



Negotiation and Public Policy-Making Process

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Abstract

In short, in democratic societies, negotiation processes play a crucial role in policy-making and have the power to shape the results, as well as to influence their choice and how they are implemented. This point has been increasingly widely recognized in recent decades. For example, in the United States, a series of legislative initiatives and decrees, including the Negotiated Rulemaking Act of 1990, call on state bodies to define rules and procedures for negotiated “rule-making.” However, the role of negotiation in the policy cycle is often only implicitly recognized. It would be possible in this article to conceptualize a model recognizing the importance of negotiation theory and negotiating capabilities during the basic phases of the policy development cycle.

Subject Areas

Politics, Sociology

Keywords

Negotiation, Process, Elaboration, Public Policy

1. Introduction

In the age of globalization, policy-making is a national, regional and international undertaking. For example, it was said that policy-making on international trade agreements should take into account broader issues of public welfare, natural resource management and local subsistence economies so as not to threaten development and poverty-fighting prospects of developing nations and to avoid the proliferation of internal conflicts (Hall, 2006, Ramirez, 1999) [1]. Negotiation is a central element of national policy-making processes, from setting agendas to choosing the issues to be addressed by those responsible for their development, to exploring the various possibilities, to find solutions and mobilize the support of relevant stakeholders to ensure the sustainability of planned policies.

Negotiations are a vehicle for communication and stakeholder management.

In this sense, they provide essential assistance to policy makers to better understand the complex issues, factors and human dynamics that underlie important policy issues. As a result of growing links and interdependencies, as well as the rapid pace of change in areas affecting important agro-food issues such as the economy, trade, governance and national relations and the presence of competent negotiators with policy makers and agricultural experts has become increasingly necessary. This article defines and explains important phases in the policy-making process among which we have: the definition of the agenda, policy analysis, formulation, implementation, monitoring and evaluation. But clearly, the main burden of negotiation is in consultations on the discussion and formulation of policy agendas, options and instruments.

2. Significance of the Study

The importance of this article is to make known the real problem facing policy makers is to put political discourse into practice in the narrow scope of the policy strict time, staff and budget constraints, externally imposed targets and the organizational insecurity that characterizes administrations in most countries. This article therefore argues that readers will be more interested in elements of how to better develop policies and develop better policies than what they do.

3. Negotiation

Renowned statesman and negotiator Henry Kissinger defined the negotiation as “a process of melting contradictory positions into a common position through a unanimous decision rule” (Kissinger, 1969) [2]. Negotiation is a process initiated by negotiating partners (at least two) who wish to reach an agreement, although they share common and divergent interests. Negotiation is a process of communication and exchange between at least two parties whose purpose is to organize a relationship or resolve a problem between them [3]. Frank Lavadoux (2013). The negotiation process may be part of a cooperative relationship between the parties or a competitive relationship. It is common for these two types of relationships to alternate during a negotiation. Negotiation is a process found in all social relationships. It is the main non-legal method of peaceful dispute resolution, both domestically and internationally. Traditionally, in democratic societies, relations and working conditions have been the subject of negotiations between the employers’ and trade union parties.

In order to be able to talk about a negotiation, there are elements that need to be there. These are the basics of negotiation. Indeed, negotiation requires certain preconditions including actors: a divergence, an interest to exchange and room for maneuver. The protagonists can adopt different types of relationships among themselves, the main ones being competition, conflict and cooperation.

4. Policy-Making Process

Several definitions of the policy-making process draw attention to the role of the

public sector, as well as the dynamics of policy identification and formulation, namely:

A policy-making process is the way problems are conceptualized and presented to the government for resolution. Government institutions formulate alternatives and select policy solutions, which are implemented, evaluated and revised, [4], (Sabatier P.A., 1999).

The policy-making process refers to “all aspects of providing guidance to public sector work. These are the ideas that inform the design of the policies, discussions and the work, from which the policy directions are formulated, as well as the overall discussion, work and collaboration required to implement these guidelines [5] (Yeatman, 1998, quoted in Davies *et al.* 2001).

Understanding the policy-making process requires knowing and perceiving hundreds of actors in the country, most of whom are actively working to shape their own minds to events, and possibly deal with very important issues. Technical, scientific and legal techniques spanning a decade or even several.

5. Phase of Agenda Definition

The agenda is all the priority issues, public policy issues and public issues that political actors deal with. When we talk about the media agenda, it is the media, when we talk about the agenda of political parties; it is the agenda of the political parties that translates into the themes they talk about in their election campaigns. These agendas are overly limited. When you read a newspaper, there are an unduly small number of topics that are addressed. If you look at the issues that are dealt with in a parliamentary session, in relation to all the problems that arise, there are a very limited number of public policies that are the subject of parliamentary debate. Therefore, there is a difficulty, when it comes to public policy, to attract attention, either from the media, political parties, parliamentarians, or from government actors in relation to the problem. They have very little space to discuss things.

Negotiation begins in the agenda setting phase, as the chosen questions can determine the tone and framework of the results to be achieved. The definition of the agenda may inform policy makers or limit their thinking to a scope delineated by the relevant issues and the choice of selected parties to give their opinion, etc. Stakeholders often see this phase as vital to the policy-making process. The stakes may even be such that the parties break off discussions solely because of disagreements over the definition of the agenda. At this stage, skilled negotiators can help shape the process and overcome communication problems that may hinder an agreement.

The concept of an agenda, which can be defined as “all the problems being treated, in any form, on the part of public authorities and therefore likely to be the subject of one or more decisions” [6], (Garraud 1990, p. 27), did not emerge in public policy analysis until the early 1970s. Policy sciences, which asserted themselves after World War II in the United States, focused on the analysis of public decision-making with the aim of giving it a scientific and rational (more)

basis (Hassenteufel, 2008) [7]. The upstream but also the endorsement of the decision were therefore strongly neglected and regarded as a non-problematic aspect and heavily controlled by public decision-makers. Before deciding on public policy measures, public authorities choose to deal with such problems instead and not to deal with such problems.

Understanding problem selection processes is, therefore, the first input of the analyses in terms of scheduling. It requires taking into account, in particular, the logics of collective mobilization, media coverage and politicization, previously heavily neglected in public policy analyses, and leads to broadening the spectrum of actors to movements, social media and elected officials. All of these actors thus participate in the framing of public action, including in its decision-making phase, by formulating and building public problems.

6. Phase of Policy Analysis

During the analysis phase, policy makers must navigate a maze of problems, the actors of which are often an increasingly diverse mix of influential parties. As a result, the formulation phase can sometimes resemble what Charles Lindblom called “the science of getting by” [8], (*The Science of muddling through*, Lindblom, 1958). This process is explained by interactions between decision-makers, relevant administrations, political parties, interest groups and “deep forces”, such as business morals, inequality dynamics or the limits of analytical capacity. These deep forces structure and distort the policy-making process and move it away from rational decision-making (Parsons, 1995) [9]. It is at the junction of these two divergent frameworks, rational decision-making or conflict of interest, that a well-conducted negotiation can be vital. Negotiating strategies, such as adopting each other’s point of view, brainstorming or focusing on interests rather than positions, can usefully help policy makers choose more solutions effective and integrative.

Analyzing agendas can be done quantitatively by measuring the relative importance of public policy for each agenda. It is possible to do something upstream, namely to try to understand why a theme is on the agenda, find an institutional path, get to the attention of the political actors and the path that the actors who must follow in any case, want to bring a new problem to the agenda; how are they going to build it so that it gets to the agenda. Problems are never given, they are always built. It is a moderate constructivism, because objective things happen in real life, but they are only of political importance if they are taken up, articulated and framed by political actors.

Analysis and evaluation are an iterative process, and are arguably the most tedious step in the policy-making effort. The number of reviews undertaken depends on the results of the initial analysis and the circumstances of each institution. The primary purpose of any review process is to solicit general input and reach consensus so that the policy reflects the real needs of an institution. If the initial analysis is very comprehensive and a review by other audiences does not

reveal any major problems, then a level of review may suffice. In larger institutions, there will probably be more voices that want to speak and therefore more comments that will require further retouching and examination before reaching consensus.

When we look at the analysis of public policy also says public action, we try to find out why the government, parliament intervenes in a particular area in order to regulate, for example, security issues or issues equal pay for men and women or public service pay. In other words, when we look at public policy analysis, we are looking at what the government is doing, how it is doing and the effects of state actions in different areas, such as Security why would the state decide to intervene to start protecting, for example, the theatres, is there a need to intervene, how does it decide to do so and what is the potential lying-up effect in terms of security that can be expected state actions.

7. Phase of Implementation

During policy formulation, integrative negotiations can perform a function similar to that of “stakeholder analysis” by helping to:

- Discover existing patterns of interaction through empirical observation;
- Improve interventions by supporting intuitive actions on analysis;
- Provide a tool for predicting and resolving conflicts [10], (Hall, 2006).

During policy-making, good negotiators identify and bring together key parties to the issue, establish an information-sharing forum, update interests and define policy options. Once options are identified, negotiation plays an important role in selecting the solutions available to stakeholders and policy makers, as well as in the debate on their comparative merits. At this point, the theory of negotiation teaches that finding a formula to address the concerns at the heart of the problem can help policy makers organize their options into a coherent selection that will serve as a starting point for negotiation. A winning formula encourages policy makers and stakeholders to think about key aspects of the problem to be solved and focuses attention on the principles, standards or frameworks on which the majority of major players have the best chance of agreeing.

Because responsibility for implementation is often dispersed between several modern governance systems (the role of member states of a regional decision-making body such as the European Union or central governing body relying on its municipal arms to implement national policies, for example), policy makers who draw on the lessons of integrative negotiation processes are better equipped to deliver an outcome whose legitimacy ensures implementation by the parties concerned. Recent evidence shows that elements of the negotiation may even be useful in informing the evaluation phase of the policy cycle [11]. Thus, Campbell and Mark (2006), they found that factors are known to facilitate integrative negotiation (knowing that people should be accountable and structuring the dialogue process, for example) could effectively improve the quality of dialogue evaluation of programs and policies among stakeholders.

8. Conclusion

In the end, negotiation is a process that can be approached in many ways. Whichever strategy is chosen, its success depends on the quality of the preparation. The key to negotiating a profitable outcome is the ability of negotiators to carefully consider, identify and weigh options. They must also be able to put events in perspective and be as fair and honest as circumstances permit. The negotiator may try to take advantage of the common ground or common interest that brought the parties to the negotiating table. By viewing the other side as a partner rather than an adversary and by collaborating, negotiators will be able to come up with a solution that benefits everyone. In a perfect world, these phases would take place sequentially and rationally, but in reality, the decision-making methods of governments are extremely complex and involve multiple interactions between various stakeholders. Understanding the policy-making process is therefore crucial to understanding the choices of government interventions, as well as why the practice often deviates from prescriptions and good analysis does not lead to always on a good policy. In the end, this could provide guidance on how to design/support the policy-making process in order to trigger public action towards rural development and the fight against poverty.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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