

Final Conference Synthesis Report:

Transatlantic Options for Improved Integrated Maritime Governance

Prepared by:

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About CALAMAR

The Cooperation Across the Atlantic for Marine Governance Integration (CALAMAR) project aimed to strengthen networks among key maritime stakeholders in the EU and US, and contribute policy recommendations to improve integration of maritime policies and promote transatlantic cooperation. The project convened a dialogue of more than 40 experts from both sides of the Atlantic. The CALAMAR project began in January 2010 and culminated in a final conference in Lisbon, Portugal on April 11-12, 2011 where the Working Groups' conclusions were presented. Two reports were developed to complement the dialogue by providing background information and assessments that: 1) compare EU and US maritime policy, and 2) identify opportunities and challenges for integrated maritime governance. A third report lays out policy recommendations for improved transatlantic cooperation in maritime governance based on the recommendations selected by the working groups throughout their discussions over the course of the CALAMAR project. All project reports are available on the project website at the following link: <http://www.calamar-dialogue.org/>.

The following report summarizes the key observations and policy insights that emerged at the CALAMAR final conference. The Conference was funded by the European Union with Grant Agreement No. SI2.548978, with generous support for the conference provided by the Luso-American Foundation (FLAD) and the United States Embassy in Portugal. More than 50 experts in ocean and coastal management from the US and EU participated in the conference. The contents of this report are the sole responsibility of Ecologic Institute (Germany) and its partners, Meridian Institute (US), Duke University (US), Institute for Sustainable Development and International Relations - IDDR (France), and the University of Delaware (US). The views expressed in this paper do not necessarily represent the official positions of any institutions or governments with which the participants are affiliated.

Acknowledgments

We thank all of the CALAMAR experts who contributed their time and expertise to developing the recommendations and working group papers. In particular, we would like to thank the working group co-chairs. A full list of the working group members can be found in Appendix A.

Oceans and Climate Change co-chairs: Gary Griggs (US) and Niko Wijnolst (EU)

High Seas co-chairs: Emanuel Gonçalves (EU) and Lisa Speers (US)

Integrated Marine Policies and Tools co-chairs: Barry Gold (US) and Martin Pastoors (EU)

EU/US Transatlantic Cooperation co-chairs: Serge Beslier (EU) and Andrew Rosenberg (US)

About Ecologic Institute

The Ecologic Institute is a private not-for-profit think tank for applied environmental research, policy analysis and consultancy with offices in Berlin, Brussels, and Washington DC. An independent, non-partisan body, the Ecologic Institute is dedicated to bringing fresh ideas to environmental policies and sustainable development. The Ecologic Institute's work programme focuses on obtaining practical results. It covers the entire spectrum of environmental issues, including the integration of environmental concerns into other policy fields. Founded in 1995, the Ecologic Institute is a partner in the network of Institutes for European Environmental Policy. The Ecologic Institute acts in the public interest; donations are tax-deductible.

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1 Introduction

From April 11-12 2011, Ecologic Institute convened the final conference of the CALAMAR Dialogue in Lisbon, Portugal, bringing together more than 50 experts from the European Union (EU) and United States (US) to present and discuss policy recommendations on improving integrated marine governance across the Atlantic. The CALAMAR project, funded by the EU, engaged experts in a transatlantic dialogue on ways to strengthen cooperation in maritime governance. The experts – from industry, civil society, academia and government – were convened into working groups (WGs) that focused on four key areas:

- Climate Change
- High Seas
- Integrated Maritime Policies and Tools
- EU/US Transatlantic Cooperation

Over 12 months, the WGs collaborated and developed a series of policy options for improved governance and cooperation in the North Atlantic. These can be found on the CALAMAR website (<http://www.calamar-dialogue.org/documents>).

The CALAMAR project team is comprised of five partner organizations: Ecologic Institute (Germany), Meridian Institute (US), Duke University (US), IDDRI (France) and University of Delaware (US).

2 Opening presentations

R. Andreas Kraemer, Director of Ecologic Institute and Charles Buchanan, Member of the Executive Board of the Luso-American Foundation, gave welcoming remarks to the conference participants.

Laura Cantral, Senior Mediator, Meridian Institute, outlined the conference agenda.

Sandra Cavalieri, Coordinator Transatlantic Program, Ecologic Institute, described the CALAMAR project, its methodology, the respective maritime policy contexts of the EU and US, and some of the common themes in the WG policy recommendations. She also provided information on the dissemination strategy planned for the final project results.

3 EU and US objectives for maritime governance

Paul Nemitz, Head of Unit for Maritime Policy in the Atlantic, Arctic and Outermost Regions of the European Commission, Directorate General for Maritime Affairs and Fisheries compared the EU Integrated Maritime Policy (IMP) and Marine Strategic Framework Directive (MSFD) to the US National Ocean Policy (NOP). He offered his view that both sides emphasize environmental issues, with a high level of convergence between the NOP and MSFD. Compared to the NOP, however, the IMP underweights **security** (the EU lacks a specific competence in this regard), but places a comparatively larger **emphasis on economic development**. On this point, Mr Nemitz highlighted the comparatively high growth rates for European maritime economic sectors. He emphasized that sustainable practices are necessary not only for environmental protection, but also for ensuring economic growth. Conversely, environmental protection would make better progress if there was a

clear perspective for economic growth in coastal areas and maritime sectors, thus forming together the package of sustainable growth.

Mr Nemitz noted that there was no lack of bilateral cooperation between the EU and US, but simply that time had been needed to develop and foster policies domestically before turning outwards. He stated that in recent years the European Commission has regularly looked to the actions and progress being undertaken in the US. He also remarked that future bilateral cooperation should be bolstered by the **transatlantic involvement of academia and civil society**, particularly in terms of a critical examination of how to **develop integrated approaches**. Along these lines, he emphasized the importance of transparency in governance, noting that transparency provided by non-governmental sources can be as important as that provided by government.

Looking forward, Mr Nemitz suggested that marine spatial planning, stakeholder involvement, data sharing and coastal adaptation to climate change impacts could all be the subject of a more **systematic dialogue**. He suggested the European Commission could directly liaise with the US National Ocean Council, including on international issues such as the Arctic. That said, Mr Nemitz thought the focus should be on domestic waters, owing to the difficulties of managing the high seas.

Margaret Davidson, Director of the National Oceanic and Atmospheric Administration Coastal Services Center stated that while US policy has recognized the economic importance of marine and coastal sectors in exposition, more could be done in terms of implementation. She highlighted the importance of the National Ocean Policy (NOP) established under President Obama's 2010 Executive Order as the first ever US policy for stewardship of the oceans, and noted it was the result of a long process, including stakeholder consultation. She described the NOP's main categories for action, noting that efforts are concentrated on a Coastal and Marine Spatial Planning framework, among others. Additionally, Ms Davidson highlighted that the Executive Order does not create any new regulations, restrict any existing actions, or slow down existing operations (such as oil and gas, environmental activities). Ms Davidson also recognized the importance of ports (90% of US consumer goods come through these) in the US discussion.

With regards to the policy/governance frameworks in place in the US for the NOP, she noted that the structure was extensive, consisting of bodies across the local, state, regional, tribal and national spectrum, with the intent of creating nested governance from the bottom up. To this end, the need for **strengthening the connection between science and management** was also highlighted.

Ms Davidson stated that there was scope for cooperation between the EU and US, and that the EU policy could be helpful to US academic and policy communities. She also underscored the **security aspect of ocean policy** and the need for **strengthened civilian and military cooperation** in the context of the changing geopolitical landscape.

4 Panel Discussion: Oceans and climate change

Remarks from panelists

The chair, **Gary Griggs, Director of the Institute of Marine Sciences, University of California, Santa Cruz**, opened the panel with an overview of the Ocean and climate change WG report, noting in particular the following 3 areas for EU/US cooperation:

- Improving exchange of scientific data and information
- Improving and prioritizing mitigation strategies
- Encouraging dialogues, and information exchange for adaptation

Tundi Agardy, Executive Director, Sound Seas emphasized the importance of understanding climate change vulnerabilities over much longer timeframes. She highlighted the **potential of natural adaptation strategies** (as opposed to engineered), noting the comparatively low economic costs and the related need to restore depleted ecosystems.

Dr. Agardy also emphasized the importance of **communication for adaptation**. She stated the belief that NGOs have a key role to play in this regard, as they have a skill set that makes them suitable for communicating and promoting the uptake of new science.

Margaret Davidson, Director of the National Oceanic and Atmospheric Administration Coastal Services Center agreed with the need for a balance between natural and engineered adaptation. She also noted the need to **leverage technology**, such as information portals, for improved knowledge exchange on ecosystem services, case studies, and best practices. She suggested the creation of a **transatlantic research and monitoring strategy** and suggested that indicators should be developed that focus on in-situ observations.

Ms Davidson also stated that coastal and ocean policy-makers need to become more engaged with the business and financial sectors. At a general level, Ms Davidson stated that the US needs to better acknowledge the problem of climate change, as has been done in the EU.

Mark Dickey-Collas, Senior Scientist, Wageningen IMARES addressed the subject of mitigation, noting that despite costs there are clear benefits, e.g. promotion of renewable sources of energy. He stressed the need to **enhance ocean-based renewable energy** and share more expertise on the matter, particularly regarding differing/competing ocean space needs. He also noted that publically funded information on renewable energies is being kept private for competitive reasons, and recommended this be made publically available.

Dr Dickey-Collas also addressed reducing GHG emissions in the shipping sector. He highlighted tools being implemented in some EU ports to reward good environmental status in ships, and thought this initiative could be spread across the EU further and to the US.

Michael Orbach, Director of the Coastal Environmental Management Program, Nicholas School of the Environment, Duke University lauded the 3 foci of the WG report, but noted that it did not pay sufficient attention to certain major adaptation issues. He noted that much **uncertainty remains regarding adaptation** and that, as human infrastructure has never had to tackle a prolonged period of sea level rise, our laws and policies are based upon a static sea. Adaptation, including its human aspects, e.g. trade-offs, will require a groundswell of dialogue beyond academia; therefore, our capacity for facilitation will need to be expanded.

Dr Orbach also stressed the **need for ocean observation systems** to take a broader view across the land/sea boundary, going from the heads of watersheds to the deep seas.

Biliana Cicin-Sain, University of Delaware, highlighted a major recommendation from the Working Group on the desirability of establishing, at the earliest possible point, a Transatlantic Dialogue on Adaptation to Climate Change, to exchange best practices and

experiences on this salient issue, noting that partners on both sides of the Atlantic were already ready to cooperate on such an initiative.

Highlights of discussion

- The issue of uncertainty regarding adaptation was discussed, with participants noting that though much is known about technical adaptation measures, the human elements (including trade-offs and competing values) remain uncertain, as does modeling the appropriate mix between strategies (e.g. retreat and defense)
 - In response it was noted that we need to better understand how societies learn, as well as better communicating and involving society in the issue
- It was noted that US and international planners suffer from 'collective amnesia', where the response to a natural disaster is to restore the pre-disaster status quo, rather than creating more resilient systems.
- The schism between terrestrial and marine issues was highlighted, with participants noting that this occurs across the policy and NGO community
- The retreat of the insurance community from coastal areas was discussed, along with the challenges that states and communities face in overcoming this, in order to ensure that predicted climate change impacts in coastal regions do not become an impediment to sustainable growth and job creation.
- Ocean acidification was addressed, including the difficulty in adapting to it

5 Panel Discussion: High seas

Remarks from panelists

The session was co-chaired by **Lisa Speer, Director of the International Oceans Program, Natural Resources Defense Council** and **Emanuel Gonçalves, Associate Professor, Eco-Ethology Research Unit, ISPA–University Institute**. Dr Gonçalves opened by noting that although high seas issues are difficult to address, they are of great importance. He then gave a brief overview of the high seas WG paper focusing on 4 key areas identified by the working group that could benefit from increased transatlantic communication and coordinated action:

- Prior Impact Assessment
- Identifying Ecologically and Biologically Significant Areas (EBSAs) and Vulnerable Marine Ecosystems (VMEs)
- Managing and protecting EBSAs and VMEs, including through the establishment of high seas marine protected areas (MPAs)
- High Seas Governance

Michael Lodge, Legal Counsel to the International Seabed Authority spoke on the issue of **prior-impact assessments**. He highlighted that a recent elaboration on prior impact assessments by the Tribunal for the Law of the Sea (Feb 2011) meant that prior impact assessments are not only an UNCLOS obligation but also an **obligation under general customary international law**.

To operationalize these assessments, Mr Lodge suggested that it is helpful to break down the different legal provisions and the bodies of competence into a matrix format, as well as establishing goals and milestones. Opportunities for advancing this recommendation could be the UN open-ended working groups, CBD meetings etc. He also stressed the need to broaden the dialogue beyond the EU and US to other major Atlantic states, such as Brazil.

Jeff Ardron, Director of High Seas Program, Marine Conservation Institute spoke about ecologically and biologically significant areas (EBSAs) and vulnerable marine ecosystems (VMEs). He noted that many of the perceived barriers to action on the high seas (e.g. lack of national jurisdiction) can be seen as opportunities, and that as **current activities on the high seas are small but growing** there is still opportunity for action. Due to their advanced technology and resources, the EU and US have the potential to lead in high seas management.

Mr. Ardron noted a number of siloed jurisdictional regimes: fishing; the ecosystem approach (under the framework of the CBD); mining; and shipping. He also highlighted the lack of mechanisms in the North West Atlantic for the identifying of EBSAs, and the need for improved marine domain awareness (MDA). He also recommended that all ships, regardless of sector or function, should be treated equally under international laws and standards.

David Freestone, Executive Director of the Sargasso Sea Alliance noted that the high seas are the ‘unfinished business’ of UNCLOS. Though there are many relevant legal instruments in place, there is a **lack of enforcement and overarching oversight**. He highlighted the example of trying to establish a marine protected area (MPA) in the Sargasso Sea. Though there is no instrument for establishing an MPA in the region (the only bordering state is Bermuda), he suggested there was potential for EU/US collaboration in establishing such an area along the lines of the International Agreement Concerning the Shipwrecked Vessel R.M.S. Titanic. If successful, he suggested that this model could serve as a future example for the establishment of MPAs in the high seas.

Highlights of discussion

- There was further agreement on the need to involve other Atlantic states in the dialogue, as technology and the extension of the continental shelf facilitate new high seas activities.
 - An EU/US led ‘top down’ approach may be a sticking point for other countries, while inclusion of the G77 in the process was highlighted as necessary.
- The current absence and need for high seas “champions” was underscored. To this end it was noted that EU/US collaboration could serve such a leadership role and set an important example, with the North Atlantic serving as a ‘test case’
- The example of the OSPAR Commission in establishing MPAs was highlighted as a good example, including the important leadership role that Portugal played by cooperating with respect to its extended continental shelf. It was noted that the process had been more difficult than anticipated.
- The need for the US to accede to UNCLOS and the CBD was discussed and supported.
- The role of scientific work as laying a foundation to facilitate and encourage management work and policy creation was discussed.
- The need for an implementing agreement to UNCLOS to establish some sort of authority on the high seas was discussed.

6 Panel discussion: Integrated marine policies and tools

Remarks from panelists

The chair, **Barry Gold, Program Director for Marine Conservation, Gordon and Betty Moore Foundation**, opened the panel discussion with a brief overview of the Integrated Marine Policies and Tools WG report, explaining that the report focused on marine spatial planning (MSP) because the working group members unanimously agreed that this is the latest experiment and most promising in integrated approaches to marine policy and management that seeks to guide the intensity and location of ocean uses in a way that integrates human use and conservation. Its strength comes from focusing on and addressing the impacts of the entire suite of activities occurring in a specific place, balancing human uses with conservation of the ecosystem to facilitate appropriate and smart use of the ocean. Through experience, in both the U.S. and the EU, as well as elsewhere in the world, a set of best practices or critical elements that represent “good” MSP are beginning to emerge. There is a great opportunity for the U.S. and the EU to continue shared learning as both move forward to implement MSP.

Frank Maes, Professor, Department of Public International Law, Ghent University spoke on the issue of authority and competence. He noted that **EU MSP lacks an overall agency responsible for planning**, with planning occurring instead across a suite of competencies and authorities. In the past each authority has been driven to benefit its own stakeholders, and has not considered their external effects on other authorities.

Dr Maes suggested that a modest approach should be taken, convincing authorities to cooperate for benefits on a free basis. At the same time, he acknowledged that in the long term a legal basis will be needed, pointing to the lack of success of the 2002 EU Recommendation on Integrated Coastal Zone Management. As such, in the EU he suggested that MSP harmonization should take the form of a directive.

Deerin Babb-Brott, former Assistant Secretary for Ocean and Coastal Zone Management, Massachusetts Executive Office of Energy and Environmental Affairs spoke about his experiences with the Massachusetts Ocean Act, noting that although a legislative basis is optimal, policy makers need to ‘start where they are.’ He stressed **the priority of having clearly established objectives**, which can help with the following: low common denominators stemming from a lack of legislative basis; the need to recalibrate plans intermittently; and lack of best available data and information. He noted that compromise allows initial action, which can be expanded and further integrated across all sectors later.

Charles Ehler, President of Ocean Visions spoke about the need to better connect monitoring and evaluation. Additionally, he noted that MSP is a relatively new field, with many variations, though the concept of planning has been in place in various forms for decades. Regarding performance monitoring, he stated that this is necessary in a continuous planning process since the future is not static. Clear and detailed objectives are essential so that the progress can be evaluated over time and plans recalibrated. Accordingly, **indicators should emerge from the management process**.

Tiago Pitta e Cunha, Counsellor for Environment, Science and Maritime Affairs of the President of Portugal stated that the newness of MSP means that CALAMAR represents a good opportunity for the EU and US to learn from each other and overcome their differences. He underscored **the benefit of having the dialogue facilitated by academia and civil**

society. He noted that most EU Member States have an untenable situation in terms of competence and authorities, and for MSP to be successful, there needs to be a change of thought in government, **moving away from a bias towards economic interests and instead fusing those interests with environmental ones**. He suggested that the ecologic economy will be one of the key drivers of the 21st century.

Dr Pitta e Cunha also reemphasized the importance of having clear objectives. Similarly he noted that indicators must emerge from objectives, but be clear and detailed in and of themselves. In closing he noted that MSP had costs up front but would pay dividends, as well as commenting on the important role of licensing (in addition to planning).

Highlights of discussion

- One participant wondered if the MSFD could serve as the ecological basis for a future MSP Directive in the EU, and noted that environmental aspects of MSP seem more entrenched in the EU than US.
- The role of MSP on the high seas was considered, with the EU and US being highlighted as potentially playing a key leadership role in this regard.
- One participant noted that MSP is not inherently about environmental conservation; rather it is about managing space and usage. It was suggested the WG paper should more clearly emphasize the importance of environmental conservation as part of MSP.
- The need for human indicators about the socio-economic elements surrounding MSP was highlighted, noting that reliance upon solely biophysical indicators is insufficient.
- One participant noted that the US has a 2 year window for integrating MSP into the decision making process, owing to electoral uncertainty for 2012.
- One participant noted that the business case for MSP on both sides of Atlantic needs to be made, and that attention should be focused on how MSP has affected the development of plans for activities in the oceans.
- One participant asked if any sectors had been identified as more resistant to the adoption of MSP than others.

7 Panel discussion: EU/US Transatlantic cooperation

Remarks from panelists

The chair, **Serge Beslier, Honorary Director, European Commission**, opened the panel with a brief overview of the WG report, and noted **that there are difficulties moving from scientific work to policy action**. Additionally, he noted that scientists tend to adopt a more dynamic, changing approach to MSP than lawyers, who have a more static stance.

Elizabeth McLanahan, Deputy Director, Office of International Affairs, National Oceanic and Atmospheric Administration stated that the National Oceanic and Atmospheric Administration (NOAA) would like to see a stronger focus on illegal, unreported and unregulated (IUU) fishing, as well as monitoring, control and surveillance (MCS). The EU and US both have processes in place to address IUU fishing, so this is a logical area of cooperation. Regarding MCS, she noted that there is **more that can be done to further the quick exchange of relevant information**, and that there are a number of international fora (CITES, FAO, ICAAT) which could be leveraged to this end.

Margaret Davidson, Director of the National Oceanic and Atmospheric Administration Coastal Services Center highlighted the need to explore how tools, data, case studies and

lessons learned can be shared. She suggested that efforts should be devoted to **establishing and funding a programme of mutual exchange** between policy makers and professionals across the Atlantic. She noted the example of community level cooperation on climate change adaptation, and how it creates a new opportunity for further exchange of information, best practices, etc. between the EU and US.

R. Andreas Kraemer, Director of Ecologic Institute spoke about the need to design criteria for transatlantic partnerships. He noted that the EU places emphasis on **continual transnational policy learning**, with technical committees and reporting creating a cyclical management and review process. He stated that this does not tend to happen in the US, producing a less dynamic overall process. He suggested that it could be useful for the EU to open up its policy learning process so that US observers could participate and vice versa. Mr Kraemer also highlighted the imbalance in funding, with more funding for transatlantic cooperation seeming to originate in the EU, and US support being more symbolic.

François Simard, Deputy Head and Senior Advisor for Fisheries, IUCN Global Marine and Polar Programme spoke about the idea of framing EU/US cooperation in terms of what is in the interest of the Atlantic Ocean, rather than individual national or regional interests. He also spoke to **the need to weight different issues according to their importance**, but that this weighting would depend on in whose interest the cooperation was framed (e.g. piracy should have priority in terms of IUU fishing).

Carlos Berrozpe, Head of Sector in charge of the marine environment, European Commission, Directorate-General for the Environment stated that cooperation should build more upon what already exists (e.g. the similarities between the MSFD and the NOP), especially since existing policies are still in their formative stages.

Mr. Berrozpe highlighted several specific areas of cooperation, including: on the UN assessment process for the North Atlantic, and between the European Commission and NOAA on the issue of marine debris as part of the Rio +20 process. Additionally, he thought attention could be paid on how to **better foster the science-policy interface, noting that the dialogue with scientists should become regular.**

Highlights of discussion

- The role of the US was highlighted, as it was noted that the EU needs support in working with countries such as Iceland, Faroes and Norway regarding IUU fishing.
 - Both sides could work together to encourage other countries to participate in the voluntary IUU MCS system, with imports being subject to review.
- One participant highlighted the challenge stemming from a lack of information on the US Federal budget for planning activities.
- It was suggested that there will be opportunities to dig deeper into more politically difficult issues in the future, and it would be good for the dialogue to embrace this.
- It was suggested that the business community needs to be involved in addition to the ports and shipping stakeholders (especially the Chamber of Commerce).
- It was noted that there has been significant exchange between EU and US on MSP already, with the US being heavily influenced by the EU experience (although credit is not documented).
- The need for increased mainstreaming of environmental issues in development was emphasized, with the increasing circulation of GEF projects highlighted as a potentially positive trend.

8 Additional discussions

Over the course of the conference, several discussions were held on how to build upon the work of CALAMAR. One such discussion focused on the possibility of advancing this work through the UN Conference on Sustainable Development (Rio+20) to be held in 2012. Possible areas for strengthening EU/US cooperation through this forum included: the concepts of the 'green' and 'blue' economy; marine debris; reinvigorating the Global Programme of Action, as well as restructuring the institutional framework of global environmental governance.

Another broader discussion examined how the EU/US dialogue established under CALAMAR could be sustained and fostered in the future. Common ideas included:

- The need to proactively engage with audiences and actors outside of academia, such as industry, security and finance (the Transatlantic Business Dialogue was highlighted here).
- The potential use of the 'blue' and 'green' economy concepts as a rallying point to increase visibility and involvement.
- The need to improve scientific cooperation, by limiting the differences in how proposals are evaluated, and by linking existing databases and repositories.

Potential fora and venues discussed for continuing the dialogue included: the ocean-focused Expo 2012 in Yeosu, South Korea; the upcoming Dräger Foundation processes on transatlantic marine issues; and the EU Maritime Day and the US Capitol Hill Oceans Week.

9 Appendix A: CALAMAR Working Group Members

The members of the four CALAMAR project working groups are listed below.

High Seas

Emanuel Gonçalves
Lisa Speer
Jeff Ardron
Salvatore Arico
Peter Auster
Matthew Gianni
Kristina Gjerde
Dan Laffoley
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Integrated Marine Policies and Tools

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Oceans and Climate Change

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Niko Wijnolst
Tundi Agardy
Margaret Davidson
Mark Dickey-Collas
Robert Gagosian
Tony MacDonald
Sean O'Neill
Harilaos Psaraftis
Ana Ruiz
Victor Schoenmakers

EU/US Transatlantic Cooperation

Serge Beslier
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Rebecca Lent
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