

# Making SEA contribute to strategic capacity

**Sibout Nooteboom**

Netherlands Commission for Environmental Assessment (NCEA) NCEA and Erasmus University  
Rotterdam (EUR) (this essay does not necessarily express the views of NCEA and EUR)

## **Essay one out of three**

*This is one of three essays on the transformative power of environmental assessment. Together they serve a presentation and discussion in the session 'Strategic environmental assessment and AI' at the annual meeting of the International Association for Impact Assessment, Bologna April 2025. All essays are published as drafts on the website of the Netherlands Commission for Environmental Assessment. They will be finalised with the feedback received in Bologna.*

*The triptych consists of the following essays, to be read in this order:*

- 1) *Making SEA contribute to strategic capacity. The central hypothesis of this essay is that the main purpose of the SEA procedure is to increase our capacity of considering strategic alternatives to set transformative change in motion if we think that this is necessary. That strategic capacity itself, however, is not SEA. It is connecting across our governance system for joint fact finding.*
- 2) *Using SEA to balance the powers that can transform our development. The central hypothesis of this essay is that powerful actors can use SEA 'charitably in their own interest'. As long as power imbalance remains pervasive, dominant actors can give otherwise dominated actors more influence, knowing that in the long term 'we all depend on each other'.*
- 3) *Making SEA stronger with Artificial Intelligence. The central hypothesis of this essay is that if Artificial Intelligence is to make SEA stronger, AI foremost must increase our strategic capacity. Not make the powerful more powerful.*

## **Abstract**

*Development planning is a messy process where vested interests dominate. Procedures like Environmental Assessment (EA) make weak interests stronger if they give stakeholders power to stop decisions when procedure is not followed. That can give them a stronger position in the early phases when development options are still open. This then may increase the capacity of the governance system to choose strategic alternatives needed to transform an economy they consider unsustainable. However, the earliest agenda setting is still only structured by the distribution of the interests and powers among stakeholders. To make EA effective, stakeholders can organize their planning processes in a collaborative arrangement in which EA is intertwined. In this paper, the author describes some cases from around the world.*

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### **Will environmental assessment save the rainforests?**

Humanity has a lot to lose. To satisfy people's needs however, it may not be necessary to destroy what we value, like the world's rainforests. Even if this may require a transformation of the global economic value chains that currently still destroy such values. Of course it is extremely important for people who are directly affected by proposed developments that their adverse impacts are mitigated and that these people benefit in some way. That softens the impact but it probably will not be enough to save the rainforests or to set any transformation in motion.

At college, in the 1980s, I became acquainted with a then completely new instrument: environmental assessment. Environmental assessment, or EA, as I was taught, is a legal procedure that mandates transparency of a development proposal, its impacts and its justification in view of alternative development options, *before* a government adopts or approves the proposal. It was said to make the government accountable for its decisions, and the public may appeal to an independent court if the government didn't follow the procedure<sup>1</sup>.

At the time, many believed that EA would make all the difference, and to some extent it did. For example, in the 1990s an EA for a land reclamation project triggered strategic questions related to the future of the port of Rotterdam<sup>2</sup>. EA for projects has the potential to be used to take strategic alternatives into consideration if the planning authorities choose to do so, as the legal procedure is largely similar and tiering of decision-making and assessment is always possible within one EA<sup>3</sup>. For that reason, in this essay I will make no difference between project, plan or programme EA.

For each EA, project or strategic, the question is: why would the planning authorities use it to address strategic alternatives for what already has been proposed?

EA clearly has not yet saved the rainforests. Still, it remains an important component of the governance that could save the rainforests and other vulnerabilities of human and other life on our planet.

In this paper I summarize what I learned, as a reflexive practitioner, in four decades on EA and on saving our planet. It circles around the question: 'what is needed to develop our collective creativity to discover acceptable alternative developments?'. This question leads us through a journey along the working mechanism of legal procedures, power dynamics, social learning, joint fact finding, and stretching the limits of our strategic capacity.

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<sup>1</sup> This is how I understood EA in the 1980s. It comes close to the definition of UNECE's Espoo Convention and the EU's Directives on Environmental Impact Assessment for project, plans and programmes.

<sup>2</sup> In the Netherlands EA initially was seen as a legal instrument to address controversial development issues created by proposed projects, plans and programmes. It aimed to look for alternatives which are more strategic than mitigation. For mitigation, the environmental permit procedure was considered a sufficiently strong procedure: it too required public consultation.


<sup>3</sup> Nootboom 2019. [Environmental Assessment as an institution of liberal democracy](#). IAPA

### EA: most effective if it could build a better future for all

EA is supposed to be about presenting facts to decision-makers. There is a whole science on ‘speaking truth to power’, showing that powerful people usually only listen to truths that are convenient to them. An advice is: if you don’t agree with someone on what makes a better future for both of you, *don’t*

*argue about facts*. Rather, tell an attractive alternative story, *based on facts*<sup>4</sup>. Give your adversary a new perspective that appeals, even if they would have to give up something. The Chinese strategist Sun Tzu is claimed to have written thousands of years ago: ‘build your opponents a golden bridge’. This golden bridge could lead your opponents, without shame, out of the narrative in which they were locked. And with an attractive story, they may construct that golden bridge together with you. That may be better for the both of you if the alternative is more bloodshed on both sides before you win.

William Barker, 2016. *Negotiation (W. Ury)* (Source: SlideShare)

*Build Your Adversary a Golden Bridge to Retreat Across* 

(Sun Tzu)

The early pioneers of environmental assessment already had thought of this. They included *in* the EA procedure the obligation to develop and assess alternative development options. That obligation mandates the design of a kind of golden bridge – alternatives to the original proposal, an elegant way out. In the Netherlands, proponents were initially required to describe a ‘most environmentally friendly option’ in their EA report. When discussed in parliament proponents were supposed – or hoped - to need strong arguments not to select that option.

### But EA can’t create a better future by itself

In reality, proponents needed *no* strong arguments to push through the core of their original proposal. They had *not* much ownership over the *unrealistic* alternatives which EA-reports presented. They themselves developed alternatives which politicians found easy to reject.

In a manner of speaking: a proposal for agricultural development could concern the expansion of Dutch livestock, which is generally believed to get out of hand in view of its impact. It contributes, for example, to the destruction of rainforests. A ‘most environmentally friendly alternative’ may then be to replace the livestock industry with lab-grown meat. But livestock was *not* reduced, and lab-grown meat became no ‘golden bridge’. The reason is that this would require a complex transition that needs to deal with resistance, most notably from the powerful meat industry. Even if technically, it might be a perfect way to satisfy human needs, the government cannot simply ‘choose’ this alternative and implement it, and certainly not just based on one EA triggered by whatever specific planning decision.

Lab grown meat  
(source: NPO Kennis)



In a democracy where majorities need to be convinced, proponents need to build widely acceptable alternatives *together* with their opponents. That can create ownership and wide-enough support. This is a well-known observation in public management sciences, to which I will return.

Instead of designing golden bridges *together*, EA however is increasingly used to try to *stop* developments. And when they could not be stopped, it is used to negotiate adjustments - to mitigate or to compensate some of the direct adverse impacts. More than that is difficult to achieve in one EA. And this does not suffice. Despite mitigation there will be irreversible impacts. A nuclear plant or a road through a virgin rainforest will remain there for centuries and become centre of urbanisation. Mitigation of many impacts is impossible, and biodiversity may be lost forever.

In such cases, there is no way of knowing for certain if a golden bridge theoretically can be built to prevent irreversible impact, unless we try. This means: an economic transformation to fulfil human needs without destroying anything forever. But, once a government authority is asked to make some kind of

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<sup>4</sup> Terry Szuplat. *Say it well*. Penguin, 2024.

development decision, there is no time enough to design a transformation together. It is too complex, and those responsible to do an environmental assessment cannot do that alone, *however much transparency and inclusiveness they add to their process*. At the end of the EA procedure, a decision will still be made that keeps our development on its course, like a heavy mammoth tanker. No golden bridge.

No legal procedure or handbook on how to do an EA can tell anyone how to design the most widely acceptable development alternative. Designing a complex golden bridge - like a so-called 'just transition' - is a unique, difficult and highly *creative* process that needs input and support from many. No feasible alternative is perfect for all. So, what then, is 'just'? It cannot be created in one planning decision by one authority.

The following examples from my own experience show collaborative arrangements to build alternatives together, which were linked to EA – but which also could have been done without EA. Some succeeded, some failed to achieve their objectives.

### **Some collaborative arrangements to build alternatives in the shadow of looming EA**

#### *The Hague*<sup>5</sup>

Not prescribed by any regulation, administrators of the Dutch city of The Hague dedicated some of their time to an entangled design of The Hague's electricity infrastructure, its housing strategy and its energy transition. By improving city design, they brought The Hague closer to a 'just' energy transition. The complex entanglement of design and the assessment of design options depended on a collaboration between many departments of the administration, even beyond the municipality itself.

Nobody had asked these administrators to free up their time for that purpose. This process was driven by one particular civil servant, let's call him John, who acted on a shady and more or less false flag mandate for his collaborative arrangement. For years, he entangled planning and assessment not only for a just energy transition, but many other complex city development themes. One reason others wanted to work with John was that they knew that sometime in the future they would have to do an EA for the development proposals emerging from their collaboration. They would then be forced to explain themselves in public. By working with John, they would be better prepared for that future EA.

#### *Guinea Conakry*<sup>6</sup>

In Guinea Conakry, West Africa, several ministries had joined up in a committee to discuss how a Chimpanzee reserve, a bauxite mine and a large reservoir could be managed together in one area. These projects caused huge potential for conflict with each other and with the local population. The collaboration was an unusual and therefore highly creative arrangement for Guinea. Their arrangement foresaw planning, assessment and consultations. They called their process an EA, but it was not triggered by law. A donor (UNDP) financed a consultant to do the EA.

*Chimpanzees in Guinea.  
Source: UICN France*



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<sup>5</sup> Erasmus University Rotterdam, 2024. [Datavaardigheid bij de gemeente Den Haag. Verkenning van de vitaliteit van netwerken rond data-intensieve milieu- en duurzaamheidsthema's](#). (In Dutch)

<sup>6</sup> <https://www.eia.nl/en/projects/7248-03>

## Mali<sup>7</sup>

In Mali, also in West Africa, elected leaders of 27 municipalities shared the same water resource. They joined up to discuss their future and to create a development programme for their region. The Dutch embassy supported their work financially. It was initiated by (Malian) administrators from the embassy, from an NGO that long worked in this area (CARE), and a few political leaders from the area. They called their process an EA according to the Espoo Convention. Analysis was done by experts at ministries. The process was supported by a facilitator. The resulting development plan was highly appreciated by all parties, but the mayors largely failed to find donors to fund its implementation.

*Etienne Bello, chair  
Intercollectivité du  
Sourou (source: ORTM)*



## Senegal<sup>8</sup>

In Senegal, it started with the prime minister's call for an EA of offshore natural gas development at a national conference on sustainable development. Oil multinationals were knocking on Senegal's door, but the country was not prepared. Senegal needed a totally new set of regulations. EA for projects existed, but not dedicated to this sector and for strategic decisions like designing a sustainable level playing field for investors. After the prime minister's call, the environment minister informally invited other ministries to discuss the future of natural gas development in the country. Two civil servants, one of the environment ministry and the other of the energy ministry, convinced their hierarchies to embark on this adventure in a formal collaborative arrangement. Despite EA being a task of the environment minister, it handed the lead of this collaboration over to the ministry for energy. That ministry could assess better how far the ambition of a sustainable playing field for the sector could be stretched without touching vested interests too much.

*Papa Samba BA,  
Director at Senegal's  
energy ministry*



The transparency of EA created some risk to the government, as offshore activities were politically sensitive. EA might open Pandora's box and provoke political turmoil. In particular, tens of thousands of small fishermen, with small boats like on this picture, felt threatened by the offshore activities. With the environmental assessment, the ministries together looked at their options, asked feedback from civil society and oil companies, and designed a set of legislative initiatives to create a more acceptable level playing field for the sector. As they discovered which legislation was necessary, it also became clear which ministers were responsible. The ministries organised their own ownership of the challenge *and* the solution.

*West African fisherman  
boat (source: NCEA)*



To many standards, the resulting level playing field was ambitious. By joining forces, the ministries were able to push the powerful oil companies to a high level of social and environmental protection. On the other hand it must also be said that the ministries failed to address certain strategic questions. A major one is: What role could Senegal's natural gas play in its energy transition? Another one: How can the government support the fishermen who lose their income? Many of them tried to emigrate illegally to Europe. Many servants of the government felt responsible. But they did not organise any creative process to build a golden bridge for small fishermen. EA might have leveraged such a process, but not an EA for offshore gas development, as the natural gas sector was not the cause of reduced fish stock. For what according to many experts is the real cause, industrial fishery, no EA was required.

But still, the collaboration and its outcomes were unique to Senegal, and highly creative.

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<sup>7</sup> NCEA, 2019. Sourou SEA for an integrated sustainable development plan. [Atelier d'évaluation septembre 2019](#). (In French)

<sup>8</sup> Interview in NCEA (2024). [SEA cases & expert interviews: download our free publication](#).

## Benin<sup>9</sup>

In Benin, an interministerial committee was established to develop an investment programme for the development of the lake Nokoué and the neighbouring lagune of Porto Novo. The programme required an EA. The EA authority (an agency under the environment ministry) participated in the committee. The shallow lake is close to the country's capital, Cotonou. It has high potential for transport, fishery, agriculture and housing on its shores, and biodiversity. To develop this potential, the committee consulted with local stakeholders and proposed alternative investment packages consisting of infrastructure development. The packages included dredging, and using the dredging sludge to build with nature.

Under the committee's guidance, a consultant made the programme alternatives and the assessment of all their impacts. It also organised the consultations. An international development bank financed the consultant as it was possibly interested in financing the dredging component. It needed assurance that dredging would contribute to social objectives. It had proposed to the lake authority to make a credible general investment programme for the lake. That should show how dredging would fit in what they would consider to be a 'sustainable' development of the lake to which Benin was committed.

*The study area for the EA for the development of Lac Nokoué and the Lagune of Porto Novo (source: RHDHV)*



So, what can we learn from the cases of The Hague, Guinea, Mali, Senegal and Benin?

### **Leadership structured collaboration, not EA procedures**

In each of these cases, collaboration started off because people – not organisations or laws – saw a need to design a 'golden bridge'. It should become a way out of potential - and sometimes existing - conflict and into a brighter future for all affected stakeholders. That bridge could only be constructed together between authorities, as each authority has a piece of its puzzle in terms of knowledge, responsibilities and, foremost, powers.

Only after the government authorities act together as if they are one actor, the government can meaningfully engage with civil society, public sector and the public at large. If ministries act on their own, they must limit the scope of societal dialogue to their own competencies. If people think that these ministries represent the whole of government, they can have unrealistic expectations. As most issues are more complex than solutions one minister can offer, it is not credible to raise such expectations. Even if one really powerful minister formally takes over the responsibilities of other authorities, or informally dominates them, that will not reduce the complexity of the transformations needed.

In all cases discussed above, a few leaders initiated the collaboration, and not because an EA was required: they did it unasked. Which leaders started this?

- In the Hague case, the dynamics were completely bottom-up, with an initiator from the environment department inviting other departments like city planning and EA to join. Management knew about it and did not stand in its way.

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<sup>9</sup> See [here](#) on the NCEA site

- In the Malian case, an NGO, a few mayors and an administrator at the embassy were looking for a way forward for this water basin. They initiated the arrangement of an intercollectivité (a formal collaboration of municipalities) composed of 27 mayors with the aim to write a development programme. The state governor accepted their proposal, and the environment ministry was prepared to let its own interministerial committee review the EA. The development programme was still owned completely by the intercollectivité. The EA served to give the programme a formal status. It needed that status as a basis for approaching donors to fund components of the programme. One donor would be the Dutch embassy, but it could only support specific water related investments. The leaders of this initiative in Mali, one might say, enabled the mayors to take their own future in their own hands.

*The audience of the conference on sustainable development of the oil and gas sector, Senegal 2018. Here the prime minister expressed the need for an EA for this sector to bridge the different views of stakeholders (source: NCEA)*



- In the Senegal case, at first the prime minister called for voluntary EA, but he did not call for creative collaboration. Rather, he handed the job over to the environment minister who is responsible for EA. Administrators in the environment ministry immediately invited other ministries informally to discuss the scope of a sectoral EA. The ministry for energy has the most influence in this sector. Environment ministry therefore asked the energy ministry to chair an interministerial group. Both ministers signed a joint decision to establish a committee, open for other ministries as well. Environment would become secretary, energy would become chair.
- In the Benin case leadership came from the lake authority and from the international bank who initially proposed the collaborative arrangement. So here, it started with two 'strong' actors who would need few favours from other actors. The EA was compulsory. The common sense was afterwards that the formal EA procedure had not added much quality to the process: the committee would have done the same assessments anyway as ministries representing social and environmental interests were member of the committee organising the tender procedure. Later some doubt emerged, however, as to whether the committee had competence over all investments associated to the programme.

In most of these cases, a 'weaker' institution invited a 'stronger' institution to collaborate. It handed some decision-making power over to a stronger institution, knowing that informal power relations overrule formal power relations. If a minister's only power is to reject an EA report, he or she can only influence mitigation measures that do not harm the proponent's initiative too much. The handing over of power was acceptable for the weaker authority under the condition that the joint planning process would be regulated in an ad hoc collaborative arrangement signed by several ministers. This arrangement included transparency and quality control. This empowered the weaker interest: the analysis of alternatives was open for public scrutiny. The fundamental change of mindset was the fact that all members of the committee could agree on joint facts (relevance and accuracy of information), the insights emerging from the analysis of these facts, the options for transformative change, and using these as a basis for transparent decision-making. This co-ownership stretched the options for development planning.

A credible arrangement for collaborative planning thus enabled 'joint fact finding' with the institutions capable of implementing the development interventions coming out of the planning and assessment process.

It may seem rare that a powerful ministry initiate a collaborative planning process with weaker authorities. In the Netherlands, however, it is common for infrastructure planning. The responsible ministry knows that at some point in the future its infrastructure proposal must be publicly substantiated

by means of EA or some other law. NGOs will be actively looking for flaws. Powerful ministries initiate collaboration in early stages out of necessity<sup>10</sup>.

In all these empirical cases and as far as can be traced back, leaders at the work floor level initiated a joint search for facts and for development options. They made informal social connections across institutional and tribal gaps at first. They proposed formal arrangements for transparent processes of planning and assessment. They convinced their hierarchy to approve these arrangements. Informal (i.e., non-hierarchical) leadership had breathed life into the collaboration – no legal procedure could have done that – but it helped that public accountability would follow in the future: these processes were all linked to EA procedures in different ways and for different reasons.

### **EA procedures to harness joint fact finding**

In The Hague, their process of designing ‘golden bridges’ was called ‘joint fact finding’. It was not called ‘EA’. The link with future mandatory EAs was indirect, and the word EA was only used by some when asked why they were being so thorough without any immediate political need to do that. They collaborated partly because they knew they depended on each other to propose developments that must be explained to the public as soon as an EA would be done (which was legally inevitable). In other words, future EA leveraged early joint fact finding, and EA harnessed the outcomes of earlier joint fact finding. And the other way around: joint fact finding harnessed EA as without it, powerful actors would have less incentive to collaborate at earlier stages.

In the African cases described above, only the second part is true: EA harnessed joint fact finding, but it did not leverage the interdependencies that stimulated early collaboration. EA was not felt to be a mandatory procedure that could mobilise the democratic power of the wider public. Collaboration was entirely voluntary, driven by a sense of interdependency for which apparently no EA procedure was needed<sup>11</sup>. However, in many democratic countries the ‘preventive effect’ of the mandatory EA procedure is well known.

The term joint fact finding was first [proposed](#) by experts on win-win negotiations at Harvard university in the USA. It was widely promoted in environmental conflict resolution in the Netherlands in the 1990s, often with the ‘mutual gains method’. It is kin to more recent practices like co-creation, co-construction, co-design and co-production, and Theory U<sup>12</sup>.

In this paper, I will call it ‘joint fact finding’ as it is one of the earliest names, and it underscores the importance of not jumping to decisions on action before enough agreement on relevant questions and facts is achieved. Jumping to decisions by the most powerful authority often will not lead to a development many will accept. If the authority is powerful it may be able to push through, but likely at high damage cost. Rather, possible action should be discussed as part of alternative narratives, until enough agreement emerges that contributing actors can make steps toward an alternative future which enough stakeholders find attractive. Decisions on action then emerges from intersubjectively shared facts. No full unanimity is needed, nor a joint decision on a plan, a programme or a project: each collaborating authority can take actions within its own competence. Early transparency toward each other is more key than making their other mutual promises legally binding.

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<sup>10</sup> In the Netherlands, EA is regulated by the ministry of internal affairs, having no role as authority in individual EA procedures. EA is still effectively harnessed because its public nature provokes sectoral ministries to make collaborative arrangements: the Netherlands has a vigilant civil society. It is difficult to say if these ministries would still engage in joint fact finding if no EA were required anymore.

<sup>11</sup> Nonetheless in the African cases it is also true that without doing an EA no funding would have been available for a part of joint fact finding either.

<sup>12</sup> Nooteboom (under peer review). Transformative policies. How policymakers co-create vital networks for legitimate public – private – civil cocreation. (Circular reasoning intended).



All of the cases discussed above include formalised collaborations that engaged in joint fact finding, and all of these styles of collaboration have in common that they are not structured by any legal procedure. The parties structured their collaboration together. Arrangements were totally in the hands of a group that voluntarily wanted to collaborate its 'way out of future conflict'. It is not a fight over disputed facts, but it is a search for a common fact base to build on in a stepwise and unpredictable process of development rounds. The participants had common hopes and saw common opportunities, but they did not know in advance what kind of action would emerge from the process and if in the future that would trigger any EA procedures. They only recognized common hopes and opportunities after they joined up for the first time. The first act of connective leadership is done by those who initiated that first dialogue in the 'hope of discovering common hopes'.

Only in the case of The Hague no EA was done (yet). Nothing in the other cases legally triggered an EA (except in the Benin case). It may be that the collaborators took synergetic individual actions without any official joint outcome like a plan or a programme. The participants justified their actions before their superiors with the common knowledge developed in the collaborative group. So, why bother to call it EA in the first place?

### **It doesn't always help collaboration to call something an EA**

In the African cases mentioned above, an EA was more or less intertwined with joint fact finding. If the parties were to collaborate and make that process transparent anyway, what then was the added value of the EA procedure? The creative contribution of the EA authorities – and therefore of the EA procedure – was indeed limited: the environmental and social interest was already represented in their collaborative arrangements. The African initiators included EA in their collaborative arrangements mostly to get donor support to be able to hire a consultancy.

Sometimes proposing to do a voluntary EA may even work *contrary* to initiating collaborative arrangements for joint fact finding. As noted above, many actors associate EA with 'safeguards': guard rails to prevent excessive and illegal adverse impact, rather than to develop 'golden bridges'. Safeguards are in the hand of an authority, usually the environment ministry. In the absence of any joint fact finding, EAs are mostly seen to create delays, or hoops to jump through to check if a project conforms with standards. And joint fact finding must emerge from self-organisation, driven by a sense of interdependency. It cannot be prescribed in a generic legal procedure like EA, as we will see below.

As written above: the EA-procedure is not a tool to design a better way forward together, although it can be voluntarily harnessed to that purpose. And a process of joint fact finding does not need to be called an EA whilst it still can be inclusive and transparent like EA. If social and environmental authorities are 'weak' their best bet of achieving environmental objectives beyond compliance could still be to participate in joint fact finding. EA only gives them some power to delay, so that powerful authorities may be more willing to join them in joint fact finding.

In the absence of a strong political drive in powerful institutions to do an EA-procedure, it might be more effective for a weaker party to propose that strong party to engage in joint fact finding, and to make that transparent, not calling it EA. Calling it EA sometimes may trigger reflexes that joint fact finding then will only relate to the best way to comply with existing rules for which the environment minister is the competent authority. It can achieve that by convincing the strong party that it will be rewarded by satisfied stakeholders and by less political headwind when they implement their development proposals.

More theory on levers for collaboration, emergence and joint fact finding is summarised in the Appendix.

### **But then again, joint fact finding cannot be regulated**

*If* there is connective leadership, the existence of environmental assessment procedures *may* trigger joint fact finding as collaborative governance with the aim to develop better futures. But these processes themselves must be creative and they must start early – they must start way before any legal procedure begins.

The structure of such collaborative processes must fit the situation, which is always unique. It depends on the development challenge at stake. In the Hague, servants of aldermen responsible for energy, housing and general spatial planning stood up. In Guinea ministries responsible for mining, electricity and nature protection joined up. In Mali, it was 27 mayors sharing a river. In Senegal, ministries of energy and environment took the lead and invited other relevant ministries for offshore development. In Benin, it was ministries having responsibilities and powers over the lake area (it must be said: they were also attracted by a donor proposal).

In all cases, collaborative arrangements were agreed between interdependent authorities, after unsolicited proposals done by connective leaders. Together, they could define their joint challenge, the relevant development options to study, and how to discuss these options with stakeholders. In detail however, collaborative arrangements are unique to their situation. The societal challenge and the institutional and social force field are unique. Collaborative planning costs considerable human and financial resources, but this depends on the complexity of the challenges to address. It is about preparing and chairing meetings, documenting data and decisions, political diplomacy, and hiring experts.

The cases show that top managers and political leaders *can* be convinced to adopt the proposed arrangement and to free up the necessary resources. In Guinea, Mali, Benin and Senegal, the ministers *signed* an ad hoc arrangement on collaboration. In the Hague, they *gave* the administrators that space.

### **Strategic capacity: the capacity to agree on dilemmas and then to find a different way**

If joint fact finding is successful, the collaborative group co-constructs a way out of jointly perceived actual or looming conflict. It enables the participants to oversee their joint situation and their joint dilemmas, and to act on that. In The Hague it was amongst others the dilemma between building houses fast connecting the to natural gas for heating, or building houses slower with renewable energy for heating. These dilemmas were strategic because they touched the interests of many who needed to act together: there is no simple solution. Choosing either side of the dilemma may lead to conflict as the other would lose. It required the design of an unknown solution out of this dilemma. All of the other cases had similar strategic dilemmas: mining versus chimpanzees in Guinea, level playing fields with low versus high ambitions in Senegal, and even the dilemma between action *apart* - without investing in collaboration - versus action *together* - with investing in collaboration.

A group of interdependent actors having joint strategic dilemmas can be said to have a strategic capacity if it succeeds in agreeing on the dilemma and in designing a way out of it, which must be widely acceptable. It requires considering alternative developments that otherwise would be impossible, like relocating something, like not using your own natural gas, or like agreeing with donors on a package of investments that will transform your land use.

### **Limits to strategic capacity**

There is a limit to the complexity that collaborative arrangements can cope with. In Guinea, it was limited to fitting large projects in one area, and major adverse impacts remained unavoidable. In Mali, it was limited to projects in a confined area, and fundable by known donors. In Senegal, it was limited to mitigation of environmental impacts of the sector to an extent Senegal believed would be acceptable to the oil companies. The important question if the natural gas would serve to accelerate Senegal's energy transition was not included. Let alone the option to keep natural gas in the ground. In Benin, it was limited to a fringe area of the capital, and the most powerful authority – the presidency – was not part of the collaboration: that could limit the possibilities of implementation.

It is not that countries don't *make* more strategic decisions, but these more strategic decisions emerge with much less collaboration, transparency and participation. Senegal for example later adopted a national energy strategy, deciding to use its own natural gas for electricity provision at home. No assessment of that seems to have been published, whilst gas may also be sold abroad to use the revenue to invest in renewables. If no transparent debate was organised, why wasn't it? Was it a lack of political will? Was it a lack of capacity to organise joint fact finding? It could be both.

Whatever is true about Senegal, each situation has a limit to its capacity to address strategic development dilemmas in joint fact finding – in short: there are limits to strategic capacity. Beyond that limit, governance is mainly *fragmented* and *reactive*. It adapts to economic and (geo)political forces. In the absence of transparency, it follows the views and the interests of the most powerful actors in the political economy. This cannot be changed by mandating strategic decisions and mandating EAs for these decisions. That would not change political will. Nor is there reason to believe that it would improve capacity for joint fact finding related to these strategic issues. Such EAs would be marginal.

Strategic capacity is the capacity of a public – private – civil governance system to agree on and to address development dilemmas. The required skill is joint fact finding.

Still, Senegal has every reason to be proud of its strategic capacity. Its EA on offshore gas production was *not* triggered by any looming legal procedure. It was the will of its leadership to undertake an EA in the shape of joint fact finding. Their ad hoc collaborative arrangement did not determine in advance *which* specific ministry would have to take *which* specific type of strategic decision. This was envisaged as an emerging outcome, not as a prior of the collaborative arrangements. That same arrangement nonetheless created enough ownership in the hierarchy of emerging actions.

If an ad hoc arrangement is transparent from the start, and if the participants have adequate powers and responsibilities, that creates expectations among stakeholders. It is not without obligation, and it is possible within limits. Where the limits are, depends on how far you can stretch the alternatives that authorities are capable of considering and implementing, and this again is related to their joint skill of joint fact finding.

So, the question becomes, can informal leaders in some way *stretch* the limits of our strategic capacity?

### **Stretching strategic capacity by joint fact finding**

Fighting over facts in a legal procedure of environmental assessment only helps to soften the edges of a development proposal. So, we need ad hoc arrangements for collaborative planning and assessment – joint fact finding. But that's only the start. The creative process which then must follow is hard and time consuming. It depends on available budget of working hours, financial budget, and the knowledge and skills of the available civil servants.

In particular, it depends on their skills to engage in a strategic dialogue with stakeholders internal *and* external to the collaborative arrangement. This is nothing new. There is a huge amount of experience. The literature of public management uses terms like 'complex process management', 'strategic dialogue', 'deliberative democracy' and – of course - 'joint fact finding'. However, no guide captures what is right in *your* situation, and no comparative study tells you what you can copy from experiences elsewhere to *your* situation.

A metaphor may help to explain the complexity of this job. A group wanting to construct a golden bridge looks a bit like a family looking for a house to live in. Who chooses that house? Mom? Dad? And based on what? Do the kids have a say? Should there be room for grandma? Not one house is perfect. How long do you keep searching? Viewing houses, family members may change their mind on what's important to them. If there is doubt about the construction of a house, experts can be asked for advice. Houses are complex, so you may need many experts, but you don't know in advance which questions you will ask.

Practice shows that such families may benefit from a real estate agent. That agent can help a family to agree on clear criteria, to gradually discover new criteria and to agree on that again, and he can have

access to independent experts as new questions emerge. The agent helps family members to discover what they find important, to express themselves, how they evaluate options, and to understand each other. Until the family agrees on buying a house even if not all are completely happy with that house. The final decision remains emotional, and usually the emotions of one powerful family member dominate. But thanks to the real estate agent, that house is the best house the family as a whole could find.

A family process of joint fact finding about houses gradually transforms to a process of joint decision-making. Inviting a real estate agent and experts is not the same thing as commissioning a consultancy who does the thinking *for* you. Such a consultancy is less likely to find the best house. It may even not be able to find any house.

From the housing dilemmas back to strategic development dilemmas. In the Senegal case, several 'houses' emerged from the process, but the consultant who did the EA hardly contributed to that. Joint fact finding there also requires independent and highly specific facilitation, analogous to a real estate agent. It also needs experts as resource persons. But it is endlessly more complicated than buying a house. Each participant having implementation powers needs to be willing to use these powers for the joint benefit, and in synergy with the others. If the agreed criteria prove difficult to maintain, the members of the collaborative group must go back again to their superiors to propose new instructions. This vertical coordination is required for political buy-in to the actions that emerge.

The political situation will determine how much space there is for considering alternatives. But within that, the limits of joint fact finding mainly depend on the available human and financial resources. Within these limits, the development issues for collaboration must be narrowed down, inviting the relevant authorities. Even if there is connective leadership on all sides and good intentions, it takes time to even understand each other's situation. To learn together and organise an iterative process in rounds of joint fact finding is time consuming. It is also sensitive, as some steps should not be made without support from the governing politicians.

The facilitation and reporting of one such a process alone could be more than a full time job. But that's not all. The group will need inspiration by technical resource persons, and they must organise meetings, hearings and online communication.

Which of the participating authorities will make such resources available on behalf of the whole group? The challenges of joint fact finding in terms of capacity are enormous. Even *if* all necessary authorities exist, their capacities and budgets limit the possibilities to engage in joint fact finding.

With these eyes, let's take a look again at the cases.

### **The challenges of joint fact finding in practical cases**

#### *The Hague*

Here, ample technical knowledge was already present in the collaborative group itself. The hired external experts were one part time process facilitator and one part time data-analyst. The analyst made use of available databases. Both helped them prepare meetings. They kept the dialogue in the group results-oriented and helped to communicate more widely with attractive data visuals. The participants used the joint fact finding to synchronise their tasks and escalate some dilemmas in their hierarchies. Their main challenge was to keep their hierarchies interested in supporting their process at all, given the large number of urgent political incidents that competed for their attention. The challenge was to show to their hierarchy that with an acceptable input of time and budget, joint fact finding would significantly improve future city planning and make EA easier. That would increase the resilience of the city, reducing the number of future political incidents. The initiators argued that the city may employ the required support itself rather than hire them.

### Guinea Conakry

In the case of Guinea, the interministerial committee had insufficient capacity to tender the planning and assessment process and staying in charge of that process at the same time. A consultant following the terms of reference did not facilitate agreement between the ministries – and between them and affected stakeholders – on how the chimpanzee reserve, the bauxite mine and the reservoir could be combined in one small area, or any way forward together. A ‘real estate agent’ (a good facilitator) was there in the beginning. The pandemic caused a major disruption in the process. There was still some continuity in the staffing of the interministerial committee, but their collective memory was weak. The secretariat of the committee had a weak capacity in terms of available working hours and in terms of diplomacy between the ministries, and between them the local populations, and between them and the project owners.

### Mali

In the case of Mali, the villages and towns in the intercollectivité did not have any administrators or experts themselves, nor any budget. The state offered the time of some experts that worked in its regional offices. They could support the collaborating mayors. Some ministerial experts were highly knowledgeable and showed active leadership. However, they had no habit of working together in support of a process of joint fact finding. They started their work only after a long delay as they were expecting payment from the mayors’ budget. The donor had to insist the mayors to share some budget with national experts. The mayors had no experience with joint fact finding, and they first needed to learn on-the-job what its benefits were. They also did not know how to take charge of negotiations with potential financiers of their programme.

The mayors were coached by an individual consultant who also facilitated. He used the knowledge and the data sets owned by national experts. He put that knowledge together in briefings and presentations to the mayors and in village consultations. He invited experts to these consultations. When the development programme was ready, the environment ministry approved its EA report.

This was considered as a unique first case of decentral rural planning in Mali<sup>13</sup>. The problem of how to structurally improve local capacities is not yet solved, but a road forward is discovered. Unfortunately, soon after the mayors had agreed on their development programme, the political situation in this part of Mali changed for the worse. Many believed it was too late to turn the spiral of violence.

*Soon after the mayors had agreed, it was too late. (Source: widely spread on WhatsApp in 2019)*



### Senegal

In the case of Senegal the participating ministries had representatives, but these were only available for joint fact finding a part of their time. The energy ministry employed an environmental expert for the EA, but he had more tasks. The committee drew up the tender documents with some input from the financing donor, but after that it depended almost completely on that consultancy. The tendering had not foreseen to hire a good facilitator. At the end of the day, the consultant produced recommendations that were not concrete and implementable.

Once the ministries understood that they were losing their control over the consultancy, they hired *another* consultancy to elaborate implementable recommendations for them. The assistance of an oil and gas sector expert (hired by the NCEA as part of its coaching) enabled to identify concrete actions and to negotiate a set of regulations that could be assumed to be acceptable to the oil companies.

The iteration between administrative decisions and assessment was to some extent restored, and the emerging actions also fitted the outcome of the EA (by the other consultancy).

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<sup>13</sup> See [this evaluation](#) (in french)

After administrative acceptance (political approval was pending), the NCEA interviewed the directors of the energy and environment ministry<sup>14</sup>. They both concluded that their collaborative arrangement had enabled Senegal to put in place regulations for a new sector in record pace<sup>15</sup>. This was unusual for Senegal. Next time, however, they will need to free up much more capacity for joint fact finding in the administration itself. As their administrations were already overburdened with tasks without having to co-create strategic policies, it is not easy for one of the ministries to free up good people to support the collaboration. No donor wanted to jump in to finance any civil servants. These civil servants needed more time and capacity to organise their own joint fact finding with the help of consultants.

### *Benin*

In this case the interministerial committee, with the help of its donor, was better capable to make terms of reference for a consultant. The consultancy tried to facilitate joint fact finding by the interministerial committee. Here, the problem was the seeming lack of interest from the committee members. It seemed that most had no clear agenda for development of the lake area, and seemed to have only few dialogues with their own stakeholders on the future of the lake area. They mainly waited for proposals from the consultant to see if they might have anything to gain from that. The financial business case and the proposed development agenda were not explicitly reviewed by experts from Benin, but by experts from the donor. The committee nonetheless invited the NCEA as neutral facilitator of the final decision-making workshop. A 'strategic vision' and a 'roadmap for implementation' were adopted by the council of ministers of Benin. The donor doubled its budget to 120 million euro. The consultants also made more concrete recommendations for implementation of the decision which were not yet followed up a year later, however. Whereas the committee's strategy emerged as a logical outcome of the interaction between committee and the consultancy, it was unclear to what extent what was called an SEA actually was shaped by the SEA procedure of Benin. Some argued that without an EA procedure, a similar outcome could have been achieved and it may have been called an 'inclusive and transparent pre-feasibility study'. Main difference would be that no approval would be needed from the EA authorities, who already were member of the interministerial committee.

### **Patterns in the challenges**

Joint fact finding is not easy. Looking at the challenges of the different cases, we can see some returning problems.

#### *Connective leadership*

First, there is the problem of *connective leadership*. Moving a situation forward depends on the personal leadership of civil servants and others to propose a collaborative arrangement to the political leadership. In the Hague therefore, the administrators worked half-informally on joint fact finding. In the other situations, there was little habit of joint fact finding, let alone drawing up agreements on joint fact finding. Connective leaders needed to invent their wheel. Such creative leadership may not exist in many situations.

#### *Sound collaborative agreements*

The second problem is that of *sound collaborative agreements*. One of the issues was that insufficient administrative capacity was freed up for the joint fact finding, in particular to keep the hierarchies involved for political buy-in.

#### *Enough good civil servants*

The third problem was the sheer *unavailability of enough civil servants* who can play an effective diplomatic role. This is the joint analysis in the collaboration of facts and joint agreement on the root

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<sup>14</sup> Interview in NCEA (2024). [SEA cases & expert interviews](#).

<sup>15</sup> Early November 2024, official adoption was still pending.

causes of perceived dilemmas and then joint agreement on the type of actions that are required. Either one of the group must take the role of ‘real estate agent’ (facilitator of agreement), or the group should understand that they need a facilitator who can be hired.

In all cases this was underestimated. Donors may interpret this as there not being enough political commitment. To these donors it makes no sense to support civil servants. But the issue could also be a lack of civil servants with basic skills. In this way, learning-on-the-job is hampered.

#### *Good facilitators*

A fourth problem was the *unavailability of a good facilitator*. This is a rare skill. In the Hague, it was said that nobody in the city’s administration had that skill and the required neutral position, so a facilitator was hired. The facilitator – much like the real estate agent in the above metaphor – could help the group understand its potential synergies, help them to act on that toward their own hierarchy, making joint action emerge. In the absence of a good facilitator a consultancy often lost sight of collaborative committee ownership.

#### *Tendering support to joint fact finding*

A fifth problem was *tendering the support to joint fact finding*. How to define the task and skills of a facilitator? How to ensure his neutrality – also vis-à-vis the consultancy team that proposes development options? Neutral facilitation and technical expertise may be difficult to combine in one tender procedure, but donors prefer large combined tenders. Also, most tender documents were not suitable to enable a flexible support to joint fact finding, advancing only if the committee understands the options and assures ownership of the proposed options and their assessments by their hierarchies.

#### *Data acquisition*

A sixth problem was that *data were insufficiently available* to feed the joint fact finding. Of course, joint fact finding doesn’t start with data. It starts with agreeing on the right questions to ask - defining for an ‘intersubjective fact’ that these are the relevant questions, and not others. Agreement on the answers to these questions also need not always require quantitative data analysis. Only if the parties cannot agree on the answers, they may start asking deeper questions that need quantitative answers. Yet, controversial development decisions usually require trade-offs, sensitivity maps, agreeing on quantitative norms, prioritising of actions, etcetera. Fair compromises often must be quantitatively substantiated to gain support, especially in public debate that follows later.

In The Hague, the city government manages its own central databases and a lot is available on the internet. In Africa this is different. In Mali, the ministries supporting the collaborating mayors offered their data and expertise for payment. In Senegal, a vulnerability mapping of the marine area was tendered as one of the committee’s synergetic actions that emerged<sup>16</sup>. Looking for data, or buying expensive data, can seriously delay joint fact finding. Urgent development decisions need to be made in the absence of sound information. In the case of Senegal, one natural gas production permit was granted in the absence of a vulnerability map. The permit was made provisional, but irreversible impact could not be avoided.

#### *Scaling up*

A sixth problem is about *scaling up of the transparent joint fact finding*. Committees don’t always dispose of the means for digital communication to get input from larger publics (e.g., fully updated and interactive websites). Emerging development dilemmas were usually not put up for feedback before a next development round is made. Tender documents, scoping meeting reports and the final decisions with the committee’s justification were in some cases presented (Senegal, Mali). But too late to influence the next iteration of joint fact finding. This may partly be caused by a lack of capacity and finance to manage a website as real time communication tool *and* to receive the feedback and react to that, partly there can

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<sup>16</sup> November 2024 it was almost ready ([url](#)) (login required for now).

be a habit of not making things transparent, and partly there may be no political will to listen to stakeholders. It may also be the case that decisions depend on windows of opportunity that could close before the consultation can be done. Only in the Malian case a donor supported the hosting of a website dedicated to the joint fact finding.

Scaling up means more than just one collaborating group communicating about specific decisions. Joint fact finding itself can also be scaled up by promoting spinoff - collaborative arrangements where that was not done before. Examples can inspire future arrangements for other challenges. However, joint fact finding may expose wider flaws in the institutional setting of the governance system and the connections. Action may be needed at that level before joint fact finding can scale up. For example, in the Senegal case it was discovered that the system of governance of marine data must be improved. In many cases, the institutions for enforcement of laws must be improved, or a bureau for collective implementation needs to be established. Sometimes structural weaknesses are discovered in the strategic communication between the government and the wider public, for example because websites are poorly used and poorly updated.

#### *Negotiating with foreign parties*

If the first six problems did not exist, a country would know exactly what it wanted. Its government would have a clear mandate from its people to negotiate with investors and donors. In the Senegal case, the joint fact finding (rather than the SEA) gave Senegal the confidence to impose a relatively ambitious level playing field on the oil multinationals. In the Guinea case, the government lacked an interministerial capacity to negotiate with the mining company and the hydropower company. In Mali, the mayors did not know as a group how to systematically attract multiple donors to support parts of their programme. The Benin case is still unfolding.

#### **Conclusion: EA professionals have work to do!**

The narrative of this paper is, in a nutshell, that EA is one lever which connective leaders can harness to engage in joint fact finding. Joint fact finding can help larger groups of stakeholders to jointly understand important dilemmas related to their development. It can enable the emergence of synergetic actions that bring society on a path away from conflict and towards stability. In other words, it can increase the strategic capacity of governance systems to transform their economies.

If transformation is a goal, EA procedures can leverage joint fact finding, but the limits are not in EA: they are encountered in joint fact finding, whether or not an EA procedure is applied.

EA professionals therefore may extend their practices from only soundly applying the EA procedure, taking the steps the law and handbooks prescribe, to supporting joint fact finding before the EA procedure starts. They may also propose to intertwine planning with assessment, taking more time by starting earlier.

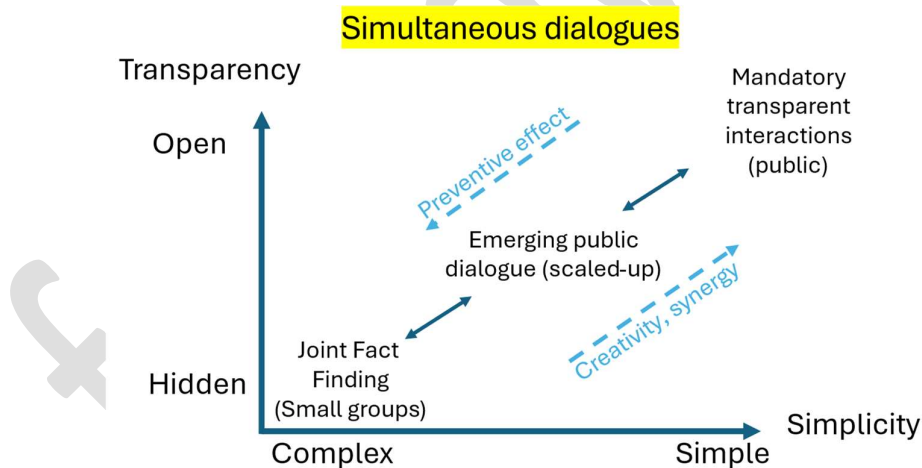
The box hereafter summarises the main activities in joint fact finding.



### Joint fact finding for EA practitioners (simultaneous activities)

1. Awareness raising: EA practitioners may perceive the need of economic transformations, share that with others
2. Informal action: EA practitioners may informally engage with connective leaders working at interdependent organisations to discuss the situation, indicating them that to address the issue action may be needed, and that such action at one point may require to be subject to an EA procedure
3. Formal action: EA practitioners may propose collaborative arrangements to formalise a focused process of joint fact finding
4. Co-creation: EA practitioners may support the now formally collaborating group in defining the joint challenges and looking for adequate actions in development rounds. If they are perceived to be neutral, they may facilitate this process like a 'real estate agent'
5. Legitimacy: EA practitioners may see to it that all participants of joint fact finding involve their hierarchies at each development round
6. Scaling-up: EA practitioners may propose to others in the collaborating group to take action to scale-up the dialogue on behalf of cabinet following appropriate democratic procedure, including EA where appropriate
7. Learning by doing: EA practitioners may monitor how hierarchies act synergistically, inspired by the joint fact finding, and take these lessons back to joint fact finding

The following diagram summarises what happens if joint fact finding – whether or not in the context of EA procedures - is successful. If EA procedures have leveraged that same joint fact finding, in this way it is indirectly successful too.



However, such success is never enough. Transformations are set in motion only slowly, as the economic mammoth tanker is slow to change course. EA professionals therefore also may identify the limits of joint fact finding of achieving strategic capacity and to stretch it. These limits can have a practical nature, as we have seen above. For example it can relate to co-designing collaborative agreements, liberating skilled civil servants, resources for scaling-up, rules for tendering, data availability, negotiating skills. The examples above show these kinds of limits that can only be overcome with enabling actors from outside. Professionals may then seek resourceful and politically neutral actors to enable addressing these limits.

## APPENDIX: joint fact finding as emergence of resilience

EA can be effective if it creates interdependencies that leverage transparent proactive collaboration out of conflict and toward stability (or resilience, or sustainability). EA may give an incentive to leaders to initiate voluntary collaboration much earlier than the formal triggering of the procedure. We have seen this most clearly in the cases of The Hague and Senegal. The lever is that you will be held accountable at some point in the future for what you do today. Leaders can see why it is better to involve stakeholders earlier and to win their trust by sharing development dilemmas and by listening to their needs. That trust will pay off later, when a formal EA procedure starts.

However, EA is not the only lever that can achieve that effect. In the Netherlands, transparency is also required by the spatial planning law. What EA still adds in the Netherlands, is more detailed public analysis of specific impacts and a public review by the NCEA. Levers like that put checks-and-balances in place that create interdependency between authorities that represent what is at stake. *Individual* problems then become *joint* challenges. A weaker interest may threaten a stronger interest: 'If you don't start early to collaborate with us, we have the power to delay your investments.'

Or another one: 'If you don't make your objectives *coherent* with my equally legitimate objectives, we can make that an issue in the next elections.' In the Netherlands, a parliamentary commission is looking at policy cohesion. This is also how the United Nation's Sustainable Development Goals can leverage co-design of alternatives. Both the UN and the OECD have now developed support on how to build capacity to make policies coherent with the SDGs. (And they rarely use the word EA<sup>17</sup>.)

*Policy coherence for sustainable development is part of the UN's SDGs (source: UN)*



A lever is a regulation that gives power to weaker interests to finetune, mitigate, delay or in exceptional cases to stop a proposed development, *but not to impose complex alternatives*. Making threats is only constructive if you can offer a perspective on a joint way out, even if that way out still must be discovered. The counterpart of checks-and-balances is therefore connective leadership for joint fact finding. Both are needed.

The following diagram illustrates this point. For an orderly development, there must be institutions, and agents must *perform* to the expectations of their hierarchy. This is shown in the left upper corner. For a strategic or proactive capacity, however, also *compliance* with rules is needed, which is in the lower left corner. These rules then may leverage joint fact finding which is upper right indicated as *emergence*. These three corners together create a joint capacity to make your country, area or sector develop in the general interest, indicated here as *resilient*, but it might also be called stable, sustainable, high quality, away from conflict – or golden bridge.

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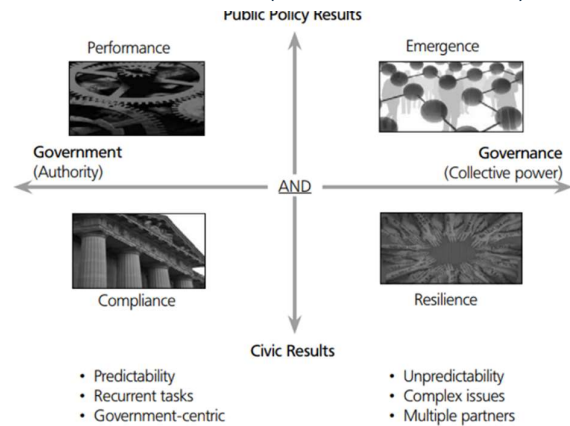
<sup>17</sup> NCEA, 2024. [Improving governmental capacity to address sustainability dilemmas in global value chains.](#)

So, joint fact finding – upper right - is an activity that enables the emergence of joint action that contributes to a resilient development, or ‘building golden bridges together’. Other words that are used are ‘co-production’, or ‘co-construction’ or ‘co-creation’. Joint fact finding is driven by connective leadership (usually not by top managers). But to free up your time and to link it to action, it must be formalised in a collaborative agreement. That agreement then becomes a vehicle for emergence of joint action.

It is important to remember that the outcome of emergence is synergy between individual actions: agreement on the facts, the insights and what needs to be done by every collaborating partner. It is not necessarily a joint approval of a single document by the collaborating partners, as would normally be the case if an EA were triggered by a proposed decision by one authority. The Senegal case is an example of that.

Assuming that the necessary institutions and laws are in place, how can we make joint fact finding in collaborative arrangements attractive? What kind of capacities do we need? How can we get better? We need to focus on that before returning to EA.

*From: Joint fact finding as emergence. The History and Future of Nation-Building? Building capacity for public results. J. Bourgon, International Review of Administrative In: Science, June 2010. (Source, GovernEUR 2024).*



for review