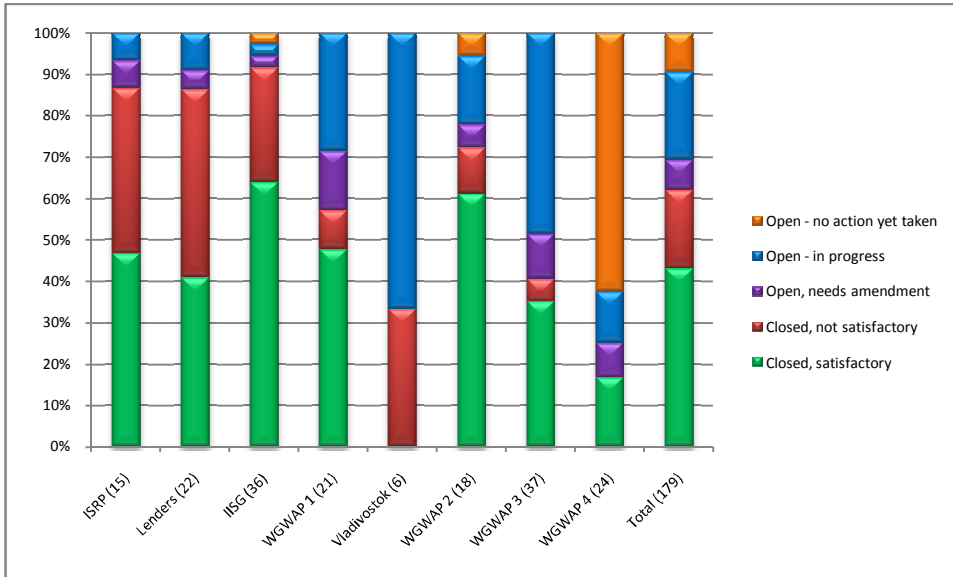


Figure 14. Status of WGWAP and earlier recommendations, excluding those superseded

Whatever the context, generating clear and practicable recommendations is more of a challenge than it may at first appear. In the context of the WGWAP, as in many other scenarios, there have been appeals for recommendations to be SMART – specific, measurable, attainable, realistic and time-bound. Those on the receiving end of these recommendations need to be able to see clearly what is being proposed, and there have to be ways to check by a specific date or milestone whether the action has been completed. Recommendations that are not feasible, that are confusingly phrased or that span more than one issue or action are likely to generate resentment as well as bemusement among their recipients, which obviously confounds the purpose for which they were made.

The production of recommendations has certainly been a learning curve for the WGWAP. It is easier to generate clear and practicable recommendations in some sectors of its work, such as oil spill response, than in others, such as noise. The consensus is that there has been some improvement with regard to the parameters just outlined. But there is still need for improvement, as the survey responses in Figure 15 - Figure 17 show. Some informants still complain that the panel’s recommendations are not clear or specific enough, and may be open to multiple interpretations. This can cause difficulties if the company finds a recommendation

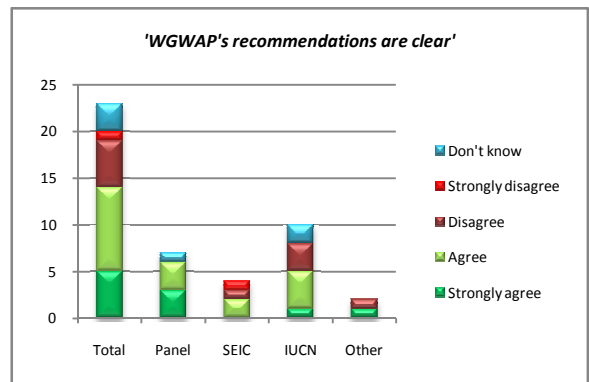


Figure 15. Survey: clarity of WGWAP recommendations

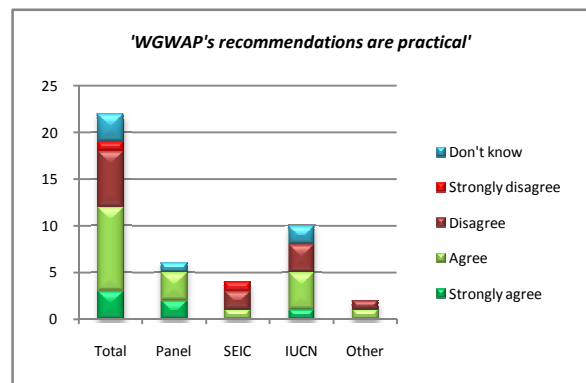


Figure 16. Survey: practicality of WGWAP recommendations

impractical and is then seen by the panel as unwilling to co-operate. Another observer commented that, although the recommendations may be scientifically sound, they may not be sufficiently attuned to operational realities or specify the required outcome clearly enough. Again, this can cause frustration. A more fundamental criticism comes from a different angle, arguing that the requirement for specific, time-bound recommendations may bend the panel too far towards compliance with the scheduled imperatives of the company's construction programme. Adequate environmental impact analysis takes time, it is argued, and it is inappropriate to rush the panel into programmes of review and recommendation that strive – often unsuccessfully – to keep up with the onward march of the company's field operations. From this perspective, attempts to keep the panel's recommendations practical from the company's operational perspective gravely compromise the overall credibility of the GWAP.

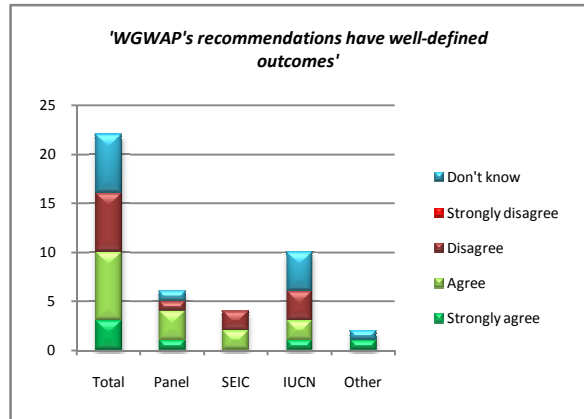


Figure 17. Survey: definition of WGWAP recommendations' outcomes

From this perspective, attempts to keep the panel's recommendations practical from the company's operational perspective gravely compromise the overall credibility of the GWAP.

These last comments highlight the value judgements inherent in operating an independent expert panel to advise on private sector operations that inevitably disrupt the natural environment. Given that IUCN has judged this to be an appropriate course of action, it is clearly necessary for the GWAP's recommendations to be clear, specific and practicable. To optimise their relevance and the panel's credibility, the panel must be given as much time as possible to review and respond to the issues and the recommendations must be made in time to be effective. This requires a stronger and prompter supply of data and operational information from the company than has generally been the case to date. Clearer and stronger communication between SEIC and the panel is also needed in order to track the status of recommendations in a detailed and timely manner.

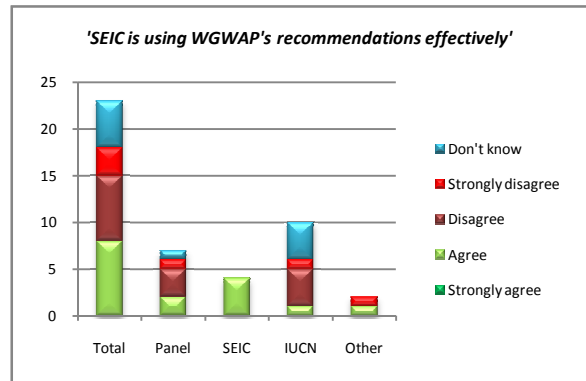


Figure 19. Survey: SEIC use of WGWAP recommendations

For SEIC to use the GWAP's recommendations effectively requires that the panel make recommendations with the qualities outlined above; that SEIC take the recommendations seriously; and that SEIC have the ability and capacity to act accordingly. This combination of conditions has not yet been adequately met. Company personnel insist that they do take the recommendations seriously, although they sometimes agree with the widespread external view that they are not acting on them promptly or thoroughly enough. They point out, too, that it has not always been easy to understand panel recommendations or convert them into practical action. Without questioning the good faith of the individuals involved, many outside the company are less convinced of its commitment to comply to the utmost extent possible with the GWAP's recommendations. Better management of the

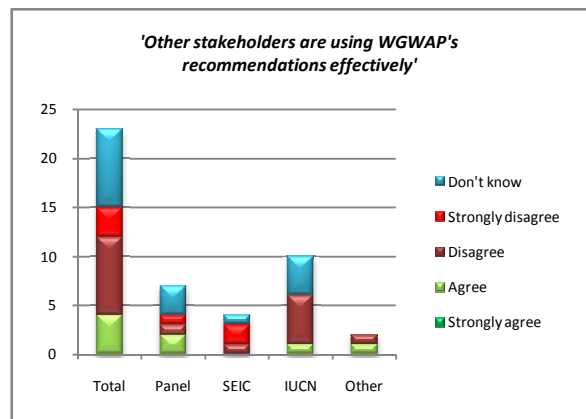


Figure 18. Survey: other stakeholders' use of WGWAP recommendations

recommendations process by all parties would help to close this credibility gap.

Fewer respondents to the questionnaire survey could express an opinion on whether other stakeholders are using WGWAP’s recommendations effectively. Those who did reply were more negative (Figure 18). Part of the reason why the recommendations are not more widely used is that many of them focus directly on SEIC’s operations. By the same token, however, other companies working in the area – most notably ENL – could doubtless adopt many of the recommendations if they decided to collaborate with the panel. In fact, there may be cases where this has been done, with the company/ies involved being understandably reticent about it. Finally, the poor publicity given to the recommendations to date naturally inhibits their broader use.

3.5. The panel’s operations

Several aspects of the panel’s operations have a direct bearing on its effectiveness. Many of these issues are addressed by the principles for WGWAP operations that are set out in its TOR (Annex 2, section 3). Despite the generally acknowledged weaknesses of the panel process so far, there is a broad consensus that, overall, the panel is complying with these principles (Figure 20). The quality of the WGWAP’s scientific expertise and methods were also broadly endorsed by survey respondents (Figure 21). Of the few dissenting voices, one came from the panel itself, based on concerns that the quality of the information provided to WGWAP by SEIC makes it impossible for it to deploy the best scientific expertise and methods.

The insufficient provision of information to the panel is one of the central shortcomings in its operations to date (Figure 22). Part of the problem is that the WGWAP is working with only one of the companies whose oil and gas activities are affecting western gray whales off Sakhalin. The problem is compounded by SEIC’s various monitoring and research partnerships with ENL. As ENL remains opposed to collaboration with the WGWAP, the panel cannot have access to data and research results generated jointly by SEIC and ENL. Despite its enormous knowledge and expertise, the panel is therefore constantly contending with unnecessary ignorance about operations, monitoring and research off Sakhalin. It is also frustrated by poor information flows from SEIC itself. Communications were particularly bad over the second half of 2008, leading some panel members to wonder whether there was any point in continuing. It seems that SEIC had internal staffing and operational problems during that period, making it difficult for it to deliver the expected information and leading to the all too common scenario of rushed panel review of materials submitted at the last minute before, or actually at, WGWAP 5.

It is easy to construct conspiracy theories about SEIC’s failure to deliver the information that the panel needs for effective operation. Some would accuse the company – or any such company – of insincerity in its supposed commitment to environmental monitoring and mitigation. Others would suggest, more specifically, that now that SEIC has most of its finance in place and is moving beyond the Sakhalin II

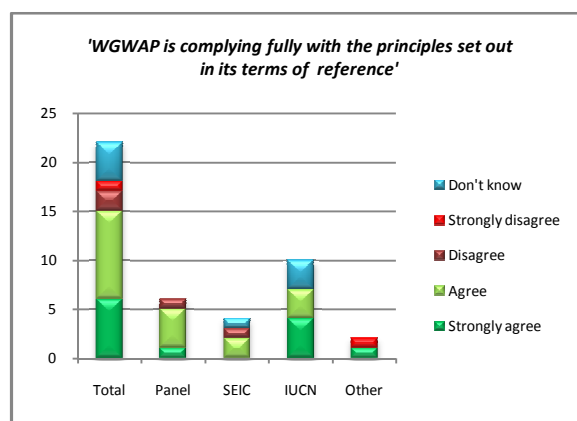


Figure 20. Survey: WGWAP compliance with principles in its TOR

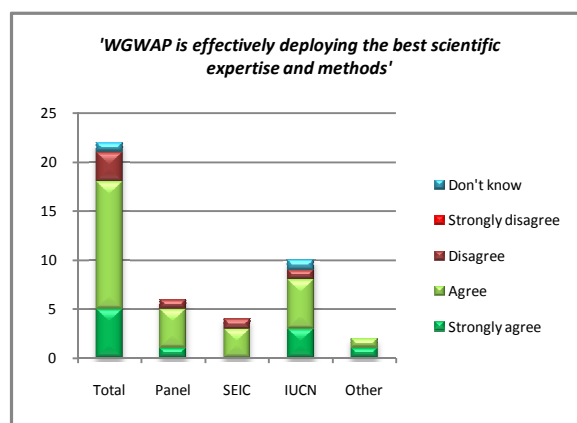


Figure 21. Survey: the quality of WGWAP's scientific expertise and methods

construction phase, the GWAP is less important to it. The alternative view is that, as it says, the company does remain committed to the work of the panel and is now doing its best to redress the backlog of communications caused by its internal difficulties in 2008.

This evaluation is not mandated to assess these arguments. Four things are clear, however. First, the failure to involve other companies in the GWAP’s work places regrettable and frustrating restrictions on the panel’s operations. Secondly, the fact that so much of the single participating company’s data cannot be released to the panel because of agreements with other companies compounds these problems. Thirdly, the many avoidable delays and inadequacies in SEIC delivery of information to the panel seriously compromise the GWAP’s effectiveness. Finally, SEIC’s credibility is significantly compromised by its failure to fulfil its commitments in this regard.

Two things can be done immediately to tackle this problem. First, SEIC should overcome whatever internal issues have impeded its full and prompt delivery of information to the panel. Secondly, as recommended in section 2.2 above, IUCN, SEIC and the panel should collaborate in continued approaches to seek monitoring and research collaboration – leading to data sharing – with other companies. Confronted head on with proposals for overall collaboration, these companies are likely to maintain their resistance to the panel. Approached less formally on specific aspects of scientific co-operation, they are likely to be more flexible.

To the extent that data and analysis are being exchanged between SEIC and the panel, the issue of confidentiality is a major concern. It is treated extensively in the GWAP TOR (Annex 2, sections 3(e) and (f)). There are two overlapping imperatives. The first is scientists’ constant and understandable desire to protect their intellectual property and maintain their professional reputations on the basis of peer reviewed material that can be attributed to them. The second is the commercial concern of SEIC and other companies to release information about their activities – including their monitoring and research – only when this does not compromise their interests.

The scientists participating in the GWAP process – whether as panel members or as SEIC contractors – generally share a commitment to safeguarding intellectual property according to established procedures. There has been occasional friction over the treatment of confidential data and documents by the panel or by IUCN, but this has not been a major impediment to the work of the panel or to collaboration between it and the company.

For the GWAP, the question of confidentiality is closely linked to that of openness and transparency. The panel is required to give careful respect to confidentiality concerns, and at the same time to operate in an open and transparent manner. This latter commitment is also in the list of guiding principles in which the confidentiality clauses just quoted are set out (Annex 2, section 3(c)). The working expectation is that all panel documents should be treated as public unless it can reasonably be argued otherwise (Annex 2, section 9(d)). Across the range of respondents to the evaluation’s questionnaire survey, there appears to be general confidence in the degree of transparency achieved by the panel process, although this is not

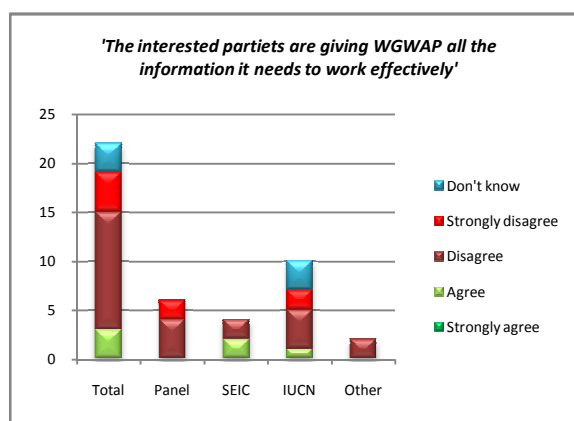


Figure 22. Survey: provision of information to GWAP

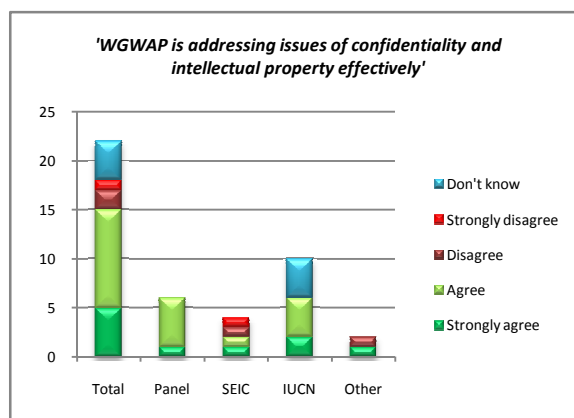


Figure 23. Survey: GWAP treatment of issues of confidentiality and intellectual property

universal (Figure 24). Large numbers of documents reviewed by the panel at its various meetings are available on the website, although others are listed as confidential. A crude commentary on this is provided by Figure 25, which makes the not wholly substantiated assumption that the website is up to date in its document management. The chart represents the working documents shown on the website for each of the first four GWAP meetings. Documents listed with the dual status of ‘pending/confidential’ are shown here as confidential. The website also lists the formal reports on each meeting, all of which are available for public download.

While some of the documents listed as confidential have that status because of SEIC’s commercial concerns or its commitments to other companies with which it shared the monitoring or research work, others are withheld from the public because of their authors’ concerns about publication rights. However, every reference to confidentiality in the panel’s work strengthens the arguments of those who believe that the panel is a ‘greenwash’ of SEIC’s environmental impacts and an instance of what they consider to be IUCN’s betrayal of conservation principles in the interest of closer relations with the private sector. Less critical observers, too, deserve an explanation of why they are not allowed to download certain materials – however obscure and academic they may seem. Management of the GWAP website should include high visibility statements about the panel’s confidentiality principles and how they are applied to the public availability of documents.

A related and equally sensitive issue concerns the panel’s impartiality. One of the guiding principles in its TOR requires it to strive to be impartial in its advice, recommendations and guidance (Annex 2, section 3(d)). This is a difficult and subjective challenge, particularly for a group of scientists of whom many have devoted their careers to the conservation of western gray whales or cetaceans in general. There is an obvious and a less obvious way in which panel members risk being less than impartial. First, they may seem – at least in the eyes of the company – to be excessively committed to conservation imperatives, to the extent that they unfairly oppose private sector activities, initiatives or programmes. Some panel members have certainly been vocal – since long before the GWAP was established – in their opposition to the impacts of the oil and gas industry. This makes it hard for the industry to see them as impartial, even in their GWAP role. Less obviously, there is the risk that panel members’ interests and priorities as scientists may override their commitments to the GWAP process. The occasional result, according to some observers, is that the panel recommends monitoring or research that pursue members’

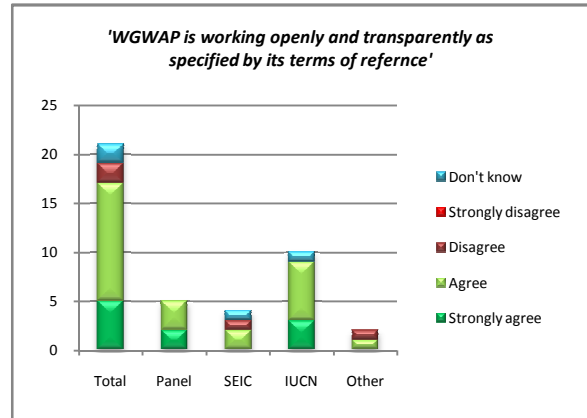


Figure 24. Survey: openness and transparency of GWAP

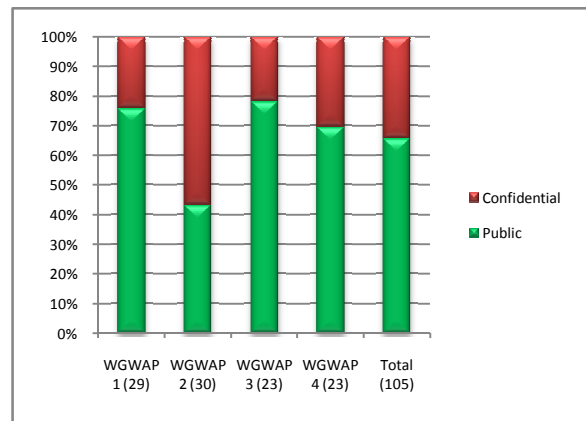


Figure 25. Confidentiality of working documents on GWAP website

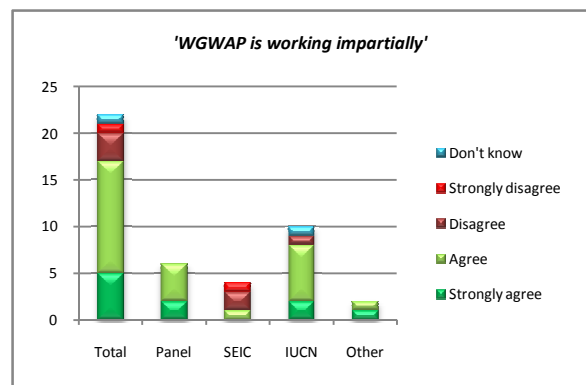


Figure 26. Survey: impartiality of GWAP

scientific interests more than they focus on the immediate concerns of western gray whale conservation in the area affected by oil and gas development off Sakhalin.

There may be elements of truth in both these criticisms, but it is hard to imagine how such factors could be completely avoided in the context of the GWAP. Deep personal commitment and expert knowledge are likely to go hand in hand in these circumstances. Nor is this a panel of judges applying a long established legal code. Uncertainty and subjectivity are an integral part of the GWAP’s work. The most useful conclusion is that offered by one of those who raised these issues. While deeply held convictions and old suspicions made relations between the panel and the company difficult at first, the overall commitment and professionalism of the group as a whole, and the guidance provided by its leadership, have helped the GWAP to move beyond the initial difficulties. The panel will never be perfectly impartial. But, as Figure 26 suggests, most observers – with the understandable exception of some associated with the company – do consider that the GWAP is working impartially.

3.6. The GWAP chair

The role and performance of the chairperson are vital to the effectiveness of the GWAP. As chair of the Cetacean Specialist Group of IUCN’s Species Survival Commission when he was appointed to head the GWAP, Dr Reeves was a highly respected scientist in this field. As Figure 27 shows, he has maintained and built on that reputation in his GWAP role. From a conventional committee perspective, the panel’s business could be moved along more briskly. From the perspective of the GWAP, it is far more important to allow all participants space to express their often divergent viewpoints, while maintaining confidence in and respect for the role and person of the chair – and keeping discussions on track in the face of constant time pressure. Dr Reeves is well regarded by all stakeholders from these points of view, and is also commended for his strenuous efforts to maintain the momentum of GWAP business between meetings. He has made a major contribution to the gradual improvement in the working atmosphere of the panel. NGOs appreciate the way he has given progressively more space for their representatives to comment during meetings.

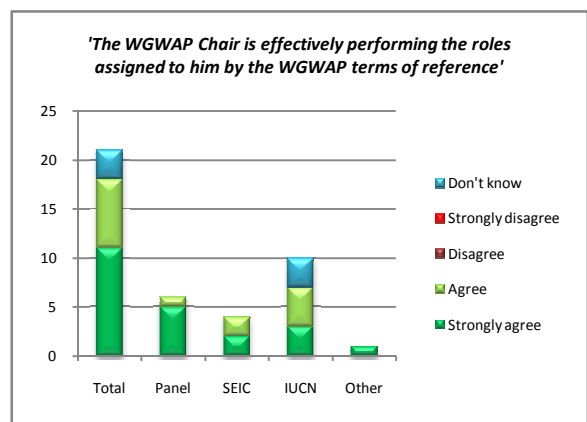


Figure 27. Survey: performance of the GWAP Chair

Some respondents did point out that the wording of the question in Figure 27 mixed two issues. However effective a leader and meeting manager the GWAP chair might be, various other factors – many of them discussed earlier in this chapter – inhibit his effectiveness. There are arguments, too, that the chair should be a stronger, more vocal and more critical representative of the panel to the international public. The problem for him, however, as for all panel members, is that GWAP is only one of his responsibilities. What could easily be a full time job is in fact only one of several major commitments. The realism of GWAP members’ work loads is discussed further in section 4.3 below.

3.7. Resourcing and participation

The resources made available to the GWAP, and the extent to which various stakeholders are participating in the panel process, are key determinants of its effectiveness. This section offers initial comments on these issues. Later sections focus more specifically on three key players: IUCN, SEIC and the Russian government.

Clearly the GWAP could not be effective if it did not have the funds with which to do its job properly. But this does not seem to be a major concern. Most respondents to the questionnaire survey considered that the panel is being funded adequately. Most importantly, all respondents from the panel itself held this view. The large majority of the panel’s funding is provided by SEIC through its five year agreement with IUCN. Interestingly, one of only two dissenters in the online survey with regard to levels of funding was in the ‘SEIC’ group of respondents, and was probably concerned that other companies and agencies are not contributing as well. The principal issue, however, is not whether the GWAP has enough money to do its work; it is whether it is using its resources to best advantage in fulfilling its terms of reference.

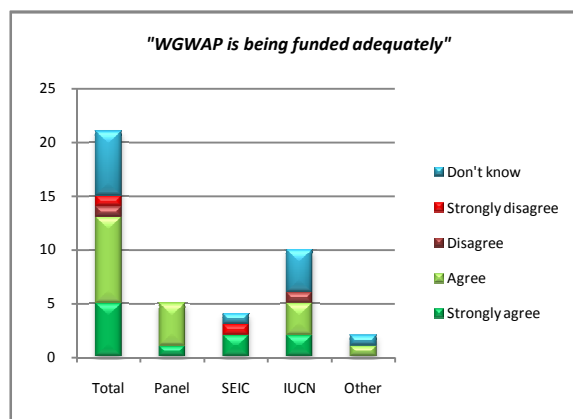


Figure 28. Survey: adequacy of GWAP funding

To fulfil those terms of reference, the panel needs the broad and committed involvement of a range of stakeholders. To build public awareness of and confidence in its work, and to maximise the conservation opportunities that its operations provide, it needs strong participation by civil society. The panel’s TOR (Annex 2, section 11.2) allow for civil society to nominate candidates for membership; to provide IUCN with information pertinent to the GWAP’s work; to send a maximum of four observers to panel meetings; and to participate in the periodic information sessions that are supposed to be held (see section 4.5 below). As Figure 29 shows, there is widespread disappointment about the adequacy of civil society participation. While the scope for NGO representatives to participate in discussions at panel meetings has gradually been expanded (section 3.6), the number of those representatives has dwindled from the maximum four to just one at GWAP 5 (section 2.4). There might have been two at the last meeting, but for an apparent administrative mistake in the issuing of invitations. The critical climate around the panel is such, however, that some observers are disinclined to believe that it was just a mistake.

As in most aspects of the panel’s operations, there are differing views about NGO attitudes to and participation in the GWAP process. Some believe that much early NGO interest was driven by perception of a new opportunity for critical monitoring of the energy industry’s environmental performance. When the panel turned out to offer less scope for their fundamental opposition to the industry than they had hoped, some NGOs lost interest. The NGOs that have stayed with the process, these observers argue, are those whose fundamental concern is conservation rather than obstructing the energy industry. Others believe that, having seen SEIC obtain the finance it needed for Sakhalin II, some NGOs may have questioned the continuing value of the panel – especially since they must fund their involvement and attendance at meetings themselves. A third reason for waning NGO participation may be the view that, overall, the panel is less effective than had been hoped and that this expensive involvement is not the best use of such organisations’ limited resources.

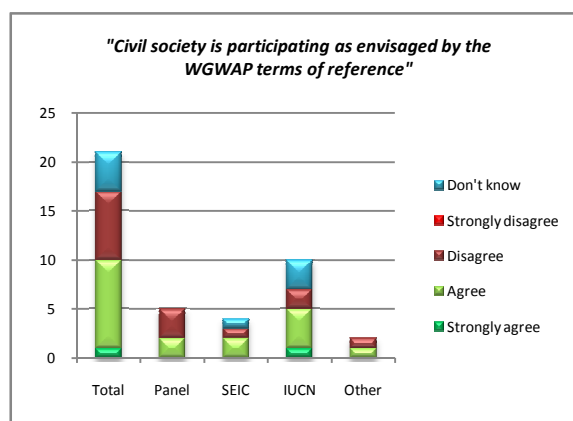


Figure 29. Survey: adequacy of civil society participation

The question of NGO participation in the GWAP process is dominated by entrenched attitudes and lack of trust. Critics of NGOs in the broader conservation community and, of course, in the private sector, accuse them of caring more about blocking the energy industry than about the details of conservation efforts. Many in the NGO community distrust the energy companies deeply and assume them guilty until proven

innocent. By the same token, as recent debates at IUCN’s World Conservation Congress in Barcelona showed, they are highly suspicious of initiatives such as the GWAP that involve collaboration between the Union and the private sector.

It is beyond the scope of this evaluation to address these factors in detail. From the perspective of the GWAP and its effectiveness, however, the intensity and value of civil society participation can be enhanced by extra efforts at publicity and transparency. Through the panel’s website and other media, IUCN should increase the publicity that it gives to the panel’s work; explain more clearly why certain documentation remains confidential; and emphasise the opportunities that the panel process gives for constructive collaboration with the energy industry for conservation purposes.

Potential lenders’ concerns about the environmental impacts of the Sakhalin II project were central to the emergence of the ISRP and, ultimately, the GWAP. Like NGOs, these financial institutions were invited by the GWAP TOR (Annex 2, section 11.3) to nominate candidates for panel membership; to bring issues to the panel’s attention through IUCN; and to send a maximum of four observers to panel meetings. As with the NGOs, there is now a general feeling that the lenders’ involvement is no longer what was envisaged (Figure 30). Like the NGOs, financial institutions and their representatives or associates are showing less interest in attending GWAP meetings. There were three such people at GWAP 1; four at GWAP 2; and two at each of the following three panel meetings – including lenders’ consultants and, at some meetings, a representative of the United Kingdom Department for Environment, Food and Rural Affairs, as adviser to the UK Export Credits Guarantee Department.

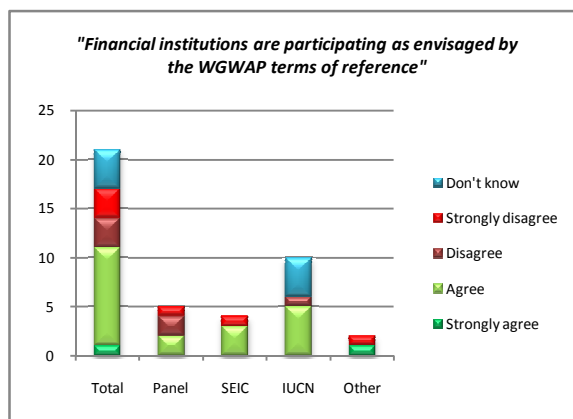


Figure 30. Survey: adequacy of financial institutions' participation

From the lenders’ perspective, much has changed since the launch of the GWAP. Of the four public finance institutions originally considering loans for Sakhalin II, only one eventually provided finance, along with some six commercial banks. All these lenders require SEIC compliance with the Health, Safety, Environmental and Social Action Plan (HSESAP) that the company drew up and whose implementation is monitored on their behalf by AEA, an environmental consulting firm. But it is not surprising that many of the recent views represented in Figure 30 are negative about financial institutions’ participation in the panel process. Only one public lender is still involved; AEA does not even disclose the identity of the private lenders, despite their reported insistence on SEIC compliance with the HSESAP. The bulk of the construction work for Sakhalin II, with whose environmental impacts the lenders were principally concerned, has been completed. It is easy to conclude that these banks have little further need to track the work of the panel.

Nevertheless, these institutions’ advisers insist that the GWAP remains important, and that, if the panel should fail due to a lack of input or co-operation by SEIC, that would constitute a breach of loan conditions by the company that could lead the lenders to apply punitive measures. They stress, too, that they are observing the development of seismic procedures and related mitigation measures closely to check whether the parties are achieving an effective GWAP process. For the time being, however, the financial institutions’ participation in the process is limited to one of monitoring, through their advisory consultants. Most observers are sceptical that this monitoring would ever lead to sanctions by the banks against SEIC, let alone withdrawal of the loans.

The most fundamental challenge regarding broader participation in the GWAP process concerns the engagement of other energy companies. As was explained in section 2.2 above, the other companies have resolutely kept their distance from the panel, greatly constraining the relevance of its work. According to

the panel’s TOR (sections 5(b), 6(b) and 7(j)), IUCN and SEIC should both actively solicit the participation of other companies, and GWGAP members should assist them in this regard. Some respondents to the questionnaire survey therefore pointed out that its question on this point was wrongly worded: it is not primarily the panel’s responsibility to seek this participation. In any event, that participation has not been forthcoming, despite occasional and gradually more frequent signals that other companies would sometimes be willing to share selected data or to collaborate with the panel on limited aspects of environmental monitoring and research.

The general view is that IUCN, in particular, has tried to persuade other companies to join the GWGAP process; but that it should have tried harder, or used better co-ordinated, smarter strategies for the purpose. One issue in this regard concerns the shift in responsibility for the panel within the IUCN Secretariat. The early work to launch the ISRP was handled by the Business and Biodiversity Programme (BBP); the operational role of support to the GWGAP was transferred to the Marine Programme. Depending on the individuals involved, such a thematic programme is less equipped than the BBP for the necessary negotiations with the private sector. More fundamentally, the multiplicity of motives influencing relations between IUCN, the energy sector and broader conservation interests has confounded attempts to broaden the panel’s links with companies operating off Sakhalin. SEIC, the panel, and IUCN’s reasons for supporting the process have been subjected to such critical scrutiny by other environmental organisations that the other energy companies can have seen little incentive to expose themselves by working with the GWGAP. They have probably concluded that it is best to avoid the inconvenience, discomfort and expense that they see SEIC apparently undergoing – without a concomitant reward of environmental credibility and recognition.

3.8. The effectiveness of IUCN

The effectiveness of the GWGAP is strongly influenced by the performance of IUCN, from both effectiveness and efficiency perspectives. It is worth recalling the role and responsibilities of IUCN as specified by the GWGAP TOR (Annex 2, section 5 – see box). These functions, as was noted above, now rest with the Global Marine Programme in the Secretariat. As can be seen, they are institutional and strategic roles rather than scientific ones – although many of them must be supported by expertise in cetacean conservation. Within the Marine Programme, there is a staff member appointed especially for these purposes, funded by SEIC. Julian Roberts held the position until February 2008. He was replaced by Finn Larsen in May 2008.

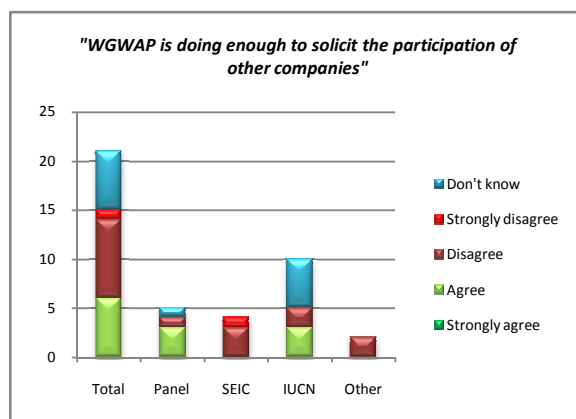


Figure 31. Survey: soliciting the participation of other companies

- WGWAP TOR: key tasks for IUCN**
- a) Act as the impartial convenor of the GWGAP;
 - b) Actively solicit the participation of Other Companies as may be mutually agreed, and in co-ordination, with the Contracting Companies and GWGAP Members;
 - c) Select and appoint the GWGAP Chair and Members
 - d) Effectively link the relevant stakeholders;
 - e) Establish and preserve the independence of the GWGAP;
 - f) Provide the conduit for the transmission of all information and documentation requests to and from the GWGAP;
 - g) Provide secretarial support to GWGAP, including (without limitation) the management of Budget Funds and negotiation/execution of contracts with GWGAP Members, as necessary and appropriate for their participation in GWGAP;
 - h) Post all relevant reports and materials used and produced by the GWGAP on in the IUCN website... and distribute them through other media/channels when and as IUCN, in consultation with the Chair, may deem necessary and appropriate;
 - i) Make all efforts to enable the delivery of the outputs provided for in the TOR;
 - j) Establish and manage administration contracts with Contracting Companies that wish to support the GWGAP in accordance with these TOR.

Overall, as can be seen from Figure 32, respondents to the questionnaire survey feel that IUCN is effectively fulfilling the roles set out for it in the GWAP TOR. It is especially notable that all the respondent members of the panel feel positively about this, and not surprising that a few respondents in the SEIC and ‘other’ groups do not share this endorsement.

The roles required of IUCN with regard to the GWAP epitomise the politics of conservation and of IUCN’s often delicate mediating stance between governments, civil society and the private sector. In its usual position as impartial convenor of conservation debate and action, IUCN has to maintain a reputation of impartiality in its support for the panel – as in so many of its other activities. On the whole, it succeeds (Figure 33), although there are some predictable differences of opinion. Some survey respondents associated with SEIC feel that IUCN is too sympathetic to the panel, while some NGO respondents believe that it is not sufficiently critical of the company.

Survey respondents gave a similar endorsement of IUCN’s effectiveness in maintaining the independence of the panel (Figure 34). This task is made easier by the chair and members of the panel themselves, who in most circumstances are well able to assert and maintain their independence with regard to science and conservation policy – particularly in relations with an energy company. Again it is not surprising to see a degree of dissent about this from respondents associated with SEIC, who may feel that IUCN does not adequately guide the panel towards independence from what they may consider more extreme environmental positions.

A broader challenge to IUCN concerns the maintenance of its own independence from the positions that the panel may take. While the Union must be seen as the impartial convenor of processes like the GWAP and should not necessarily be associated with the views of the panel, it does have a separate and strongly committed function as an advocate of conservation action around the world. Being the impartial convenor of the panel does not mean neutrality on all the issues that the panel addresses. The Union should thus be able to differentiate its impartial convening function with regard to the panel from its advocacy function on conservation issues generally, and should be ready to express its own positions on these issues while impartially protecting the independence of the panel. These positions on conservation reflect its political stance towards the governments included in its membership, of course, as well as its belief in engaging the private sector on conservation rather than isolating it. Situations may thus arise when IUCN’s positions

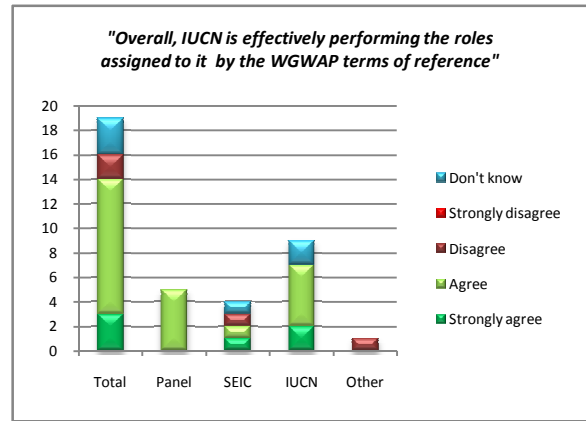


Figure 32. Survey: IUCN performance of its GWAP roles

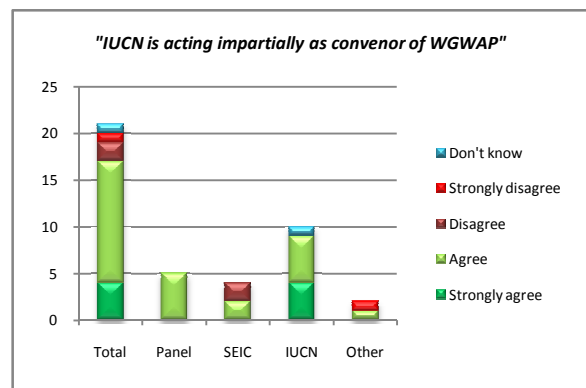


Figure 33. Survey: IUCN impartiality as convenor of GWAP

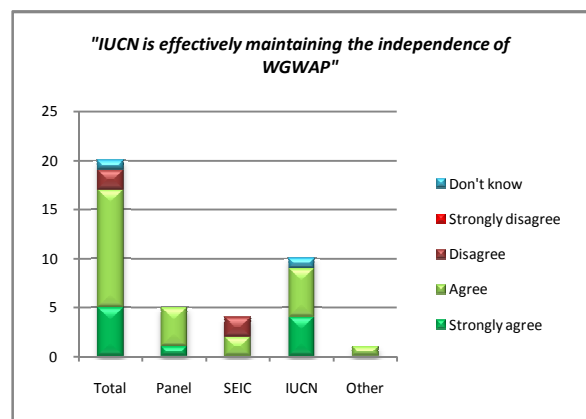


Figure 34. Survey: IUCN maintenance of GWAP independence

differ from those taken by the panel. It is important that IUCN be clear and decisive about expressing its own views in such cases.

Another essential function of IUCN in support of the GWAP's effectiveness is to link the relevant stakeholders. There has been less progress in this regard (Figure 35). The stakeholders in question include SEIC and the other energy companies operating off Sakhalin; local and international conservation organisations; lending institutions (and, in some cases, their government sponsors); residents of the affected parts of Sakhalin; the community of conservation scientists within and outside the Union's Species Survival Commission; the Russian government and local government structures. To bring such diverse interests towards a common understanding of and commitment to the panel and its mode of operations is obviously a huge challenge, especially because it involves that most demanding of human functions: communication. In practice, the number of stakeholders meaningfully linked into the GWAP process has shrunk as the difficulty of involving other companies and of convincing NGOs about the credibility of the process has become apparent. Instead, the panel has retreated into a smaller, tighter grouping within which detailed, focused discussions take place. While useful and sometimes effective in the context of SEIC's operations, this mode of operations is not adequately linked in to the broader range of factors, processes and stakeholders that will determine the survival of the western gray whale.

However, as was noted in section 1.3 above, IUCN is pursuing these broader linkages at the range-wide level. There are encouraging signs that effective conservation efforts can be achieved across more of the range of the western gray whale – but not that the GWAP can play this role, as was envisaged by its TOR (Annex 2, section 4(e) – see section 2.1 above). Experience now suggests that the GWAP, in its current format, is not the best instrument for deploying scientific expertise on range-wide conservation of the western gray whale. IUCN can be effective in facilitating these range-wide efforts, but it should not assume that the current GWAP is the only or the best way to do this. A different configuration of stakeholders and experts should be developed for the range-wide function, which is arguably an even more urgent priority than the existing GWAP at present – given that the recorded anthropogenic western gray whale mortality appears to be caused more by fishing operations than by oil and gas developments.

3.9. The effectiveness of SEIC

The GWAP that currently operates is the narrowest possible version of what the TOR (Annex 2) envisage, as it still restricts its attention – understandably – to the Sakhalin shelf and is forced to deal with only one of the companies that potentially affect the western gray whale there. The performance by that company of the

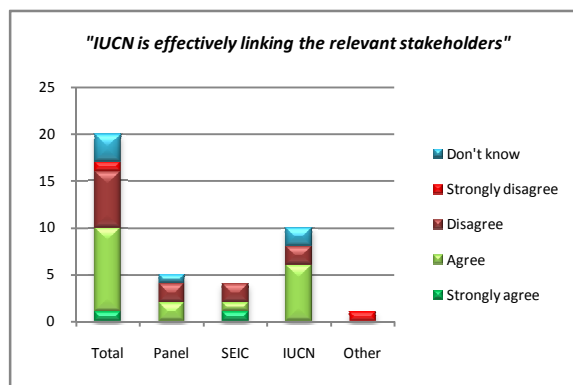


Figure 35. Survey: IUCN linkage of the relevant stakeholders

WGAP TOR: the role and responsibilities of Contracting Companies

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

roles that the TOR set out for ‘Contracting Companies’ (see box) is therefore critically important for the effectiveness of the GWAP process.

Section 3.8 showed that, although there are criticisms, IUCN is considered on the whole to be reasonably effective in its performance with regard to the GWAP. By contrast, many respondents to the questionnaire survey feel that SEIC is not performing effectively (Figure 36). SEIC is most strongly criticised for not implementing the panel’s recommendations (although these are in fact advisory, and not binding on the company), and for failing to provide full or timely information to the panel, thus crippling its process of analysis and advice.

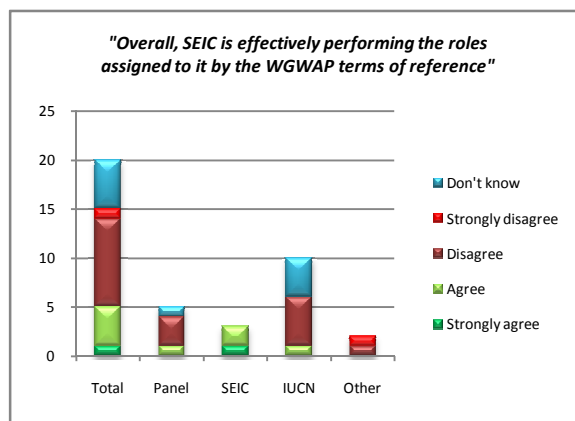


Figure 36. Survey: SEIC performance of its GWAP roles

Looking at the set of roles and responsibilities for the ‘Contracting Companies’ set out in the GWAP TOR (Annex 2, section 6; see box above), it is worth looking first at point (e). In this regard, SEIC is certainly effective. It provides the funds with which the panel operates. Although the voluntary contributions of some panel members and the complementary inputs of IUCN should not be overlooked, any shortfall in the panel’s effectiveness is not due to inadequate SEIC funding.

It is not clear that SEIC has been ‘active’ in pursuing point (b) of its GWAP roles and responsibilities. It has certainly approached other companies about the possibilities of sharing data with the panel, and received mostly negative responses. While it may not actively have solicited the general participation of other companies in the panel’s work, it is not clear either that IUCN has facilitated co-ordinated efforts to this end in the way that point (b) implies.

As already noted, point (c) is widely seen as a major weakness in SEIC’s performance. The panel is regularly frustrated by the company’s failure to deliver information either in full, on time, or both. The worst performance to date was in 2008, between GWAP 4 and 5, when panel members and IUCN began to fear that the whole process was in danger of collapse because they were hearing so little from SEIC. A related concern of some participants is that SEIC insists too strongly and too often on the confidentiality of data and documents, when these might legitimately be considered to be of important public interest. The company’s usual response is that the materials will be made public later, when they have been finalised and/or when they have been submitted to and approved by the Russian authorities. In some cases, confidentiality agreements with other companies prevent SEIC from making material public through the GWAP process.

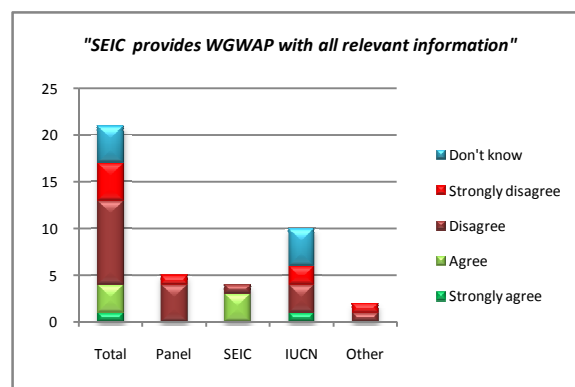


Figure 37. Survey: SEIC provision of information to GWAP

Linked to the overall weakness of the company’s information delivery to the panel has been the failure to make timely progress with presentation of an SEIC plan for monitoring and research, 2008-2010. The panel was repeatedly frustrated during 2008 by the company’s fragmented and incomplete proposals in this regard. It argues that unless a comprehensive, integrated medium-term monitoring programme is in place, there is no prospect of adequately understanding anthropogenic impacts and their mitigation, and the role of the panel is severely compromised.

Point (d) of the Contracting Companies’ roles has given fewer grounds for complaint. SEIC generally fields an adequate number of its contracted scientists at GWAP meetings, and there are few suggestions that they are inadequately qualified for their tasks. Indeed, several of these individuals are well known members of the scientific communities to which the panel members also belong.

There is little evidence that SEIC is fulfilling point (f) of its GWAP roles. Instead, its weak performance –which critics of such processes are quick to attack as suspicious or subversive – undermines IUCN’s efforts to demonstrate that this format of relations with the private sector can be effective in conservation terms.

Points (g) and (h) of the Contracting Companies’ roles are at the heart of the ongoing scientific interaction between SEIC and the panel, as the latter analyses the former’s plans, reports and data and recommends how best to mitigate potential adverse impacts on western gray whales. SEIC is not performing as systematically with regard to these two points as was probably envisaged when the TOR were prepared. On the other hand, the panel does eventually learn the company’s position on all its recommendations, and debates in plenary and task force sessions leave little room for doubt about the company’s view. Much doubt does remain, however, about whether or when recommendations will or have been implemented, because of the generally poor information flow referred to above (Figure 38). Nor are clear explanations of this status regularly or promptly forthcoming.

A review of the panel’s recommendations list (see section 3.4) does at least indicate almost full coverage with company responses. Significant improvements have been made to the recommendations table in recent hard work by the panel chair and the SEIC environmental manager. The recency of these improvements may partially explain the negative views still expressed by many survey respondents (Figure 38). Of earlier recommendations by the ISRP and the IISG and at the lenders’ meeting, only the IISG meeting shows any (2%) to which no SEIC response is recorded. For some reason no company responses are recorded to the 12 recommendations made at the Vladivostok meeting. Coming to the GWAP meetings themselves, there is no response recorded for just one of the GWAP 1 recommendations, which is shown as closed but not dealt with satisfactorily at the time it became moot. Four (18%) of the GWAP 2 recommendations show no company response. Three of these are closed and reported as implemented satisfactorily; one remains open and in need of clarification or expansion. Nine (21%) GWAP 3 recommendations have no SEIC response recorded. Of these, four are shown as closed and satisfactorily implemented; three as closed, no

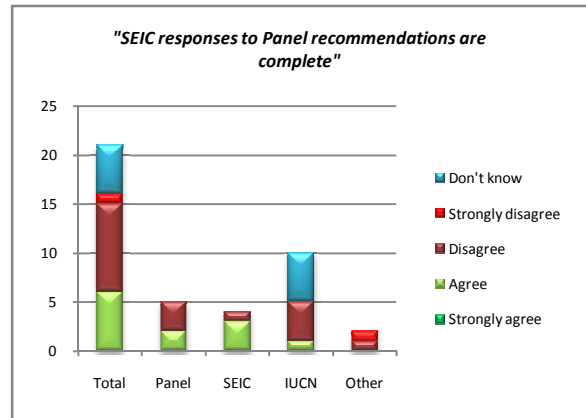


Figure 38. Survey: completeness of SEIC responses to panel recommendations

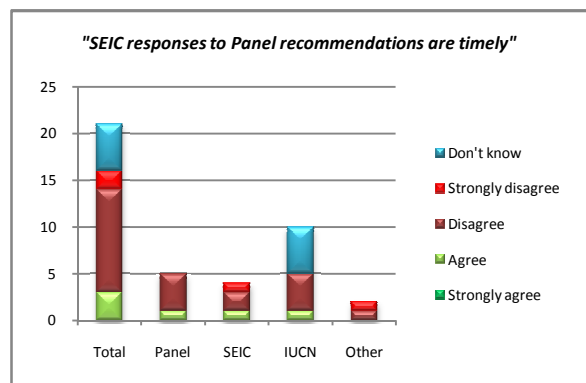


Figure 39. Survey: timeliness of SEIC responses to panel recommendations

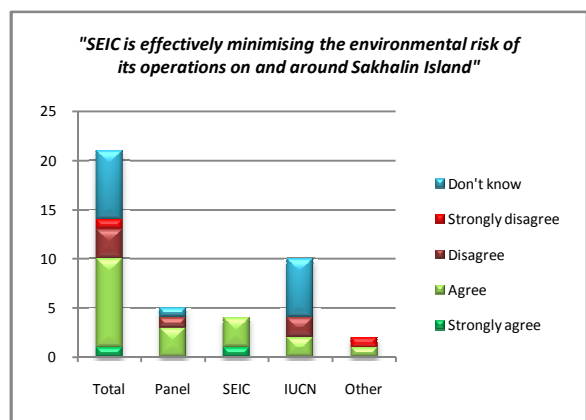


Figure 40. Survey: SEIC minimisation of environmental risk of its operations

longer relevant but not satisfactorily dealt with; and two as closed and superseded by new recommendations. Of the smaller number of recommendations made by GWAP 4, only one has no company response recorded. It has already been closed as implemented satisfactorily.

Despite the many criticisms of SEIC's effectiveness with regard to the GWAP process, respondents to the questionnaire survey were reasonably positive about the company's environmental performance on and around Sakhalin. It does not help to speculate how the company would have dealt with the environmental risks of its operations had the GWAP and its predecessor bodies not existed. There is little doubt that SEIC's environmental mitigation and risk aversion measures have been strongly influenced by its interaction with the ISRP, the IISG and the GWAP. Measures to observe whale presence in the operational areas and to control vessel movements, oil spill response arrangements and the control of noise disturbance arising from seismic exploration are among the areas in which SEIC's management of its environmental impacts has been enhanced by the panel. Without again veering into the counterfactuals of what might have happened in the absence of the GWAP, the fact that no western gray whale mortality can be directly attributed to SEIC operations is significant for this highly endangered species. SEIC's and other companies' operations have almost certainly disturbed the animals, and may have caused the significant drop in numbers visiting the Piltun lagoon feeding grounds in summer 2008, but it is fair to conclude that the disturbance would have been greater without the work of the GWAP and its predecessors.

Overall, the effectiveness of SEIC in the GWAP process has fallen far short of expectations, and reached such a low point in 2008 that many wondered whether the panel could continue. To some critics, this is proof that such interactions with the private sector are fundamentally flawed: a disservice to conservation rather than an additional means of progress in environmental management.

What observers of this interaction must decide is whether SEIC's inadequate performance is intentional or accidental. Has the company always meant to 'greenwash' its operations by funding the GWAP – and does it intentionally provide just the minimal levels of co-operation needed to prevent the process from collapsing? Or do the many gaps and delays in its interaction with the panel represent inefficiencies, miscommunications and short staffing within its own operations?

It is important to recognise that large companies like SEIC or its parent firms are not homogenous or monolithic. Not all their policy and decision makers share the same views on sensitive issues like environmental impact and its mitigation. Nor, when the company takes a policy position, is there any guarantee that that position will be uniformly respected and implemented. Field operations staff are notoriously insensitive to anything but their performance targets and schedules. Environmental units often find it hard to make their voice heard, whatever company regulations, contract specifications or EIAs may say. A failure in environmental performance may therefore result from internal inconsistencies and management weaknesses, and not from some centrally driven conspiracy.

Whatever the motives, the fact remains that SEIC has not delivered adequately on its commitments to GWAP. There is little doubt that management and staffing failures in the company placed the viability of the panel process in grave jeopardy in 2008. Some key positions have since been filled, and there are indications that company performance and communications with the panel will improve during 2009. This is vital for the performance and effectiveness of the process.

3.10. Interaction with the Russian government

The government of the Russian Federation is a state member of IUCN. The GWAP has three Russian members, who span official and NGO positions. Through the Ministry of Natural Resources and Ecology (MNR), the Russian government is responsible for regulating the environmental impacts and mitigation measures of SEIC. The company must comply with an annual cycle of submitting data, reports and plans to the Russian authorities, and officially may only release them to the panel after the authorities have approved them.

Despite these many points of contact, the panel’s interaction with the Russian government is unsatisfactory (Figure 41), and the government has not taken up many of the opportunities indicated in the TOR (Annex 2, section 11.1; see box and Figure 42). The provision of information envisaged in point (c) does not occur. The Ministry has sent an observer to some panel meetings (he did not attend GWAP 5), but he is not a government official. In fact he is a consultant employed by SEIC to represent the ministry.

Most participants in the GWAP process consider the Russian government and its regulatory processes to be opaque and becoming harder rather than easier to engage with. Despite the environmental legislation with which SEIC and other companies must comply, the process of achieving change in government attitudes or of influencing company behaviour through government action is far from transparent. One Russian informant stated that the government is aware of the panel, but largely ignores it, considering it an unofficial body with no formal status. The panel’s 2008 letter to the Russian prime minister eventually generated a bland response from the MNR referring to the existence of the Russian Strategic Planning and Research Group for the Western Gray Whale, which is chaired by a member of the GWAP.

There is much speculation and little clear fact about how relations between the Russian authorities and the panel may develop, and how these will be influenced by the changing profile and fortunes of Gazprom, the majority shareholder in SEIC. Some observers suggest that current economic conditions will put both the government and Gazprom under growing pressure, and that they may therefore become more amenable to external concerns and proposals regarding conservation. Others fear a continuing trend away from transparent governance, exacerbating the panel’s existing problems in collaborating with the authorities to achieve better

GWAP TOR: participation of the Russian government

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

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

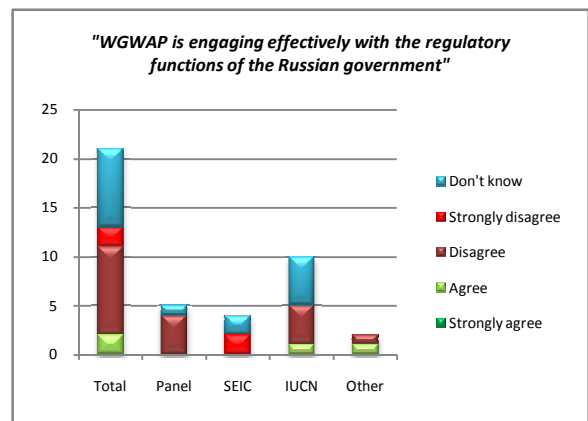


Figure 41. Survey: GWAP and the regulatory functions of the Russian government

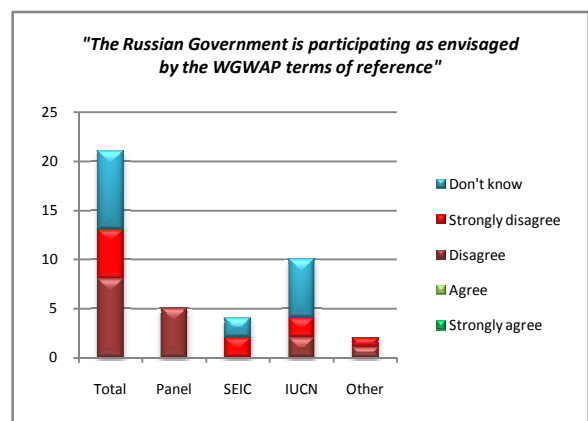


Figure 42. Survey: participation of the Russian government

involvement and compliance by energy companies.

What is clear is that there is little that the panel itself can do to improve the situation. It is IUCN that should strive to improve relations with the Russian government in the GWAP process, and to enhance its participation in that process. Through its links to this state member, IUCN should be more active in urging official recognition of the panel and its role. It should also work harder to persuade the Russian authorities to require other energy companies to collaborate with the panel. At the operational level, IUCN should make more satisfactory arrangements for Russian government participation as observers on the panel, as provided for by the TOR. This will require funding by IUCN, as the MNR lacks the budget provision to send an official (rather than a consultant) to panel meetings. Provision of a reasonably attractive travel package for this purpose could make a major difference to MNR staff motivation to collaborate with the panel, and would be a modest cost to IUCN. Finally, IUCN should do more to raise the panel's profile in Russia. A dwindling proportion of the documentation on the GWAP website is available in Russian. There should be more concerted outreach to those Russian environmental NGOs that have survived the recent difficult years for their sector. Holding more panel meetings in Russia would help to confront the authorities with the valuable role that it is playing, despite the obstacles, and might encourage them in turn to give it the recognition that it needs.

3.11. Performance assessment

As section 10 of the GWAP TOR points out (Annex 2), regular performance assessment is necessary for this or any such process to be effective. In addition to biennial external evaluations, the TOR call for regular self-assessment by the panel:

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

GWAP TOR, section 10(a).

There is plenty of debate in panel meetings about whether SEIC is implementing its advice and what changes might be needed in the GWAP process, but, since GWAP 2, self assessment has not occurred in the systematic way that was envisaged. At that second meeting the agenda included presentation of a self-assessment report prepared by the IUCN Office of Performance Assessment on the basis of a questionnaire survey that was sent to all panel members and four SEIC employees. The report of the GWAP 2 meeting makes no reference to the self-assessment. Self-assessment did not appear at all in the agendas or reports of GWAP 3 or 4. It did appear, although not under that name, in the agenda for GWAP 5 (December 2008), whose last item was an "explicit discussion of GWAP *modus operandi*, potential revision of TOR, structure and schedule of panel meetings". This presumably arose from concern about the dwindling ability of the panel to do its work over the second half of 2008.

A useful discussion developed at GWAP 5 under this last agenda item. The panel should ensure that, without necessarily titling it 'self-assessment', a structured review is repeated on each subsequent agenda. Without being restrictive, the review should include the following points:

- extent to which the panel performed its intended tasks since the last meeting and during the current meeting, and reasons for any shortfall;
- level of company performance in timely provision of data and documentation;
- level of company performance in response to panel recommendations;
- level of IUCN performance in servicing and promoting the panel;

- quality of the panel's profile with the Russian government and civil society, including public availability of its documentation.

Each review point should include analysis of strengths and weaknesses and identification of action items and responsibilities.

It is naturally difficult to include self-assessment in the crowded agendas of panel meetings, especially since the issue needs to come at the end of the meeting when members may lack the time or the energy for reflection. But, as the discussion at GWAP 5 showed, this is an important and valuable function. It should not be neglected.

4. The efficiency of the WGWAP

4.1. Cost effectiveness

In its glossary of key terms in evaluation, the Development Assistance Committee of the OECD defines efficiency as “a measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results” (OECD DAC, 2002: 22). This assessment of the efficiency of the WGWAP therefore begins with the question of cost effectiveness. This is a broad concept. In the questionnaire survey, as can be seen in Figure 43, it was framed in terms of the direct and indirect results that the panel is achieving. The figure also shows that a majority of respondents considered that the WGWAP is cost effective in these terms. As was shown in Figure 28 above, most respondents also believe that the panel is adequately funded.

There is no absolute way to measure the cost effectiveness of the panel or of any similar process. Several subjective approaches can be taken. The most fundamental is to consider the results of the process and whether they were worth what the process has cost. In the case of the WGWAP, this is complicated by the counterfactual uncertainties of defining what the results of the effort have been. Directly, there has been some mitigation of the impacts of SEIC operations on the western gray whale. Indirectly, a range of results include improved scientific understanding of various aspects of the whale’s behaviour and habitat and of human impacts on them, as well as greater awareness of the potential for interaction between the private sector and conservation scientists. Subjectively, most observers would conclude – like the respondents represented in Figure 43 – that these results are worth the approximately US\$ 1m per year that SEIC has paid for them to date (the figure is expected to be higher in 2009). This is of course a minute fraction of the total budget for the Sakhalin II development.

Whether these results could be achieved at less cost is uncertain but unlikely. The expense of bringing scientists who are based on three continents together into a one week meeting with the necessary simultaneous translation between English and Russian is bound to be substantial. The means employed for this purpose are not extravagant. Hotel accommodation and meeting rooms are no more than adequate, as are the economy class travel arrangements. Much of the panel’s work is done remotely via the internet, at hardly any communications cost.

One obvious way in which to reduce the cost of the panel process would be to reduce the frequency of meetings to, say, one per year – possibly complemented by one or more smaller, separate meetings of one or more task forces. Despite the difficulty for many panel members of finding time in their schedules for two meetings a year, the consensus is that holding just one plenary meeting a year is not advisable. Contact and continuity would suffer too much.

A significant boost to the cost effectiveness of the panel process (narrowly defined) comes from the subsidies implicit in some members’ participation. Unlike the majority, they are not paid fees but are able to treat their work for the panel as part of the salaried activity for which their employers pay. NGOs, too, subsidise the process by paying for their representatives to attend meetings.

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

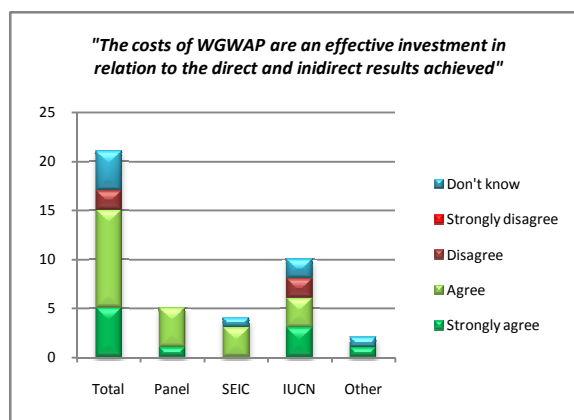


Figure 43. Survey: cost effectiveness of WGWAP

The subjective conclusion must be that, in general terms, the current GWAP process is cost effective. The results being achieved are worth the money being spent on them, and there are no obvious ways to achieve those results at significantly lower cost. Conversely, however, it must be pointed out that the process could be far more cost effective. Its weaknesses and shortcomings were outlined in chapter 3. To remedy them is not primarily a matter of extra expenditure. If the panel were performing more satisfactorily, its cost-benefit ratio would be more convincing.

The rest of this chapter assesses the operational efficiency of the GWAP process.

4.2. Clarity of roles and responsibilities

The TOR of the GWAP (Annex 2) spell out the various parties' roles and responsibilities in some detail. The clarity with which these roles are defined, distinguished and performed in practice is a significant factor in the efficiency of the panel process. As Figure 44 shows, surveyed participants in that process are mostly positive in this regard. What they are often negative about, as explained in chapter 3, is whether the assigned roles are being adequately performed. As was shown, the effectiveness of the panel is significantly impaired by the various shortfalls in that performance.

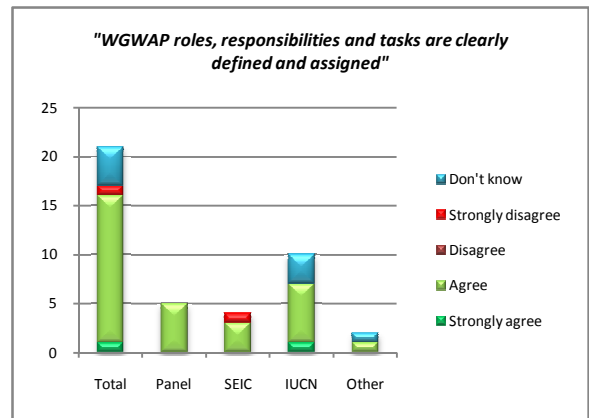


Figure 44. Survey: clarity of GWAP role definition and assignment

From an efficiency perspective, one comment repeatedly made during this evaluation was that the panel itself is increasingly involved in direct communications with SEIC to request data and documentation, when this is in fact a role for IUCN (section 5(f) of the GWAP TOR, Annex 2). Some panel members consider this an inappropriate blurring of roles that increases the burden on the panel, whose efficiency suffers accordingly.

4.3. Work plans and work loads

As specified in section 8.2(a) of its TOR (Annex 2), the GWAP is meant to develop an annual work plan by the end of the previous year, showing “the information it will require, the meetings it will hold, and the workshops it will convene”. This has developed into an ongoing rather than a discrete annual process of work planning, although most questionnaire survey respondents felt that the panel is following its annual work plans (Figure 45). In fact, no work plan document for any year can be found on the GWAP website. The only panel meeting at which the subject appeared on the agenda (as ‘work programme’) was the first. On that occasion, the panel debated “a number of general issues... with respect to its future role and work” rather than a specific annual work plan (IUCN, 2006d: 22).

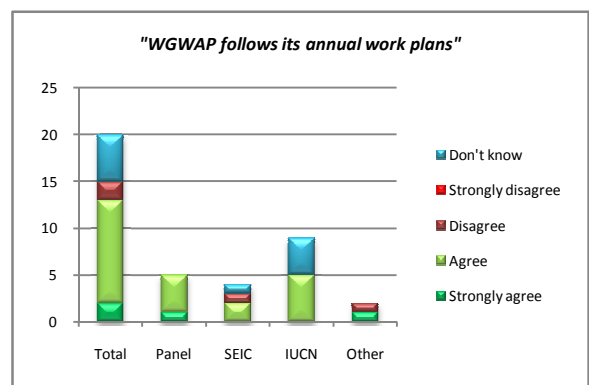


Figure 45. Survey: GWAP adherence to its annual work plans

It may be important to distinguish between following and fulfilling work plans. There is a widespread view that the panel is too ambitious in its work planning. As often happens in such processes, enthusiasm and commitment, especially during meetings, convert into unrealistic expectations about what can be achieved over the following work period. Panel members are all very busy people, habitually overworked. Too much panel work is done at or after the last minute because other responsibilities crowd in between GWAP meetings. Their sincere commitment to cetacean conservation often leads them to unrealistic planning. The

quality and credibility of the panel’s work occasionally suffer as a result. As was noted in section 1.3, one member did resign in early 2008 because of his inability to carry his GWAP work load in addition to all his other duties. Current panel members’ views range from admission that their planning is unrealistic to a belief that, by and large, they do manage to do well what they have said they will do. In any event, the issue is of particular concern during the current intersessional period between GWAP 5 and 6. Partly because of the backlog that accumulated during the months of minimal communication from the company during 2008, the panel has given itself a particularly full set of tasks for this period, which is also viewed as a probationary effort to put the GWAP process back on track (section 6.3).

A different way to look at the realism of the panel’s work planning is to recall that it is largely driven by a need to line up scientific advice with the company’s operational schedule in the field. SEIC’s operational and environmental monitoring plans strongly influence the deadlines for the panel’s work. As usual, it can be argued, the imperatives of the company’s construction and operations schedules dominate the efforts of environmental monitors and advisers. A more appropriate realism would invert the relationship. Construction and operations schedules would follow those of environmental investigations and mitigation and conservation measures. The onus of realistic work planning would then lie elsewhere. Environmental scientists would be able to adopt a more measured approach to their work.

While this may be true in theory, conservation scientists would probably turn out to be just as overworked and over-committed in that different setting as they are in the current one. In any event, within the framework of the current GWAP process, there are still significant challenges in managing the panel’s expectations of what it can achieve, and in planning members’ work realistically.

4.4. Plenary meetings and task forces

As was noted in section 4.1 above, the consensus is that GWAP efficiency would not be enhanced by holding just one plenary meeting per year, as allowed by the TOR. Even with two meetings a year, the agendas are crowded and the days and nights always too short for the amount of debate, analysis and planning that need to take place. Most respondents to the questionnaire survey feel that the panel meets often enough to fulfil its TOR (Figure 46). Indeed, there could be little prospect of meeting more often. Most of them also feel that business is conducted efficiently in panel meetings (Figure 47), although to the outside observer it often seems that the pace could be quicker (section 3.6).

A major part of the panel’s scientific work is now carried out in meetings of task forces (section 1.3). These smaller meetings are generally considered to be more efficient than plenary sessions of the panel (Figure 48), and usually – though certainly not always – lead to more intensive scientific collaboration between panel members and company scientists. They are widely welcomed by both panel members and SEIC, although they can be criticised for impairing the transparency of panel proceedings. NGO and other observers may not attend task force meetings, although these organisations have been told that they would be welcome to propose qualified scientists to participate in task force work.

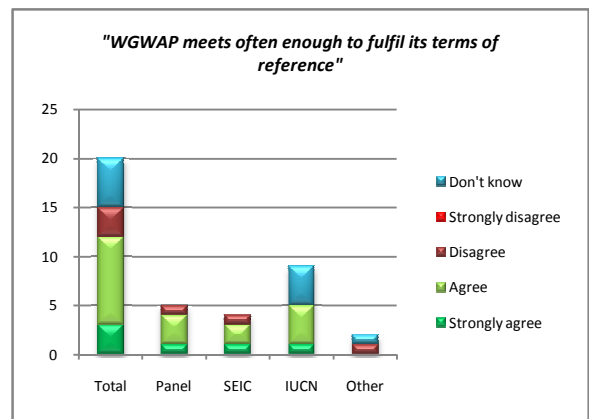


Figure 46. Survey: frequency of GWAP meetings

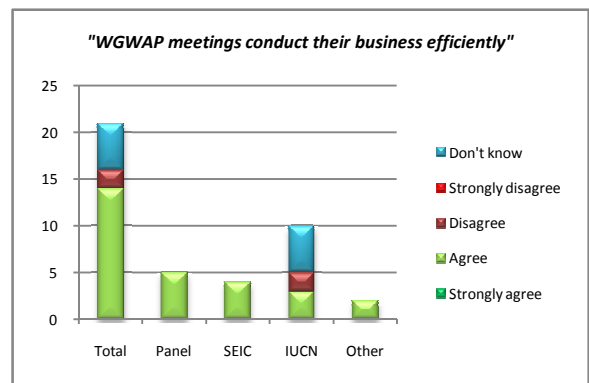


Figure 47. Survey: efficiency with which business conducted at GWAP meetings

Some observers are also concerned that the panel cannot express its views with the same force and authority in task force meetings as it can in plenary session. They therefore emphasise that task force recommendations must be discussed and confirmed in plenary meetings of the panel, although it is increasingly tempting to save time and transfer them directly to the company.

4.5. Communications and transparency

Good communications are a vital element of efficiency for the GWAP. Not only does the panel need to communicate well internally; it depends on smooth communications with IUCN and with SEIC. At least as important for the credibility and broader impact of the panel process are communications with civil society.

Communications within the panel are generally good, subject to members' workloads and their ability to get through their e-mail correspondence. Relationships between panel members have improved over time as they became used to each other's personalities and working styles. Communications between IUCN and the panel are generally good, too, although some respondents to the questionnaire survey disagreed that the two parties communicate efficiently. While communications between the panel and SEIC are widely condemned as inadequate and reached a low point in 2008, that year also saw poor communications from IUCN's side. Perhaps partly because of personnel changes in the Marine Programme, there was a period during which IUCN did not communicate efficiently with the panel or the company. On its side, SEIC has acknowledged that there was a breakdown in communications with the panel in the latter part of 2008, and states that new recruitments should enable it to remedy this. Once again, the current intersessional period must be seen as a time of probation in this regard.

The extent to which the GWAP is considered to be operating openly and transparently was discussed in section 3.5 above (see Figure 24 on page 19). IUCN's website on the GWAP plays a major role in the perceived openness of the panel process. Although the website does provide an important source of panel documents, including the reports of the meetings themselves, opinions differ about the comprehensiveness of its coverage and the ease of access that it offers. In the course of this evaluation it has become clear that the site is not kept up to date as promptly as it should be, and that it is not managed optimally. For example, for some months the link to panel members' CVs took the user to a login page for the IUCN intranet (a fault that has since been corrected). At the time of writing, almost two months after GWAP 5, the website page for that meeting remains blank.

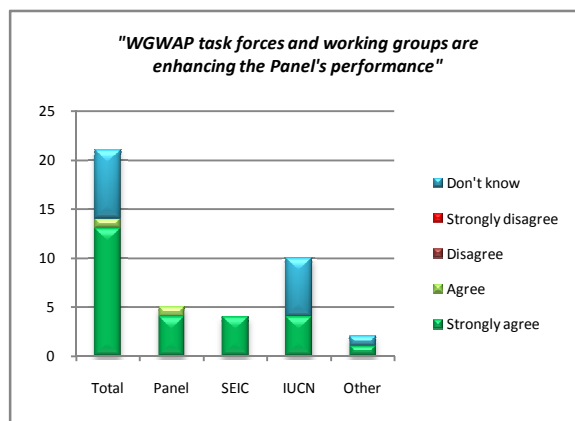


Figure 48. Survey: contribution of GWAP task forces

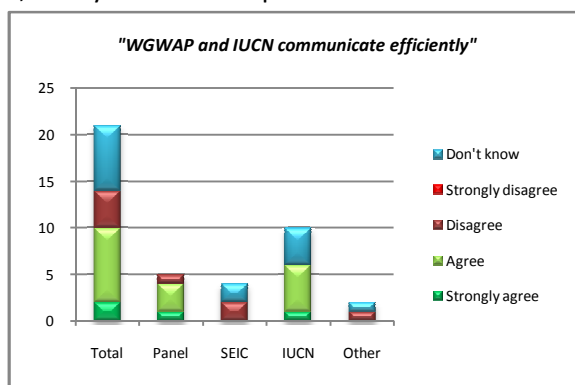


Figure 49. Survey: GWAP-IUCN communications

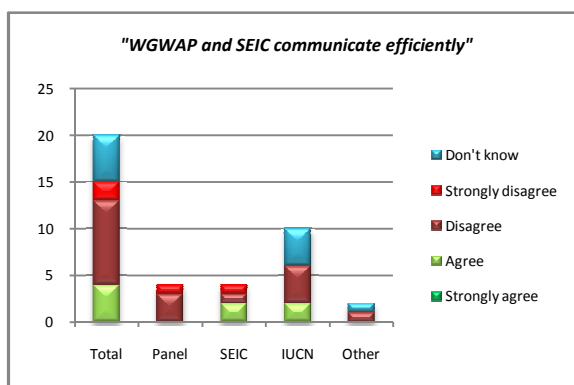


Figure 50. Survey: GWAP-SEIC communications

Review of the site’s contents also shows that a decreasing proportion of the documentation is posted in Russian. This is a significant constraint, not only on the efficiency of the panel process but also on its credibility and effectiveness within the Russian Federation. Government officials, few of whom have strong English, are hampered in any attempts they may make to follow the panel’s work. Russian NGOs feel excluded from a process that should be most, not least, accessible to them. While translation of GWAP documentation in Russian is inevitably costly and time consuming, it is essential that this current constraint on the panel’s transparency be lifted.

Beyond the passive communications offered by the website, the GWAP needs an active communications effort as well. Again, it is communications with Russian stakeholders that are particularly important. To achieve and sustain adequate interaction with the Russian government (section 3.10), IUCN should be ensuring prompt translation of key panel documents and their distribution to the relevant Russian state agencies. The distribution programme should also cover Russian NGOs.

A key part of the intended GWAP strategy for communications and transparency envisaged in the TOR (Annex 2, section 9(c)) was the open information sessions that were to be held “at least once a year, for interested parties to discuss the GWAP’s progress in implementing these TOR”. Informants contacted for this evaluation were vague about how many of these GWAP sessions have taken place since the panel was established. The consensus is that there may have been one, in Moscow in 2007. No report on any information session can be traced on the panel website. It was also suggested that these sessions may be poorly attended and not cost-effective. It is certainly necessary to make a preparatory effort to publicise any such process, issue invitations and perhaps in Russia to subsidise the attendance costs of some organisations.

The issues reviewed here should all be part of a communications plan for the GWAP, which IUCN admits does not currently exist. It is committed to preparing one. This is a high priority.

4.6. Administration and logistics

Respondents to the questionnaire survey were mostly satisfied with the quality of IUCN’s administrative and logistical support to the GWAP. However, much of this efficiency has been achieved by a Marine Programme staff member who is currently seconded to a different part of the Secretariat. Inefficiencies do arise from time to time, as with the recent misdirection of an invitation for GWAP 5 to a Russian NGO, and in the shortcomings of the website that were discussed above. Overall, IUCN’s support to the panel process can be divided into the fields of science, strategy and administration. In this last area, performance has generally been strong.

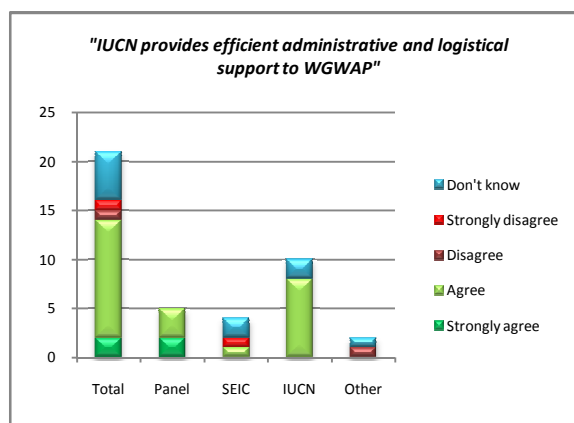


Figure 51. Survey: IUCN administrative and logistical support to GWAP

5. The influence and impact of the GWAP

5.1. Conservation and recovery of the western gray whale population

The overall goal of the GWAP is the conservation and recovery of the western gray whale population (TOR, section 2: see Annex 2). From most evaluation perspectives it is premature to assess the impact of activities that are ongoing. Given our still uncertain understanding of western gray whale behaviour, it is particularly difficult to attribute changes to specific human interventions – especially indirect ones like the GWAP – and it becomes necessary to fall back on counterfactual speculation about what might have happened in the absence of the panel. Furthermore, the life cycle of the animal is such that even perfect fulfilment of all the panel’s roles could not lead to noticeable recovery of the population in two years.

It is more reasonable to ask about the panel’s impact on conservation activities, since these are human activities in which significant change can in theory be observed over a two year period. Respondents to the evaluation questionnaire were mostly positive about the impact of the GWAP process on the conservation of the western gray whale (Figure 52). Three factors contributed to this view. First, the panel’s interventions have arguably influenced SEIC field operations in ways conducive to conservation of the animals. Secondly, the various scientific advances to which the panel has contributed will enhance conservation activities for the western gray whale more generally. Thirdly, the work of the GWAP, by increasing government and public awareness of the threats to the species, has raised levels of commitment to its conservation across its range.

As Figure 53 shows, far fewer survey respondents were willing to agree that the GWAP process has already had a positive impact on the recovery of the western gray whale. The reasons for this have already been cited, and were recognised at the panel’s first session with IUCN in 2006 (see box on next page). The many ‘don’t know’ replies were another way of stating these reasons: it is too early to know whether the panel’s work has contributed to a recovery of the population. Meanwhile, the number of females that have died in fishing nets quite unconnected with SEIC or the panel’s work appears to pose a significant threat to the survival of these whales.

5.2. Civil society

The GWAP process over its first two years has had a modest positive impact on civil society’s awareness of the threats to the western gray whale (Figure 54). Those among the global public with an interest in marine conservation, adequate English and access to the internet or to IUCN’s printed materials have been

The key question about impact in the evaluation matrix asks
What intended and unintended impacts are resulting from the GWAP process?

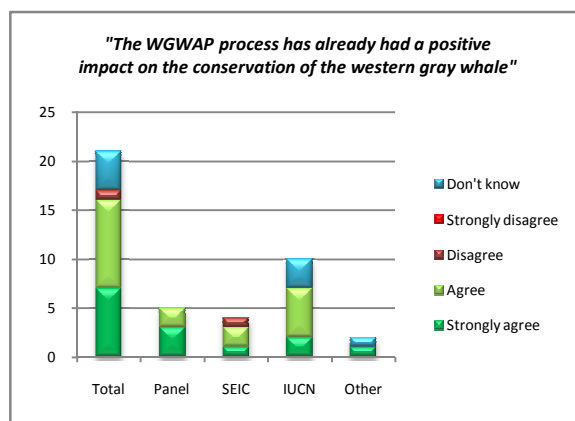


Figure 52. Survey: impact of the GWAP process on conservation of the western gray whale

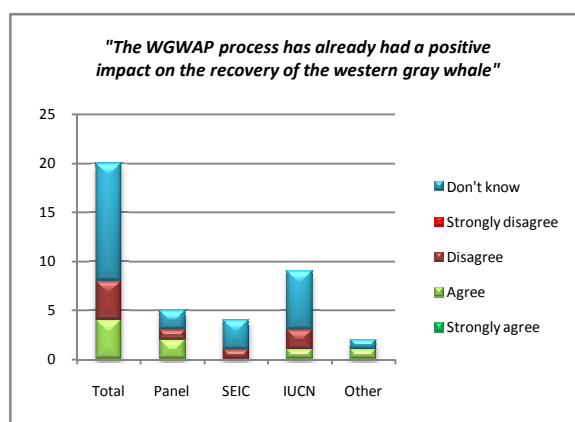


Figure 53. Survey: impact of the GWAP process on recovery of the western gray whale

able to increase their understanding of the threats to this species. This impact is restricted by several factors, however.

First, the two human populations (and their NGOs) that should be in the forefront of growing public awareness have been ill served by IUCN publicity about the GWAP. As was noted in section 4.5 above, too little of the documentation on the panel website is available in Russian. There has been no outreach programme to Russian NGOs about the panel and its work. The key local NGO, Sakhalin Watch, has only been able to observe one of the panel’s meetings and reports more scepticism than inspiration with regard to the GWAP process. Japan is a state member of IUCN and has a national IUCN committee, but the secretariat has no office there. Again, there has been little communication or outreach in Japanese with regard to the panel’s work or the threats to the western gray whale, although one productive public information session was held in Tokyo in June 2006, at the end of the ISRP/IISG processes and just before the GWAP was launched. It was attended by a number of Japanese NGOs. Another public information meeting was held in connection with the September 2008 range-wide workshop in Tokyo (section 3.3).

Secondly, and linked to the first constraint, not enough of the public information sessions envisaged in the panel’s TOR have been held. The website does not even show the required reports for those that did take place (section 4.5).

Finally, what public information there is about the GWAP – mainly on the website – does not allow for the deep scepticism that much of civil society feels about such interactions with energy companies. NGOs might find the material more convincing if it discussed more explicitly what the pros and cons of such interaction are turning out to be, and if there was a more candid summary statement about the various disappointments that have been suffered over the first two years of the panel’s work. The weaknesses of the self-assessment process so far – and the consequent lack of concise self-assessment reporting in the panel’s records – contribute to this problem (section 3.11). It is too easy for cynics, however unjustifiably, to dismiss the materials presented as propaganda in support of a greenwash. Perhaps the anticipated publication of this evaluation report on the GWAP website will make some contribution to a more balanced public view.

5.3. State and industry practice

IUCN’s hope in establishing the GWAP was that the panel would ultimately be able to advise governments and civil society across the range of the western gray whale, as well as the entire oil and gas industry operating on the Sakhalin Shelf. So far, these broad ambitions have not been achieved. This evaluation has recommended that efforts continue to bring more energy companies into the process, although the prospects are not bright. The range-wide workshop held in Tokyo in September 2008 was

It was clear that many participants felt that the 5-year timeframe was too short to allow for any meaningful change at population level. The reference to a 5-year vision is a reflection that IUCN has established the GWAP for an initial period of 5 years and it is unclear how the panel and the process will evolve beyond that time.

It is recognised that conservation outcomes may not become fully apparent in a 5 year time period. However, 5 years is considered sufficient to implement mitigation and protection measures and to increase the understanding of the whale’s population status such that conservation outcomes can be achieved and observed beyond the initial 5-year period. As such, consideration of conservation strategies and mitigation and management measures need not be constrained by the 5-year period.

IUCN, 2006c: 7.

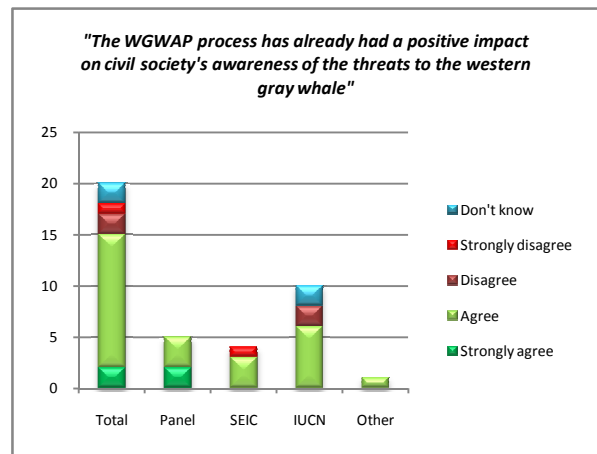


Figure 54. Survey: impact of GWAP process on civil society awareness

successful, but only laid the foundations for what will inevitably be a longer-term process in which the panel may not play the role that was envisaged for it in its TOR.

At this early stage, it is not surprising that few respondents to the questionnaire survey believed that the panel has had a positive impact on broader state and industry practice in the range of the western gray whale (Figure 55). Nor were many prepared to say that it has had a positive impact on the oil industry’s marine conservation practices (Figure 56). The other companies operating off Sakhalin have declined to participate in the GWAP process, although they are doubtless well aware of its debates and recommendations, and not uniformly averse to participating in some of the panel’s science. But there is no evidence that any of these companies, or the energy industry more broadly, have enhanced their marine conservation practices because of the panel’s work.

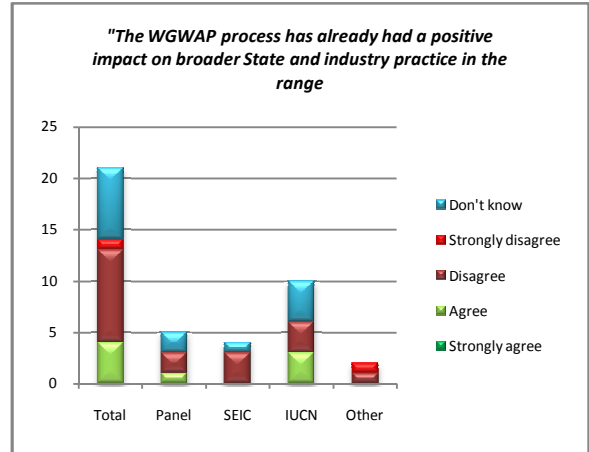


Figure 55. Survey: GWAP impact on broader state and industry practice

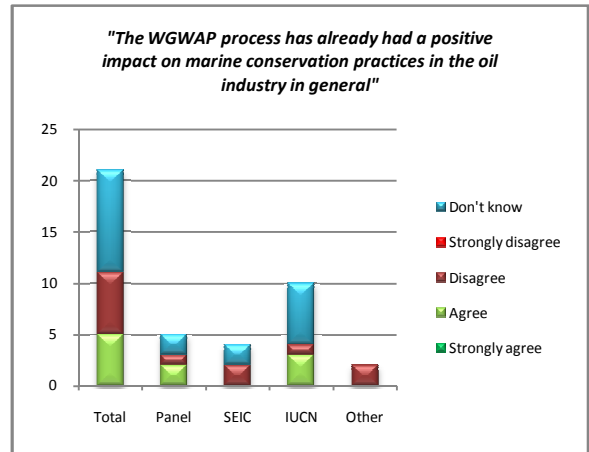


Figure 56. Survey: impact of GWAP on marine conservation practices in the oil industry in general

6. The sustainability of the GWAP

6.1. What sustainability means for the GWAP

The TOR for this evaluation (Annex 1) require it to comment on the sustainability of the GWAP. In many development contexts, sustainability is a desirable outcome, meaning that the innovation and enhancement achieved by an intervention will remain in place after the intervention is over. The concept must be approached more cautiously in the case of the GWAP. Its goal is the recovery and sustainability of the western gray whale population. There is no fundamental reason why the current GWAP should be sustained, although some of the concepts inherent in the panel process certainly should: the application of the best available science to cancel or mitigate the adverse impacts of oil and gas developments on marine biodiversity, and the operation of a practical interface between conservation interests and the private sector in this regard.

The key question about sustainability in the evaluation matrix asks
How sustainable is the GWAP process likely to be beyond the period of the current agreement?

Rather than simply consider how ‘sustainable’ the GWAP process is, it is therefore more appropriate to identify the most useful and feasible ways forward for the process. These may take it in directions not envisaged when the panel was established two years ago. At that time, IUCN recognised in its opening remarks to the panel that “the TOR are not cast in stone... the process may evolve and be adapted over time and accordingly the TOR may need to be revised to reflect this. The TOR provide for mechanisms to make appropriate changes throughout the lifecycle of the project” (IUCN, 2006c: 2). In fact the TOR say very little about such mechanisms. They do mention the possibility of amending the TOR (section 4(i), Annex 2) and say that IUCN will ensure that the TOR are amended to reflect those recommendations of self-assessments and independent evaluations that it accepts (section 10(c)).

6.2. What participants expect

This evaluation’s questionnaire survey did ask three questions about the future of the GWAP process. Respondents answered with predictable uncertainty, although a significant minority did think that the process would be continued beyond the five years of the current agreement (Figure 57). A possibly more meaningful question was whether the scope of the GWAP would be extended within the current five year timeframe. Fewer respondents had positive expectations in that regard (Figure 58). Engaging with just one company on the impacts of its operations has proved to be a full time job for the panel. However desirable expansion to a range-wide process may be, it is not easy to see how that could be accommodated within the current GWAP’s operations. Quite apart from the time demands that such a scope would impose, a different range of expertise and nationalities would be required for a range-wide panel, as well as a different funding mechanism. These questions are now under more active consideration in IUCN following the successful range-wide workshop in September 2008, but it does not currently seem likely or

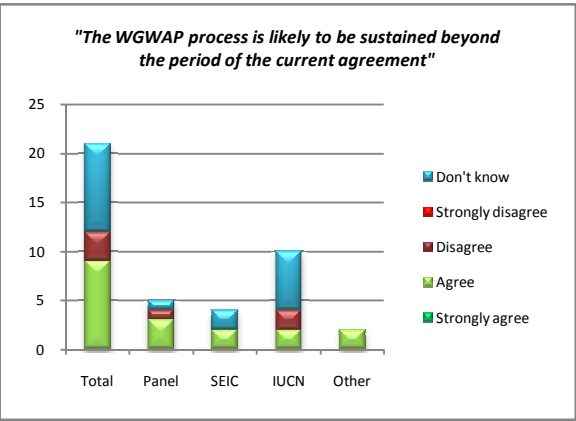


Figure 57. Survey: likelihood of GWAP process being sustained beyond the current agreement

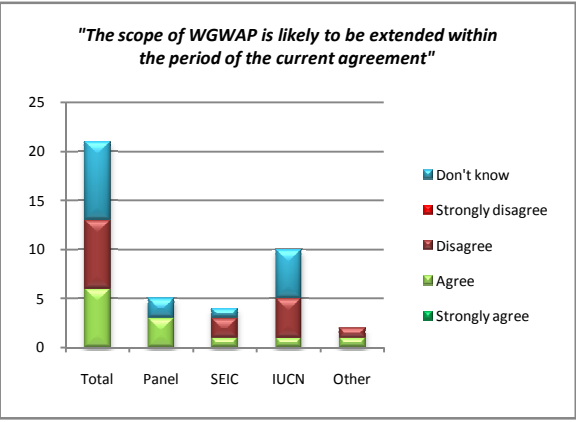


Figure 58. Survey: likelihood of scope of GWAP being extended within current agreement period

appropriate that they will be resolved by expanding the scope of the current panel within this first five-year timeframe.

An alternative interpretation of expanded scope within the current timeframe might be the inclusion of more companies in the GWAP process. This evaluation has found that a full and formal expansion - so that another company or companies participate in the same way as SEIC - is unlikely, although it recommends that efforts to this end should continue. It also recommends more flexibility in seeking partial involvement in those aspects of panel science in which the other companies may in fact be willing to engage. The uncertainty about this sort of expansion is also reflected in Figure 58.

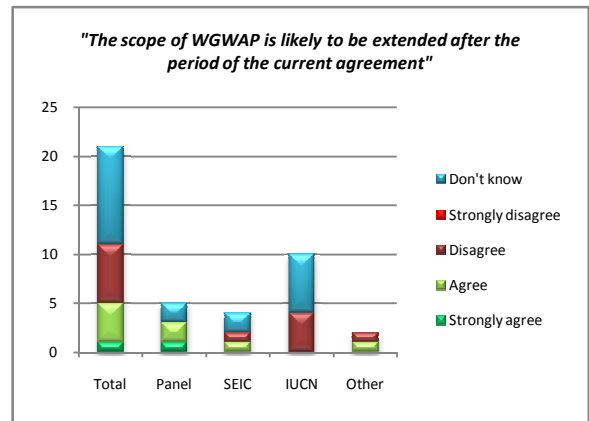


Figure 59. Survey: likelihood of scope of GWAP being extended after current agreement period

Whether the scope of the GWAP will be extended after the period of the current agreement is a matter of speculation. Given the factors just outlined, it may not be very useful speculation. Understandably, therefore, almost half the respondents to the questionnaire survey said that they did not know whether this would happen (Figure 59). Several others did not expect any such expansion of scope after five years, presumably anticipating that it will by then be time for a wholly different kind of body.

6.3. Conclusion

As a conservation-focused collaboration between scientists and an energy company, the GWAP process has proved to have value for the conservation cause and for the company in question. This evaluation has outlined the inadequacies and disappointments in the first two years of the panel’s work, as well as the ways in which the credibility of the process has been compromised in the eyes of civil society – to the extent that inadequate communications have enabled awareness of what is being attempted. But the balance of outcomes is positive so far. SEIC, the panel and IUCN should focus on enhancing their respective inputs, activities and responses so that the panel can be fully effective in addressing the impacts of the company’s operations on the western gray whale and promoting the conservation and recovery of the species.

In the short to medium term, the panel has much more work to do just to achieve the necessary results with SEIC. As recommended above, IUCN should redouble its efforts to involve other companies working on the Sakhalin Shelf. A key way to do this is through stronger collaboration with the Russian authorities. That strategy is complex and challenging, but the Union has not yet tried hard enough to make it work.

Broadening the scope of the panel’s interface to include the other companies is essential for two reasons. First, effective conservation action demands it. The panel is crippled by its current lack of access to other companies’ data and its inability to advise them. Secondly, there is a definite longer-term need, beyond the current five year timeframe, for SEIC (and other companies) to receive the sort of independent scientific advice that the panel is currently providing. But it is unrealistic and unreasonable to expect that a group of such international eminence would be prepared to work indefinitely with just one of the companies operating in this critical part of the western gray whale’s range, constantly aware of the inadequacy of their scope of work. On present evidence it is reasonable to expect that the GWAP will be disbanded at the end of the current agreement period if more companies have not become involved – although SEIC would be well advised to continue some sort of arrangement for independent scientific review of its environmental impacts and mitigation measures.

It is also possible, of course, that the GWAP will be terminated before the five years have elapsed. At the end of its fifth meeting in December 2008, the panel effectively began a period of probation. Communications and collaboration with SEIC had been so wholly inadequate in the latter part of that year

that all parties recognised the need for urgent improvement – failing which the panel could obviously not continue. Spirits had lifted somewhat by the end of GWAP 5, on the basis of new and firm assurances from the company that it would now deliver on its commitments. But the panel and the company now have an exceptionally heavy programme of work leading up to GWAP 6 in April 2009, with even more demanding performance targets and deadlines than usual. The panel's survival and credibility now depend not only on a return to earlier standards of performance by all parties, but on an even higher level of delivery than has been achieved before.

Without prejudging whether these demanding targets will be met by GWAP 6, it is clear that the highest priority for the GWAP is to put its existing process with SEIC back on the rails, and to keep it on track at the accelerated pace needed for credible delivery over the remainder of the current five year timeframe. This stronger performance should then provide the foundation for the broader collaboration with other companies towards which IUCN and the panel should strive. One key test of enhanced operations in 2009 will be the implementation of the panel's recommendations on the seismic survey work that SEIC plans for this year.

The GWAP TOR (section 4, Annex 2) anticipated that “the scope of the GWAP may be broadened to include more of the range of the WG””. While the first two years of the panel's work have understandably been dominated by the establishment of a credible and effective process of interaction with SEIC, the idea of range-wide work received more attention in 2008 as the Tokyo workshop came to fruition. Range-wide action to promote the conservation and recovery of the western gray whale is urgently needed. Many observers believe that the greatest threats to the survival of the species are posed by fishing activities elsewhere in the range, and not by the oil and gas operations off Sakhalin – although the worrying drop in summer visits to the latter area in 2008 still requires explanation.

Expert science of the kind provided by the GWAP is only one of the inputs needed for the achievement of the conservation and recovery goals to which the panel is committed. Strategic analysis and planning, as well as political action at various levels, are at least as important. The detailed scientific analysis of impacts and mitigation measures on the Sakhalin Shelf is essential. But so too is scientific and socio-economic study of the factors affecting the western gray whale across the spatial framework of its whole range. If the GWAP process works well, its science will achieve beneficial changes of practice by SEIC. In the larger frame of the overall habitat and survival of the species, it is more important to work politically with the governments and societies of Russia, Japan, China and other range states. This is a task for IUCN as a union and for the many committed local and global NGOs with which it (sometimes inadequately) collaborates. Daunting as that challenge may seem, there are already signs that global advocacy for marine conservation is achieving change in the practice of at least some Japanese fishers. The western gray whale and other endangered marine species in that region could still have a sustainable future.

The GWAP is therefore an essential but only partial way of achieving the overall goal set out in the panel's TOR (see section 2.1 above). Most participants now recognise, as argued above, that a structured scientific body has an important role to play in promoting the range-wide conservation of the western gray whale, and that IUCN can build on the GWAP experience in establishing and supporting such a body. Its primary interface will be with governments rather than the private sector. Although it will need the skills, structures and credibility to work convincingly with businesses, it will also need a stronger interface with civil society than the GWAP has achieved so far.

After two years, the GWAP finds itself with a narrower focus than its TOR envisaged. An interface with just one of the companies working off Sakhalin is too narrow. But the remaining three years of the panel's current timeframe should be devoted to more effective interaction with the private sector in that area, while IUCN expedites separate measures to promote the range-wide conservation and recovery of the western gray whale.

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Annex 1. Terms of reference for the evaluation

1. BACKGROUND

The critical status of the western gray whale population is well documented.⁵ The total population is estimated at about 130 individuals, with only 25-35 reproductive females. Little is known about its breeding grounds or migration routes; its only known feeding grounds lie along the coast of north-eastern Sakhalin Island, in the Russian far east. As a result, the western gray whale has been listed as *Critically Endangered* on the IUCN Red List of Threatened Species. The International Whaling Commission (IWC) has also expressed serious concern about the status of this population. It has urged States to make every effort to minimize accidental death to these animals and to minimize disturbance to the population and its habitat. The western gray whale is therefore a conservation priority.

1.1 Threats

The few surviving animals face a number of potential hazards throughout their range, including collisions with ships, underwater noise, entanglement in fishing gear and modifications of their physical habitat. However, particular concerns have been raised about the impact of offshore oil and gas activities along the coast of Sakhalin Island, eastern Russia.

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

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

1.2 History of IUCN Engagement

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

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

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

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

1.3 Western Gray Whale Advisory Panel

IUCN finally established the GWAP on 2 October 2006 to provide advice to Sakhalin Energy Investment Company⁶ (SEIC) on how to minimize and mitigate the impact of its Sakhalin II operations on western gray whales in the vicinity of Sakhalin Island. The GWAP has been established for an initial period of five years (with the possibility of extension). Comprehensive terms of reference for the GWAP were finalised by IUCN, based on input received from a range of stakeholders including scientists, potential lenders, SEIC, and interested NGOs. As noted above, periodic performance assessments are an integral part of the TOR.

The GWAP is governed by two key documents: the *Agreement for the convening and administration of the Western Gray Whale Advisory Panel*, signed between SEIC and IUCN on 21 July 2006 (hereafter defined as "the Agreement"⁷), and the GWAP terms of reference (TOR). These two documents specify the roles and responsibilities of the various implementing parties to the project.

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

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

⁶ Sakhalin Energy is a consortium of companies including the following shareholders:

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

⁷ A copy of the Agreement will be made available to the lead evaluator once a contract has been signed with IUCN for undertaking the review.

maximise the contributions of research to understanding the status and conservation needs of the western gray whale population.

1.4 Assessment of the WGWAP

The TOR for the WGWAP set out *inter alia* the following assessment requirements:

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

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) 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 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.

A self- assessment was undertaken at the second meeting of the WGWAP, held between 15-18 April 2007 and a range of improvements made subsequently. Given that the WGWAP was established in October 2006, the evaluation is due to be undertaken during the 4th quarter of 2008. The evaluation serves both a learning and an accountability purpose for IUCN and the implementing parties to this initiative.

2. PURPOSE OF THE EVALUATION

The overall objective of this formative evaluation is to contribute to potential enhancement of WGWAP performance by assessing the effectiveness of the engagement between the implementing parties of this initiative, namely IUCN, the WGWAP and its Chair, and SEIC (hereafter referred to as the “WGWAP process”) in terms of:

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

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.

3. AUDIENCES FOR THE EVALUATION

The evaluation is commissioned by the Head of the Global Marine Programme (IUCN).

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

Together these parties are accountable for the achievement of the results specifically defined at the outset of this initiative.⁸ Each of the three parties is therefore expected to act on the results of the evaluation in terms of improving the effectiveness of their respective role.

In addition, the various interested parties to the initiative,⁹ including civil society groups, international financial institutions and the Government of the Russian Federation, will also have a significant interest in the outcome of this evaluation. The IUCN membership may also find this evaluation useful in demonstrating the value and effectiveness of such independent scientific advisory processes.

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

The results of the evaluation may thus be used:

- to improve existing processes and revise the TOR of the GWAP;
- to inform decisions about future Panels and, more broadly, about engagement with the private sector.

4. EVALUATION ISSUES

The evaluation should address the following issues:

- the **relevance** of the GWAP process;
- the **effectiveness** of the results of the GWAP process;
- the **cost effectiveness** of the GWAP process;
- the **operational efficiency** of the GWAP process;
- **influence and impact:** the extent to which the GWAP process is contributing to the overall conservation and recovery of the population;
- the **sustainability** of the GWAP.

The evaluation should make **recommendations** for improvements to the achievement of the results and fulfilment of the TOR, including amendments, alternative approaches and new elements if appropriate.

⁸ Defined in the *Agreement for the convening and administration of the Western Gray Whale Advisory Panel*, and the GWAP Terms of Reference.

⁹ Defined under section 11 of the GWAP TOR.

5. METHODOLOGY

This evaluation will be carried out in conformance with the IUCN Evaluation Policy.¹⁰ This policy sets out IUCN's institutional commitment to evaluation, and the criteria and standards for the evaluation and evaluation of its projects, programmes and organizational units. IUCN's evaluation standards and criteria are based on the widely accepted OECD DAC Evaluation criteria of relevance, effectiveness, efficiency, impact and sustainability.

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

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

To ensure a high quality of data collection and analysis the data collection tools (interview protocols, survey instruments, documentation analysis criteria) developed by the evaluation team will be signed off by the Evaluation Department in the office of the Deputy Director General. All data collection tools are to be included as an Annex to the final evaluation report. The link between evaluation questions, data collection, analysis, findings and conclusions must be clearly made and set out in a transparent manner in the presentation of the evaluation findings.

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

The evaluation will cover the period from the establishment of the GWAP in October 2006 until the 5th GWAP meeting, to be held in December 2008.

6. PERSONNEL AND MANAGEMENT

6.1 Composition and Qualifications of the Evaluation Team

The evaluation team will consist of up to three experts.

The Evaluation Team Leader must be an experienced evaluator with a minimum of 10 years' experience conducting and managing organizational reviews in international science based organizations and with private sector. He/she must also meet the following requirements outlined for the evaluation team members.

Evaluation team members are required to have the following experience and qualifications:

- Relevant degrees at the Masters level or higher in development, environmental management, business or organizational development
- Minimum 10 years experience working with international organizations in the not-for-profit and/or business sector in regions such as Asia, Latin America, Africa, Europe and North America

¹⁰ IUCN Evaluation Policy, approved by the IUCN Council in 2001. <http://www.iucn.org/themes/eval/index.htm>

- Minimum 5 years experience in evaluation
- Ability to work and write in English
- Ability to interact and communicate well with senior managers in IUCN, SEIC and related stakeholder groups
- Excellent interview and qualitative data analysis skills

The Team Leader will be recruited first. He/she will assist IUCN in determining whether to appoint additional evaluation team members and, if so, in selecting appropriate individuals.

6.2 Travel Required

The Team Leader and team members will be required to travel for orientation, data collection and interviews to IUCN in Switzerland. Attendance at the 4th and 5th meetings of the GWAP will also be required. No travel to field sites is anticipated, as the data required from users in the field can be collected by telephone interviews and through document review.

6.3 Management of the Evaluation

The IUCN Evaluation Department will manage the evaluation, including overseeing design, the hiring of evaluators, the quality of the evaluation process, and the dissemination and use of results.

6.4 Reporting of the Evaluation Results

The evaluation findings and recommendations will be presented by the evaluation team to the senior managers of the Global Marine Programme and the Chair of the GWAP.

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

IUCN will develop a Management Response and Action Plan with the GWAP and SEIC for improvements in 2009-2010.

7. TIMEFRAME

The evaluation will take place between October 2008 and February 2009.

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

Milestone	Indicative Completion Date
Start date and evaluation Team Leader appointed	14 March 2008
Team Leader to attend 4 th GWAP meeting	22-25 April 2008
Finalize evaluation matrix of key issues and questions, and data collection tools, workplan	October 15

Milestone	Indicative Completion Date
and schedule.	
Undertake evaluation	October - December 2008
Review team to attend 5 th GWAP meeting, present preliminary findings	3 - 6 December 2008
Draft report presented to the IUCN Global Marine Programme	January 2009
Final report	28 February 2009
Action Plan developed	March 2009

Annex 2. Terms of reference of the GWAP

1. BACKGROUND

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

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

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

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

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

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

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

2. GOAL AND OBJECTIVES

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

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

3. PRINCIPLES

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

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

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

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

4. SCOPE

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

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

5. THE ROLE AND RESPONSIBILITIES OF IUCN

The role and responsibilities of IUCN will be to:

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

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

6. THE ROLE AND RESPONSIBILITIES OF CONTRACTING COMPANIES

The role and responsibilities of Contracting Companies will be to:

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

7. KEY TASKS for GWAP

- (a) Proactively provide scientific, technical and operational recommendations it believes are necessary or useful for conserving the GW population.
- (b) Receive and review all available information related to the GW population;
- (c) Seek and secure any additional information that it may require.
- (d) Using the best available data and information, assess whether the Contracting Companies' studies, assessments and proposed mitigation plans (i) take account of the best available scientific knowledge, (ii) identify information gaps, and (iii) interpret both existing knowledge and information gaps in a manner that reflects precaution¹¹.

¹¹ "Precaution": the "precautionary principle" or "precautionary approach" as defined and applied by IUCN is "a response to uncertainty in the face of risks to health or the environment. In general, it involves acting to avoid serious or irreversible potential harm, despite lack of scientific certainty as to the likelihood, magnitude, or causation of that harm". This definition is the product of the Precautionary Principle Project (2005) – a joint exercise between IUCN, Traffic International, Fauna and Flora International and Resource Africa and is available at:
http://www.pprinciple.net/the_precautionary_principle.html

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

8. MODUS OPERANDI OF GWAP

8.1. GWAP Composition

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

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

8.2. Work Plans, Meetings, Missions and Reports

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

8.3 Funding

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

9. COMMUNICATIONS AND TRANSPARENCY

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

10. PERFORMANCE ASSESSMENT

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

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

11. Participation of Interested Parties

11.1. Government

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

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

11.2. Civil Society

Civil society will have the opportunity to:

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

11.3. Financial Institutions

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

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

12. TERM

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

GWAP TOR Definitions

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

Annex 3. Evaluation matrix

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
Relevance	To what extent does the GWAP process address the priority issues?	<ol style="list-style-type: none"> 1. How relevant is the GWAP process to the conservation and recovery of western gray whales? 2. How relevant is the GWAP process to addressing the impact of SEIC operations on western gray whales? 3. How relevant is the GWAP process to addressing the impact of other human activities, e.g. fishing and shipping, on western gray whales? 4. How relevant is the GWAP process to the IUCN Marine Programme? 5. Does the GWAP process address issues of relevance to the wider oil and gas industry operating on the Sakhalin shelf? 6. How relevant is the GWAP process to IUCN's application of conservation science in engagements with the private sector? 7. How relevant is the GWAP process to civil society's efforts to influence the environmental performance of the private sector? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of relevance by expert observers and participants 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Review of documentation
Effectiveness	To what extent is the GWAP process achieving its intended results?	<ol style="list-style-type: none"> 1. How adequate for effective performance of the GWAP are the quality and relevance of the information provided to the Panel? 2. How effectively is the GWAP process addressing issues of data integrity and reliability? 3. How effectively is IUCN performing the roles assigned to it by the GWAP TOR? 4. How effectively is SEIC performing the roles assigned to it by the GWAP TOR? 5. How effectively is the GWAP Chair performing the roles assigned to him by the GWAP TOR? 6. To what extent is the GWAP complying with the principles specified in its TOR? 7. How fully is the GWAP performing the tasks set out in its TOR? 8. How clear are the recommendations, advice and other outputs delivered by the GWAP? 9. How practical and useable are the recommendations, advice and other outputs delivered by the GWAP? 10. How effectively are GWAP recommendations and advice being used by SEIC? 11. How effectively are GWAP recommendations and advice being used by other stakeholders? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of effectiveness by expert observers and participants 2. Percentage of GWAP recommendations completed/ addressed, open, abandoned, superseded 3. Percentage of GWAP recommendations accepted, queried, rejected by SEIC 4. Number of design or operational changes by SEIC attributable to GWAP recommendations 5. Number of and trends in NGO and financial 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Analysis of GWAP records 4. Review of other documentation

Evaluation of the GWAP

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
		12. To what extent are interested parties (government, civil society and financial institutions) participating in the GWAP as anticipated by the TOR? 13. What factors promote the effectiveness of the GWAP? 14. What factors inhibit the effectiveness of the GWAP?	institution attendance at GWAP meetings 6. Number of documents posted by IUCN on GWAP website 7. Number of and trend in documents deemed confidential by IUCN and not made public 8. Number of and attendance at open information sessions held by GWAP 9. Number of and trends in visits to GWAP website 10. Number of funding sources for GWAP 11. Number of GWAP activities precluded for funding reasons	
Efficiency	How cost-effective is the GWAP process?	1. What are the financial costs of the GWAP process to SEIC, IUCN and others? 2. Do SEIC, IUCN and other funding agencies consider these costs to be an effective investment in relation to the direct and indirect results achieved? 3. Do SEIC, IUCN and other funding agencies identify ways in which cost effectiveness could be enhanced? 4. Do the various stakeholders consider GWAP roles, responsibilities and tasks to be clearly defined and assigned? 5. How transparent is the GWAP process? 6. Are GWAP task forces and working groups enhancing the Panel's performance? 7. Are GWAP annual work plans produced on time and adhered to? 8. How efficient are GWAP-SEIC communications at Panel meetings and at other times? 9. How efficient are GWAP-IUCN communications? 10. How efficient is IUCN management of the GWAP website? 11. How efficient is IUCN logistical support to the GWAP? 12. How effectively is the GWAP assessing its own performance?	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	1. Survey data 2. Interviews with key informants 3. Analysis of GWAP budget and other records 4. Review of other documentation

Evaluation of the GWAP

Performance areas	Key questions	Sub-questions	Indicators	Sources of data
Impact	What intended and unintended impacts are resulting from the GWAP process?	<ol style="list-style-type: none"> 1. Has the GWAP process had any impact yet on the conservation or recovery of the GW population? 2. Has the GWAP process to date had any influence over broader State and industry practice in the range? 3. Has the GWAP process to date had any impact on marine conservation practices in the oil industry in general? 4. Has the GWAP process to date had any impact on IUCN's approach to building partnerships with the private sector? 5. Has the GWAP process to date had any influence on the broader IUCN programme? 6. Has the GWAP process to date had any influence on civil society's awareness of the threats to the western gray whale? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of impact by expert observers and participants 2. Number of comparable panel processes set up by IUCN 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Review of other documentation
Sustainability	How sustainable is the GWAP process likely to be beyond the period of the current agreement?	<ol style="list-style-type: none"> 1. What factors will influence the sustainability of the GWAP process and the potential for broadening its scope? 2. How likely is the GWAP process likely to be sustained beyond the period of the current agreement? 3. How likely is an extension of the GWAP's scope, either within or beyond the period of the current agreement? 	<ol style="list-style-type: none"> 1. Likert scaling of assessments of sustainability by expert observers and participants 	<ol style="list-style-type: none"> 1. Survey data 2. Interviews with key informants 3. Review of documentation

Annex 4. Online survey form

WGWAP evaluation survey 2008

1. Introduction

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

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

If you would like to have a quick look at the WGWAP terms of reference, they are at http://cmsdata.iucn.org/downloads/te rms_of_reference.pdf

Thanks again.

Stephen Turner.
stturner@tafrica.com

1. Please indicate what kind of involvement you have with WGWAP.

Member of the Panel

SEIC staff or consultant

IUCN staff

NGO staff or consultant

Financial institution staff or representative

Other (please specify) _____

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WGWAP evaluation survey 2008

2. The relevance of WGWAP

To what extent does WGWAP address the priority issues?
Please indicate the extent to which you agree with the following statements.

1. The WGWAP process is relevant to the conservation and recovery of western gray whales.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

2. The WGWAP process is relevant to addressing the impact of SEIC operations on western gray whales.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

3. The WGWAP process is relevant to addressing the impact of oil and gas operations generally on western gray whales.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

4. The WGWAP process is relevant to addressing the impact of other human activities, such as fishing and shipping, on western gray whales.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

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WGWAP evaluation survey 2008

5. The WGWAP process is relevant to businesses seeking to enhance their environmental performance.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

6. The WGWAP process is relevant to civil society's efforts to influence the environmental performance of the private sector.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

7. WGWAP has the experience and technical skills needed to fulfil its terms of reference.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

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

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WGWAP evaluation survey 2008

3. WGWAP's performance

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

1. Overall, WGWAP is effectively performing the tasks set out for it in its terms of reference.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

2. WGWAP is assessing the contracting companies' studies, assessments and mitigation measures effectively.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

3. WGWAP is carrying out effective annual assessments of the biological and demographic state of the western gray whale population.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

4. WGWAP is reviewing and recommending research and monitoring programmes effectively.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

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WGWAP evaluation survey 2008

5. WGWAP is effective at assessing its own performance.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

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WGWAP evaluation survey 2008

4. WGWAP's recommendations

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

1. WGWAP is proactive in providing scientific, technical and operational recommendations.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. WGWAP's recommendations and advice are based on adequate annual assessments of the biological and demographic state of the western gray whale population.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. WGWAP's recommendations are clear.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. WGWAP's recommendations are practical.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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WGWAP evaluation survey 2008

5. WGWAP's recommendations are timely.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

6. WGWAP's recommendations have well-defined outcomes.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

7. WGWAP's recommendations have outcomes that are measurable.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

8. SEIC is using WGWAP's recommendations effectively.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

9. Other stakeholders are using WGWAP's recommendations effectively.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

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5. WGWAP's operations

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

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. The interested parties are giving WGWAP all the information it needs to work effectively.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. WGWAP is working openly and transparently as specified by its terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. WGWAP is addressing issues of confidentiality and intellectual property effectively.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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WGWAP evaluation survey 2008

5. WGWAP is effectively deploying the best scientific expertise and methods.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

6. WGWAP is working impartially.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

7. WGWAP is assessing SEIC's studies, assessments and mitigation plans adequately.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

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6. The WGWAP Chair

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

1. The WGWAP Chair is effectively performing the roles assigned to him by the WGWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

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WGWAP evaluation survey 2008

7. The effectiveness of IUCN

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

1. Overall, IUCN is effectively performing the roles assigned to it by the WGWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. IUCN is acting impartially as convener of WGWAP.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. IUCN is effectively maintaining the independence of WGWAP.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. IUCN is effectively linking the relevant stakeholders.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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WGWAP evaluation survey 2008

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

WGWAP evaluation survey 2008

8. The effectiveness of SEIC

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

1. Overall, SEIC is effectively performing the roles assigned to it by the GWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. SEIC provides GWAP with all relevant information.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. SEIC ensures that all relevant personnel are available at GWAP meetings.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. SEIC is effectively minimizing the environmental risk of its operations on and around Sakhalin Island.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

5. SEIC is taking its management decisions openly and transparently.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

6. SEIC responses to Panel recommendations are clear.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

7. SEIC responses to Panel recommendations are complete.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

8. SEIC responses to Panel recommendations are timely.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

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

WGWAP evaluation survey 2008

9. The Russian Government

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

1. WGWAP is engaging effectively with the regulatory functions of the Russian government.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. The Russian Government is participating as envisaged by the WGWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

WGWAP evaluation survey 2008

10. Resourcing and participation

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

1. WGWAP is being funded adequately.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. Civil society is participating as envisaged by the WGWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. Financial institutions are participating as envisaged by the WGWAP terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. WGWAP is doing enough to solicit the participation of other companies.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

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

WGWAP evaluation survey 2008

11. The efficiency of WGWAP

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

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. WGWAP follows its annual work plans.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

5. WGWAP meets often enough to fulfil its terms of reference.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

6. WGWAP and SEIC communicate efficiently.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

7. WGWAP and IUCN communicate efficiently.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

8. WGWAP meetings conduct their business efficiently.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

9. IUCN provides efficient administrative and logistical support to WGWAP.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

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

WGWAP evaluation survey 2008

12. The impact of WGWAP

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

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

WGWAP evaluation survey 2008

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

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

6. The WGWAP process has had unintended negative impacts

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

WGWAP evaluation survey 2008

13. The sustainability of GWAP

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

1. The GWAP process is likely to be sustained beyond the period of the current agreement.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

2. The scope of GWAP is likely to be extended within the period of the current agreement.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. The scope of GWAP is likely to be extended after the period of the current agreement.

Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

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

WGWAP evaluation survey 2008

14. Some concluding questions

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

2. What is your highest priority recommendation to assure the future of GWAP beyond the initial period of five years?

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

Annex 5. List of interviews

A. Athanas	IUCN Business and Biodiversity Programme
D. Bell	SEIC
R. Brownell	GWAP
G. Carbone	IUCN Business and Biodiversity Programme
J. Cooke	GWAP
B. Dicks	GWAP
G. Donovan	GWAP
M. Downs	Shell
S. Gotheil	IUCN Global Marine Programme
M. Halle	International Institute for Sustainable Development
J. Hancox	AEA Consultants
D. Hosack	IUCN Business and Biodiversity Programme
A. Hurd	IUCN Global Marine Programme
W. Jackson	Deputy Director General, IUCN
A. Lawrence	AEA Consultants
B. Mate	Hatfield Marine Science Center, Oregon State University
A. Knizhnikov	WWF Russia
S. de Koning	Shell, seconded to IUCN Business and Biodiversity Programme
F. Larsen	IUCN Global Marine Programme
D. Lisitsyn	Sakhalin Watch
C.G. Lundin	IUCN Global Marine Programme
J. McNeely	Chief Scientist, IUCN
V. Moshkalo	IUCN Moscow office
D. Norlen	Pacific Environment
D. Nowacek	GWAP
D. Quaille	Shell
R. Racca	SEIC consultant
M. Rafiq	Formerly IUCN Business and Biodiversity Programme
R.R. Reeves	Chair, GWAP
J. Roberts	Formerly IUCN Global Marine Programme
J. Smart	IUCN Species Programme
B. Tibbles	SEIC (to August 2008)
C. Tombach Wright	SEIC consultant
G. Tsidulko	GWAP
G. VanBlaricom	GWAP
A. Vedenev	GWAP
J.C. Vie	IUCN Species Programme
L. Warwick	United Kingdom Department for Environment, Food and Rural Affairs
D. Weller	GWAP
A. Yablokov	GWAP