JOINT FACT FINDING

Developing shared knowledge about a problem to reach collective informed decisions and tackle issues.

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WHAT

What is Joint Fact Finding?

The purpose of joint fact-finding is to develop shared knowledge about a problem. It is a way for negotiators to guide the process of gathering information, analyse facts, and collectively make informed decisions.

Management task

Tools and approaches for resolving the inevitable conflicts of interest encountered when agreeing/implementing these strategies.

Article 19 of The European Marine Strategy Framework Directive requires Member States to organize a public consultation procedure related to implementation of the Directive.

"***Questions about sustainability, ecosystems, and ecosystem management are not simply questions about science; they are about values***".

Stakeholder consultation is not a one-way flow of information from manager to user. Instead it is an exchange and discussion to elicit understanding of the perspectives of scientists, public and private sectors and policy-makers. The purpose is to jointly determine the facts upon which decisions can be made.

With its partner legislation the Integrated Maritime Policy (IMP) the MSFD seeks to manage the marine environment and its associated activities in concert. In practice the MSFD will require stakeholders in all sectors – public and private - to comply with standards set by the eleven Good Environmental Status (GES) descriptors and Member State marine strategies.

Although identified as a key component of the MSFD, there has been limited attention given to the issue of how best to ensure there is stakeholder participation in the MSFD process.

Ecosystem-based management and the DPSWR as an analytical tool requires that the human dimension is firmly placed at the centre of the analysis rather than being seen as outside of the system.

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Joint Fact Finding contrasts with 'traditional' forms of stakeholder participation.

Click here for more on JFF versus more traditional forms of stakeholder participation

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JFF

Key features of Joint Fact Finding

JFF is a collaborative approach that involves face-to-face interaction among chosen representatives of all stakeholder groups to ensure that all interested parties are given early and effective opportunities to participate.

Coastal zone management involves issues that are scientifically complex accompanied by risk and/or uncertainty. Scientists, policy-makers and political leaders time and again find themselves unable to take action, even when everyone agrees that something needs to be done, so that obtaining good decisions is often difficult. JFF provides a **collaborative process** that aims to:

- **Achieve the objectives of a decision-making process (e.g. improved water quality), and**
- **Build support from participants to continue participating in future decision-making processes.**

Resolving a complex public policy dispute requires interested parties share an understanding of the technical dimensions of the problem they face: JFF provides a process for **sharing technical understanding** based on a few key ideas:

- **Interested parties pool relevant information, rather than withholding information for strategic advantage.**
- **Face-to-face dialogue between technical experts, decision-makers and other key stakeholders.**
- **The process places considerable emphasis on "translating" technical information into a form that is accessible to all participants in the dialogue.**
- **While JFF is geared to building consensus, it tries clearly to "map" areas of scientific agreement and to narrow areas of disagreement and uncertainty.**

Cartoon by R.Foster-Smith

Consultation is important because the MSFD can be seen as an effort to move from a "use perspective" to a "system perspective".

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A new approach is required to face the challenges of globalisation and competitiveness, climate change, degradation of the marine environment, maritime safety and security, and energy security and sustainability.

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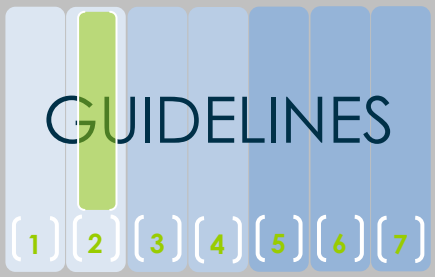

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Benefits of Joint Fact Finding

JFF moves away from combative and competitive procedures of conflict and trade-off between sectors to procedures that inculcate negotiation and compromise leading to shared goals.

The process of JFF leads to:

- **Supervised, direct interaction among scientists, decision makers, and other key stakeholders to bring forth innovative public policies which all interested parties can support.**
- **Inclusion of as many stakeholders as possible, thereby striving to create the broadest understanding of a problem while generating legitimacy to the results of the process.**

The outcome of JFF can be

- A deeper appreciation of features that underpin a coupled social-ecological system in which services provided by an ecosystem connect the social realm (i.e. cultures, institutions, and individuals) with the ecological domain (i.e. local ecosystems, regional seascapes, and large marine ecosystems).

JFF can include; public and private sectors, and existing management bodies at local, national and regional level.

- A wider understanding of how social and political institutions need to evolve in response to environmental change and/or anthropogenic impacts.
- Active public involvement in environmental decision-making as a means to positively influencing the way humans interact with the environment, and use environmental resources, through increased knowledge, responsibility and ownership.

JFF helps stakeholders decide how new findings will fit into decision-making. While 'experts' disseminate data, it is often other participants who discuss how information will inform decisions.

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Stakeholder mapping clarifies an individual's interests and positions and those held by others. JFF is different from previous methods as it challenges proponents to work together rather than against each other.

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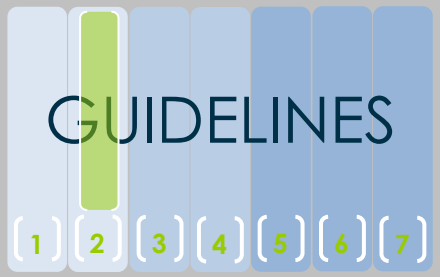

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Stakeholder mapping – a tool for JFF

A key tool for JFF is Stakeholder-Issue Mapping, which is a method for understanding a system by identifying the key stakeholders in the system and assessing their interests in that system.

Stakeholder mapping engages stakeholders to help answer three key questions:

1) Who should participate in coastal governance and management? This is important for legitimacy (i.e. those who effect and are affected by decisions), efficiency (i.e. those who hold information) and transparency (i.e. those who relay and publicise information).
2) What are the policy issues that need to be considered? This is important for legitimacy (i.e. all concerns are included), efficiency (i.e. no issue missing) and transparency (i.e. no policy issue is hidden).
3) How do stakeholders in the coastal zone relate to each other and relate to the policy issues under consideration? This is important to determine relationships between stakeholders and their relationship to policy.

These three questions are important elements in regard to three central themes that emerge in relation to stakeholder involvement in implementing the MSFD and the ecosystem-based approach to management in EU marine waters:

a) Boundaries.
b) Policy and management coordination.
c) Balancing values and user conflicts.

These three central themes and the challenges they present for JFF are addressed in more detail in the following pages.

Cartoon by R.Foster-Smith

The goal of **stakeholder mapping** is for all stakeholders to gain a deeper understanding of their inter-relationships and concerns, and an impartial mapping of what needs to be addressed.

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The challenge is to balance local needs without becoming too local rather than a single, one-size-fits-all approach, which leads to management of the lowest common denominator with poor ecological outcomes.

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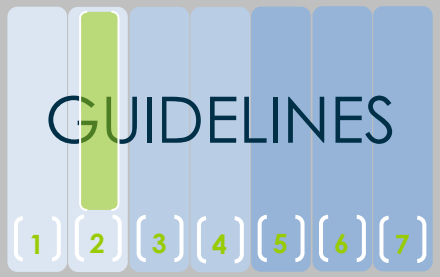

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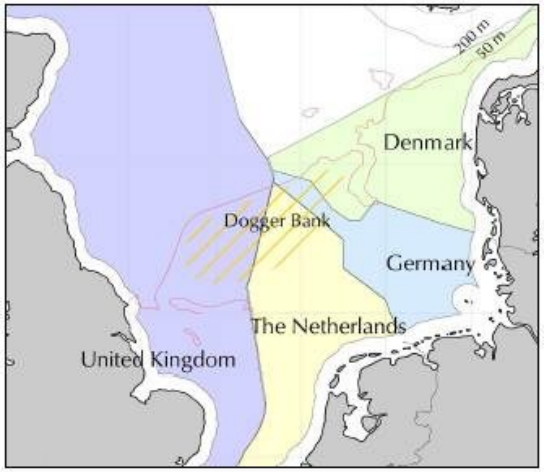
Challenges for the MSFD - Boundaries

Demarcation of boundaries in an ecologically appropriate yet manageable manner is important both to gather support for management decisions from stakeholders as well as implement the MSFD.

The issue of boundaries:



- The marine space is subject to different boundaries – some outline 'ecologically defined space' whilst others 'politically defined space'. Ecological and political boundaries rarely, if ever, coincide so efforts to manage within one set of boundaries can become undermined by processes operating within different boundaries.
- Understanding and analysis at regional level can give rise to a host of management problems: The North Sea Dogger Bank provides a vivid example where four different Member States (Denmark, Germany, the Netherlands and the UK) have found great difficulty in agreeing on habitat protection and the acceptable level of industry activities like fishing or wind farms. The MSFD is caught within institutional ambiguity due to the mismatch between institutions of the different policy-making settings involved in the implementation of the MSFD.

Ecosystems and the concept of marine boundaries are key to the MSFD, requiring a great degree of political cooperation because actions of one Member State can be undermined by inaction of another, encouraging a reorientation toward cooperative governance and management.

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Stakeholder groups and interest organizations typically have incentives to focus narrowly on their interest so their actions revolve around the activities of a single sector or discrete issue.

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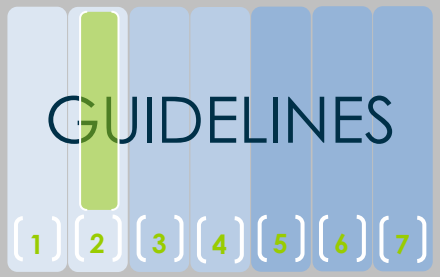

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Challenges for the MSFD - Policy and management coordination

Policy and management coordination is important to allow the MSFD to move policy from a 'use perspective' to a 'system perspective' for holistic management of the marine environment.

Policy and management coordination:

- At national level, often several ministries within a Member State have authority related to the ecosystem but have different planning scales and objectives.
- The MSFD is inextricably linked to other EU policies (e.g. the 1992 Habitats Directive, 2002 Common Fisheries Policy, 2000 Water Framework Directive) that could lead to conflicts of interest as well as institutional ambiguity. This is because each policy has its own jurisdictional boundary organized by sector-specific regulations. In contrast, the MSFD advocates a transition from a sector specific policy landscape to a system-based one in which activities are regulated in concert, based on shared space and time, across sectors.

Policy and management are complicated by a transition from a policy landscape organized by sector-specific regulations to one in which activities are regulated across sectors, based on shared space and time.

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Ecosystem-based approach to management of the marine environment does not automatically resolve conflicts between stakeholder groups and interests. JFF helps address issues of values and the reality of making certain trade-offs.

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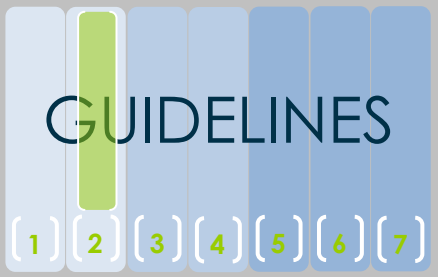

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Challenges for the MSFD - Balancing values and user conflicts

Balancing values and user conflicts is necessary to reconcile conflicting interests between business sector interests with broader stakeholder interests.

Balancing values and user conflicts:

- Imparting the ecosystem-based approach to management does not automatically resolve conflicts between user groups or stakeholder interests.
- Ecosystem-based management and its intended outcome of sustainability is not a simple matter of employing scientific knowledge; societal values play a central role in how we define desirable outcomes. Proponents of "soft sustainability" see the four types of capital (man-made, human, natural, and moral) as interchangeable, implying that a loss of natural capital would be acceptable for a gain in the man-made aspect, whereas "hard sustainability" advocates seek constant levels of all four types of capital. Many recognize the short- and long- term trade-offs that each of these sectors face when trying to move into a more sustainable future than the reality of present management. Whether the sectors view user conflicts and vying for scarce space as the potential for synergies or the need for compromise is another matter. JFF is a process that helps to identify and rationalise the varied perspectives of a diverse grouping of stakeholders who hold different viewpoints on management issues.

Ecosystem-based approaches to management move away from a species-focused approach and towards a more integrated, holistic view of the system, including linkages with human activities – this inevitably requires reconciling the interests of a variety of actors, and JFF provides a process to do this.

Click on arrow below to go back to all guidelines

JFF versus more traditional forms of stakeholder participation

In a participatory process, not everyone will have the same amount of knowledge or information about the problem or issue. While one of the benefits of collaboration is working with people that have diverse viewpoints and backgrounds, it also means people will interpret information differently. With its focus on sharing of information and inclusion of key parties Joint Fact-Finding stands in contrast to two more traditional methods of bringing science to environmental decision making: "blue ribbon panel" and the "adversary science".

The Blue Ribbon Panel model - experts gather to review relevant information and seek to generate consensus on the relevant science, or at least to summarize the current state of knowledge. Disadvantages are that:

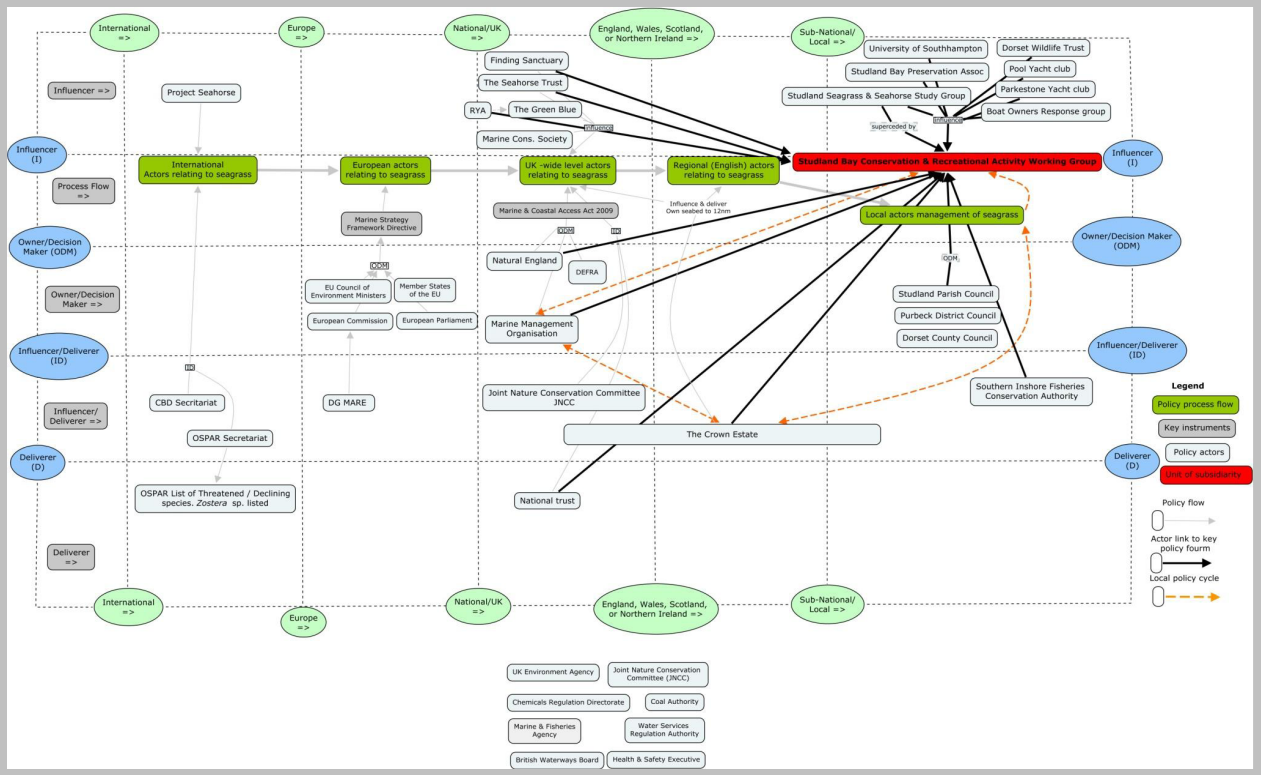
- Other stakeholders are denied access.
- The expert panel may overlook valuable information or ask the wrong questions.
- Left to their own devices, experts may become bogged down in discussions over methods rather than focusing on the policy implications.

The "Adversary Science" Model - contending interests use experts to bolster their own positions. Disadvantages are that:

- Competing models often cause scientific uncertainty,
- Experts may disagree and/or simply miscommunicate (e.g. use different words to explain the same phenomenon; use different starting assumptions, data sets, or methods of interpretation and presentation of their data) such that they frame and answer different questions.
- Non-experts are left puzzled by the apparent inability of the scientific community to produce a consensus on areas within their expertise.

Cartoon by R.Foster-Smith

- Disagreements among experts may persuade others that science has no useful role to play in shaping policy.



The Rapid Policy Network Mapping (RPNM) approach is a form of stakeholder mapping that is more explicit about where actors sit with respect to the policy arena. The method is based on the Ecosystem Approach, from the perspective that existing policy making institutions must be able to accommodate and adapt to a new multi-sectoral approach. Understanding how existing institutional structures function is an important first step towards this adaptation. RPNM generates a and visual output contributing to understanding of the relevant institutions in the policy development process by stakeholders and builds dialogue over institutional process and reform. In this example the Studland Bay seagrass (and seahorse) issue is dominated by local and national 'influencers', i.e., predominantly community and non-government interest groups that do not deliver operational policy function. Key features of the actor network include:

- Prevalence of national and local environmental and recreational stakeholder groups in the local policy cycle Clearly the issue is of considerable importance to stakeholders at the local and UK scales. An international NGO (Project Seahorse) is also engaged. A policy solution (and potential MPA) will be required to engage and work with community interests across a number of sectors.
- The MMO is the primary decision maker in this case study. Key influencer / delivers are Natural England and the Crown Estate with the former responsible for wildlife management and protection and the later the owner of the sea floor and licensee for moorings.

See: Bainbridge JM, Potts T, O'Higgins TG, Rapid Policy Network Mapping: A New Method for Understanding Governance Structures for Implementation of Marine Environmental Policy. PLoS ONE 6(10): e26149. doi:10.1371/journal.pone.0026149: 2011