

February 28, 2009

Julia Marton-Lefèvre  
Director General  
International Union for Conservation of Nature (IUCN)

**RE: URGENT ACTIONS REQUIRED TO PROTECT CRITICALLY ENDANGERED  
WESTERN GRAY WHALE**

Ms. Marton-Lefèvre:

We urge you to take swift high-level action to petition the corporate sponsors of the Sakhalin Energy Investment Company, Ltd. (Sakhalin Energy), Exxon Neftegas Ltd. (ENL), other Sakhalin offshore oil and gas operators, and Russian President Medvedev and Prime Minister Putin to implement a moratorium on activities in and around Piltun Bay on Sakhalin Island. These actions are necessary in light of alarming findings of the recently released Western Gray Whale Advisory Panel-5 (WGWAP-5) report.<sup>[1][2][3]</sup>

As you know, the WGWAP-5 report concludes that the number of critically endangered western gray whales observed offshore Sakhalin Island in the summer of 2008 was “unexpectedly low.” The report states, “[T]here is urgent concern about the preliminary evidence suggesting an anomalous pattern of gray whale occurrence and distribution off Sakhalin in summer 2008 and the possible relationship of this pattern to industrial activity.” [WGWAP-5 Report, Section 18, pg 34]

The WGWAP urges “[a] precautionary response to the present situation would be to establish a moratorium on all industrial activities, both maritime and terrestrial, that have the potential to disturb gray whales in summer and autumn on and near their main feeding areas.” [WGWAP-5 Report, Section 17, pg 32]

The WGWAP harshly criticizes international and Russian oil and gas companies on Sakhalin for their lack of cooperation with the Panel. The report singles out ENL, stating:

“...Sakhalin Energy has reported an inability to share data with the Panel, citing ENL’s unwillingness to cooperate. The Panel recognises the unfortunate situation whereby ENL does not see any advantage to its participation in the Panel process. However, it is unclear how a refusal to share jointly collected data, once the normal scientific validation and analysis process has been completed, could possibly be to the advantage of ENL and it certainly impedes the cause of western gray whale conservation.” [WGWAP-5 Report Section 18, pg 33-36]

The WGWAP also sharply criticizes Sakhalin Energy's unwillingness to cooperate with the Panel:

“[The WGWAP Chairman] Reeves expressed the Panel's disappointment at the lack of progress toward implementation of recommendations from WGWAP-4 and the failure of Sakhalin Energy to provide expected meeting documents in a timely manner, particularly in the context of the constructive interactions that had taken place at previous WGWAP meetings and in the task forces. There is a notable difference in the number of new recommendations in the present report compared to previous WGWAP reports. This should not be interpreted as a sign of progress. Instead, it is a reflection of the fact that the Panel was provided with relatively little new information or analyses that could form the basis of judgments leading to new advice and recommendations.” [WGWAP-5 Report Section 1.1, pg 4]

As a result, the WGWAP questions the future of the Panel's important work, stating:

“The lack of recent progress on various matters, primarily as a result of inadequate provision of data and information, has led Panel members to question whether the process is serving its central purpose: to promote the necessary protection for this critically endangered whale population and thus improve its chances for full recovery. As a result, unless there is significant and immediate improvement, members are increasingly reluctant to continue investing their time and energies in a process that seems to be of questionable effectiveness.” [WGWAP-5 Report Section 18, pg 33-34]

The WGWAP's findings are particularly startling in light of IUCN's corporate partnership with Royal Dutch/Shell, in which both entities highlight the WGWAP as an example of the benefits that can come from this relationship. Reinforcing these concerns, on November 14, 2008, NGOs sent a formal letter to you and IUCN President, Ashok Khosla regarding Sakhalin Energy/Shell's ability to review and determine what, if anything will be publicly disclosed in an IUCN evaluation of the Independent Scientific Review Panel, a forerunner to the WGWAP. These groups received only a brief email response from an acting head of an IUCN programme, which omits any direct response to the NGOs' central concerns.

We are pleased to see that the WGWAP-5 report was featured on the IUCN homepage. However, we are not aware of any public statements or other activities that you, as Director General, have undertaken to ensure that the critical findings of the WGWAP are given the attention they deserve. The last public statement by a high-level IUCN official was on 8 May, 2006 by your predecessor, Achim Steiner, who wrote:

“...Concerns exist within IUCN, and have been expressed to my staff by the independent scientists, that the company [SEIC] may not be taking the IISG [Interim Independent Scientific Group] process seriously enough. We, the scientists, and civil society all need greater reassurance that SEIC intends to heed the IISG's advice...Concerns have also been expressed to us by some NGOs and scientists about the inaccurate interpretation of the IISG recommendations by SEIC as recently reported in the Independent newspaper where it stated: Shell, however, said it had been given the green light by the panel, which was convened to mollify international concern over the plight of the whales....”<sup>[4]</sup>

The WGWAP-5 report clearly states the peril faced by the western gray whale and the urgency with which you must now act—both to salvage the WGWAP process and to take the WGWAP’s urgent demands to the highest levels within Sakhalin Energy and ENL and to President Medvedev and Prime Minister Putin.

A subset of the undersigned groups would like to request a meeting with you at our earliest mutual convenience to explore these and additional ways to work together to protect the critically endangered western gray whale. For scheduling, please contact Doug Norlen at Pacific Environment, +1 415.399.8850 #305, +1 202.465.1650 (c) or dnorlen@pacificenvironment.org.

Sincerely

Dmitry Lisitsyn  
Chairman  
Sakhalin Environment Watch  
Russia

Doug Norlen  
Policy Director  
Pacific Environment  
United States

Igor Chestin  
CEO  
WWF Russia

Paul de Clerck  
Coordinator Corporate Campaign FoE  
International  
The Netherlands

Ms. Danielle Hirsch  
Director  
Both ENDS  
The Netherlands

Volker Homes  
Head Species Conservation Section  
WWF Germany and TRAFFIC Europe  
Germany

Petr Hlobil, International Affairs  
Coordinator  
CEE Bankwatch Network  
Czech Republic

Nick Hildyard  
The Cornerhouse  
United Kingdom

Regine Richter  
Büro Berlin  
Urgewald  
Germany

Antonio Tricarico  
Director  
Campagna per la riforma della Banca  
mondiale (CRBM)  
Italy

Eri Watanabe  
Development Finance and Environment  
Program  
Friends of the Earth Japan

Dr. Andreas Missbach  
Private Finance Programme  
Berne Declaration  
Switzerland

Yann Louvel  
Private Finance Campaigner  
Friends of the Earth France

Mike Brune  
Executive Director  
Rainforest Action Network  
United States

Notes:

1. Sakhalin–II, operated by Sakhalin Energy Investment Company, Ltd. (Sakhalin Energy), is majority-owned by Gazprom, managed largely by Royal Dutch Shell, and includes Mitsubishi and Mitsui.
2. Sakhalin I, operated by ENL, which includes ExxonMobil, Rosneft, Sakhalin Oil and Gas Development Co. Ltd. (SODECO), ONGC Videsh Ltd, Sakhalinmorneftegas-Shelf, and RN-Astra.
3. The WGWAP report, released in mid February, can be found at <http://www.iucn.org/about/work/programmes/marine/?2655/sakhalininadequatecollaboration>
4. See 8 May, 2006 letter from IUCN Director General Achim Steiner to Sakhalin Energy CEO Ian Craig. The Interim Independent Scientific Group was an IUCN-managed western gray whale panel in the intervening period between the Independent Scientific Review Panel and the Western Gray Whale Advisory Panel