KOLOKIUM PENYELIDIKAN 2020

NEGOTIATION APPROACH AT AGENDA SETTING STAGE OF THE PROPOSED NATIONAL HALAL POLICYMAKING PROCESS

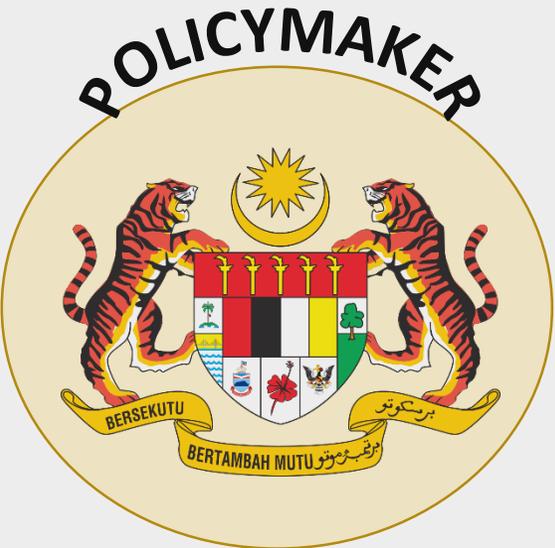Prepared by:

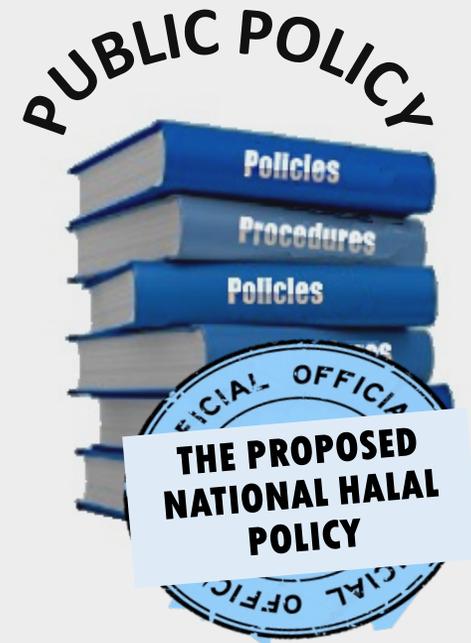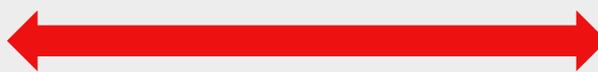FAZNI BINTI MAT ARIFIN

RESEARCH INTEREST:

NEGOTIATION APPROACH AT AGENDA SETTING STAGE OF THE PROPOSED NATIONAL HALAL POLICYMAKING PROCESS

POLICYMAKING PROCESS

POLICYMAKER

STAKEHOLDERS

PUBLIC POLICY

(1)

NEGOTIATION

THE PROPOSED NATIONAL HALAL POLICY

POLICY STAGES

AGENDA SETTING
(2)

FORMULATION

ADOPTION

IMPLEMENTATION

EVALUATION

PRESENTATION OUTLINE

INTRODUCTION
Background
Problem Statement
Research Objective and Question

LITERATURE VIEW
Theoretical Framework
Conceptual Framework

RESEARCH METHODOLOGY
Research Design
Policy Participants
Data Management and Analysis

RESULT
RQ1; RQ2; RQ 3; RQ 4
Negotiation-Based Policymaking Process
Significant Research Finding

DISCUSSION & CONCLUSION
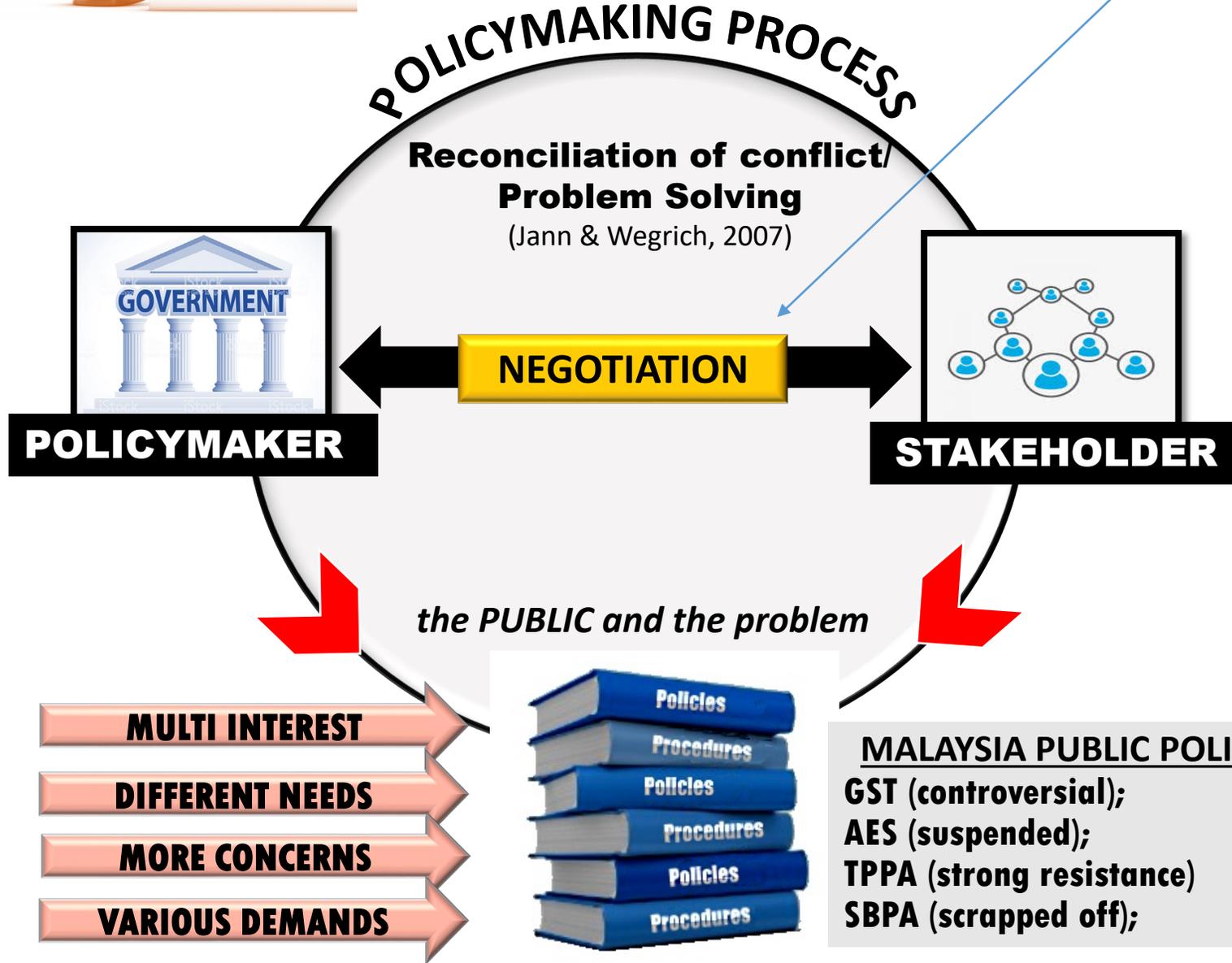Implication
Limitation & Further Study

CHAPTER 1: INTRODUCTION

BACKGROUND

WHY NEGOTIATION?

- **Centre of literature in conflict** resolution (Fisher & Ury, 1981)
- It has been **extended** to become a **central component** of policymaking **process** (Alfredson & Cungu, 2008)
- **Nature of negotiation** : define issues, explore options, discover solution and also secure commitments

POLICYMAKING PROCESS

Reconciliation of conflict/ Problem Solving
(Jann & Wegrich, 2007)

GOVERNMENT

POLICYMAKER

NEGOTIATION

STAKEHOLDER

the PUBLIC and the problem

MULTI INTEREST

DIFFERENT NEEDS

MORE CONCERNS

VARIOUS DEMANDS

Policies / Procedures / Policies / Procedures / Policies / Procedures

MALAYSIA PUBLIC POLICIES
GST **(controversial)**;
AES **(suspended)**;
TPPA **(strong resistance)**
SBPA **(scrapped off)**;

DEVELOPED COUNTRY
Negotiation:
part of **legislative process** and
a process of policy formulation
(Peritt,1986)

VS

MALAYSIA PUBLIC SERVICE
Negotiation in policy development **remains scarce**
(Hishamudin, 2010; Jeshurun, 2007; Natkunasingam & Sabaratnam, 1998)

PROBLEM STATEMENT

POLICYMAKING PROCESS
Agenda Setting Stage

NEGOTIATION

POLICYMAKER

STAKEHOLDER

GOVERNMENT

Public Policy

Policies
Procedures
Policies
Procedures
Policies
Procedures

1

Implication: Conflicting interest among policy participants is **not properly addressed**

Implementing policies with unresolved issues will **deprive the government's reputation and waste of resources**

2

Most of policies in Malaysia were developed without a **clear and structured process /framework**

Limitation: The extent of communication and information exchange between policymakers and stakeholders
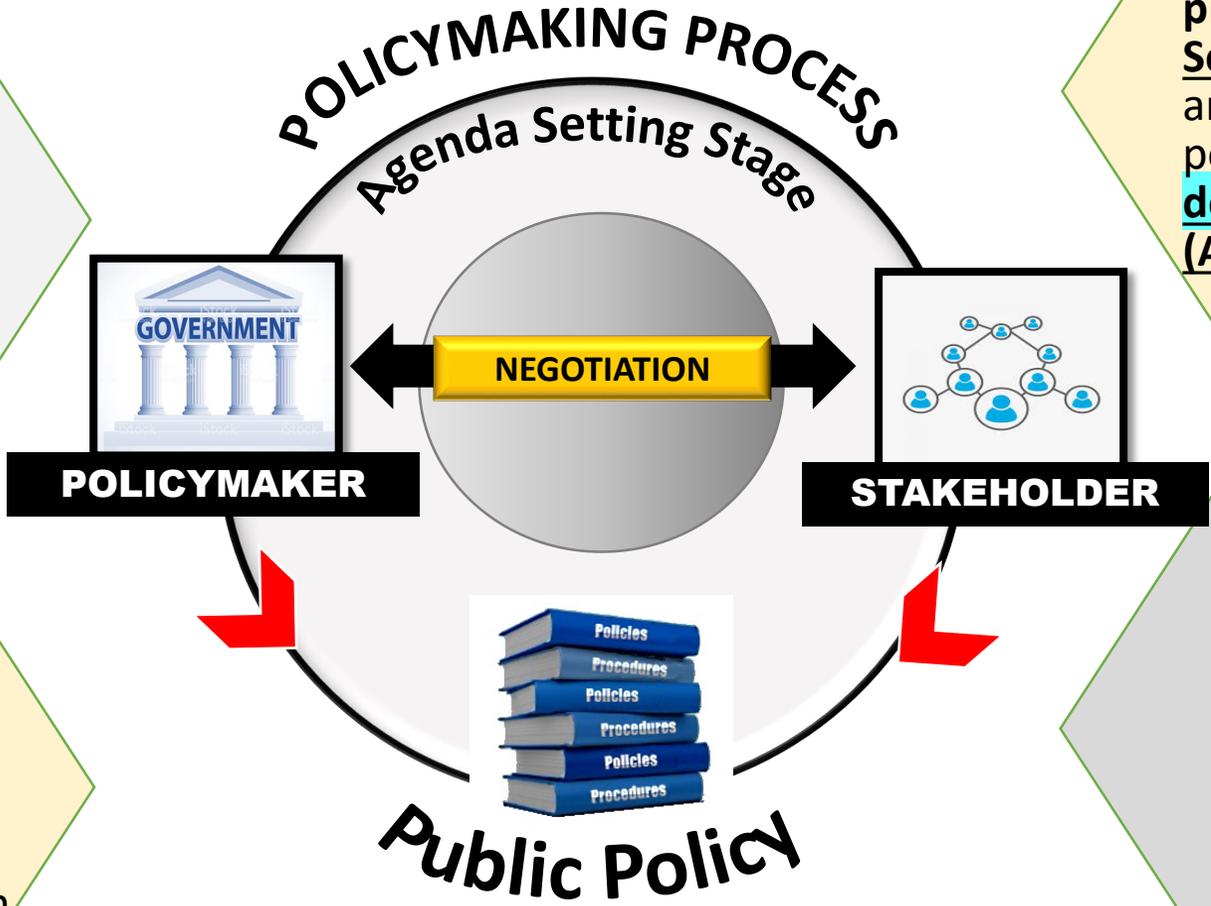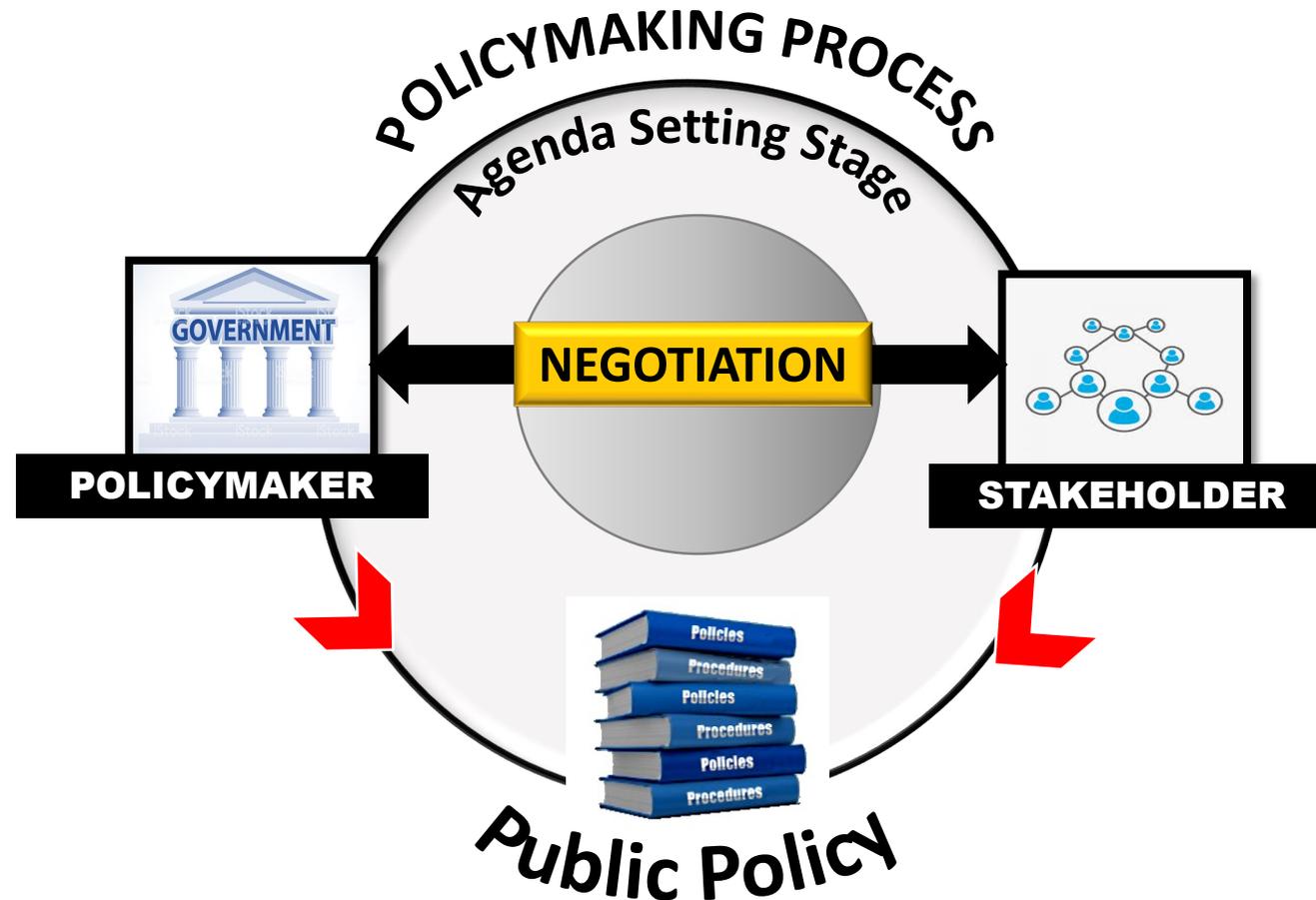
3

Huge gaps in the engagement process: **mostly depends on the practice of Malaysia Public Service:** Process and procedures of developing policy is neither **well documented nor standardize (Abdul Gapar, 2010)**

4

Existing policy : National Policy on the Development and Implementation of Regulation (NPDIR) **does not sufficiently** describe on **public consultation**

MAIN OBJECTIVE :

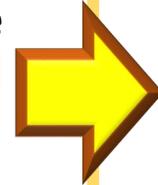# TO PROPOSE AN ENGAGEMENT APPROACH BY ADOPTING THE PRACTICE OF NEGOTIATION IN THE PROCESS OF POLICYMAKING

POLICYMAKING PROCESS

Agenda Setting Stage

NEGOTIATION

GOVERNMENT

POLICYMAKER

STAKEHOLDER

Policies
Procedures
Policies
Procedures
Policies
Procedures

Public Policy

RESEARCH OBJECTIVES AND QUESTIONS

RESEARCH QUESTIONS

RESEARCH OBJECTIVES

1. To investigate <u>the practice of negotiation</u> in the policymaking process of the proposed National Halal Policy (NHP)

2. To identify <u>the arising issues</u> faced by policymakers and stakeholders <u>in setting the agenda</u> of the proposed NHP

3. To explore <u>the suitable approach of negotiation</u> adopted by policy participants in the policymaking process

4. To develop <u>a negotiation-based policymaking framework</u> in the local system

To what extent do policymakers negotiate with stakeholders in the process of setting the agenda of the proposed policy?
(a) **What is** the mechanism they use in engaging the stakeholders?
(b) **How do** they engage with the stakeholders?

What are the arising issues faced by policymakers and stakeholders in setting the agenda of the proposed NHP?

How do the policy participants negotiate with each other in the process?

How principled negotiation could be applied in the process of policymaking?

THEORETICAL FRAMEWORK

POLICY-RELATED CONFLICT RESOLUTION

Conflict could be resolved in the policy process (Stephenson & Pops, 1989)

In order to effectively resolve conflict, one must be able to map it properly (Sandole, 1998)

STAGE (source of conflict)

ISSUES (factors to conflict)

CONFLICT RESOLUTION (Conflict Intervention)

AGENDA SETTING

ADVOCACY COALITION FORM

PRINCIPLED NEGOTIATION

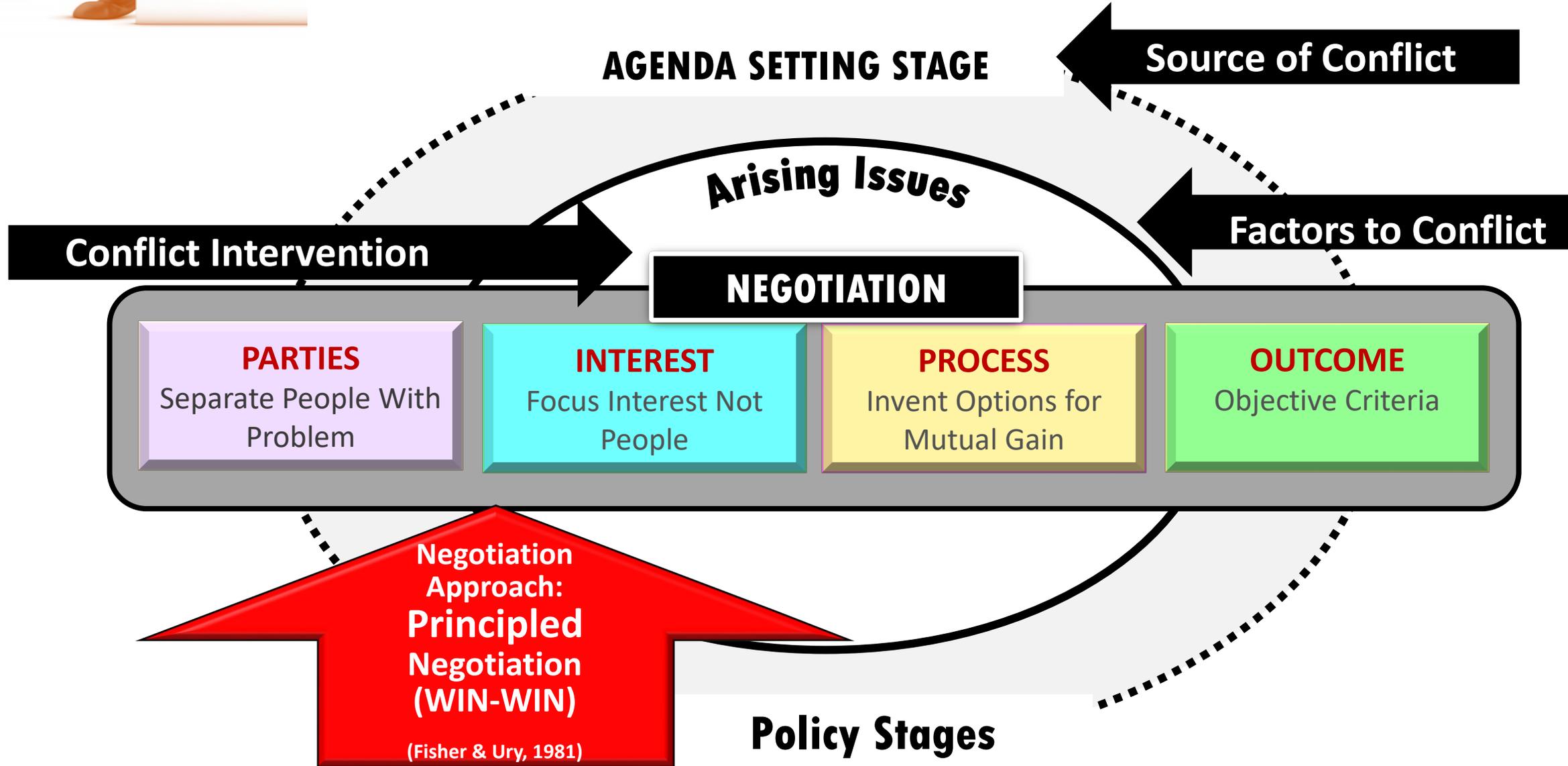**What happens at the stage has a decisive impact on the entire policy process and outcome** (Howlett&Ramesh, 2003)

...deal with intense public policy problem during policymaking process (Sabatier & Jenkins-Smith, 1999)

...based on integrative model which emphasizes joint problem solving (Patton, 2005)

CONCEPTUAL FRAMEWORK

10

Source of Conflict

AGENDA SETTING STAGE

Arising Issues

Factors to Conflict

Conflict Intervention

NEGOTIATION

PARTIES	INTEREST	PROCESS	OUTCOME
Separate People With Problem	Focus Interest Not People	Invent Options for Mutual Gain	Objective Criteria

Negotiation Approach: **Principled** Negotiation (WIN-WIN)

(Fisher & Ury, 1981)

Policy Stages

CHAPTER 2: LITERATURE VIEW

Conflict and Conflict Resolution in Policy Process

Theoretical Foundation
1) The Source of Conflict
2) The Factors to Conflict
3) The Conflict Resolution

Defining Public Policy

↓

Public Policymaking Process

LITERATURE REVIEW

Conceptual Framework [Parties; Interest; Process; Outcome]

Past Studies & Practices
International Study (Regulatory Negotiation) Vs
Local Studies(The National Policy on the Development and Implementation Regulation

R E S E A R C H   G A P

No policy formulation model with an equivalent level of acceptance in Malaysia (Ansori, 2013)

Public administrators involved in policy are normally **expected to anticipate the outcomes without proper procedures** (Abdul Gapar, 2010)

The only available source : the practice of Regulatory Negotiation. However the approach might need further investigation before it is adopted due to **different setting and context** (Afrina, 2002)

Role of negotiation in the public consultation is **not clearly explained** (MPC, 2013)

Numerous studies on Halal practices, even negotiation in Halal (Norhayati Rafida et al, 2010) but on the practice and operation in the field. **No discussion on negotiating Halal in the policy process**
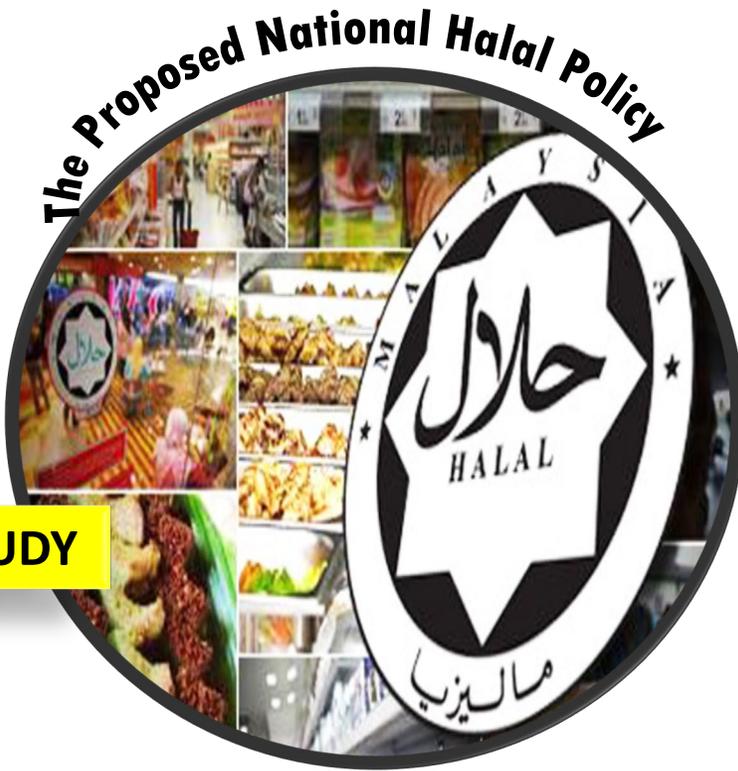
CHAPTER 3: RESEARCH METHODOLOGY

RESEARCH DESIGN

QUALITATIVE STUDY

- **Require in-depth study relating to negotiation**
  (Silverman, 2013)

- **Exclusive experience of participants attending the session**

- **Qualitative and study of policy process**
  (Grinell, 2007, O'Sullivan et al, 2003, Marshall & Rossman, 1999)

CASE STUDY

The Proposed National Halal Policy

❑ **Various Conflicting Interest**
❑ **Inadequate Communication**
❑ **At the Initial Stage of Process**
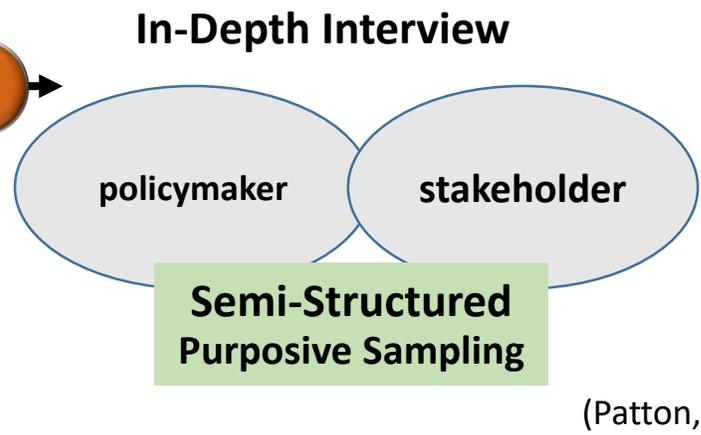❑ **No Comprehensive Policy**

(Majlis Halal Malaysia, 2017)

1 → **Document Analysis**
- Relevant Forms (mandatory)
- Meeting Kit
- Memos & Letter of Invitation
- Template Form for Discussion
- Final Proposal of the Discussion
- Discussion Photo of selected session
  (Meriam & Tisdell, 2016)

2 → **In-Depth Interview**

policymaker   stakeholder

Semi-Structured Purposive Sampling

(Patton, 2015)

3 → **Researcher's Role**

Researcher's networking and experience in policy development

(Silverman, 2013)

POPULATION AND SAMPLING

No	Group of Participants	Criteria
Team A Policymakers	Representative from policymakers	**directly involved in the policy discussions** of the proposed NHP, representing the organiser, either as the Secretariat or the facilitator or the Committee for the discussion
Team B Stakeholder	Representative from **key government agencies** Representative from **business or industrial sectors** Representative from **academia or researcher or field expert** Representative of any citizens, such as **the interested group like NGOs**	**directly invited and/or involved in the series of policy discussions** towards the development of the proposed NHP. This includes policy discussions relating to HIMP 2.0. The current HIMP is developed as part of the roadmap in developing the proposed NHP

No	Code	Gender	Work Category	Level of Bureaucracy
1	**P1**	Male	Government	**Senior Level**
2	**P2**	Female	Government	**Middle Level**
3	**P3**	Female	Government-Linked	**Senior Level**
4	**P4**	Male	Government-Linked	**Junior Level**
5	**S1**	Male	Government	**Middle Level**
6	**S2**	Female	Government	**Middle Level**
7	**S3**	Male	Government (Legal)	**Senior Level**
8	**S4**	Female	State Government	**Middle Level**
9	**S5**	Female	State Government	**Senior Level**
10	**S6**	Female	Research & Development	**Middle Level**
11	**S7**	Male	University Lecturer	**Senior Level**
12	**S8**	Male	Industrial	**Senior Level**
13	**S9**	Female	Industrial	**Middle Level**
14	**S10**	Male	NGO	**Senior Level**
15	**S11**	Male	NGO	**Senior Level**

DATA MANAGEMENT AND ANALYSIS

CONSTANT COMPARATIVE ANALYSIS
(Meriam,2009)
(analysis begins in the process of collecting data)

Organising data :

Version 12.0

Systematically manage and document all research data

Interview Analysis
OPEN CODING (coding process & selection)
CATEGORIES (cluster)
THEMES

(Cresswell, 2012, Silverman, 2013)

THEMATIC ANALYSIS

Theme – data grouped around a main issue (Brink&Wood, 1997)

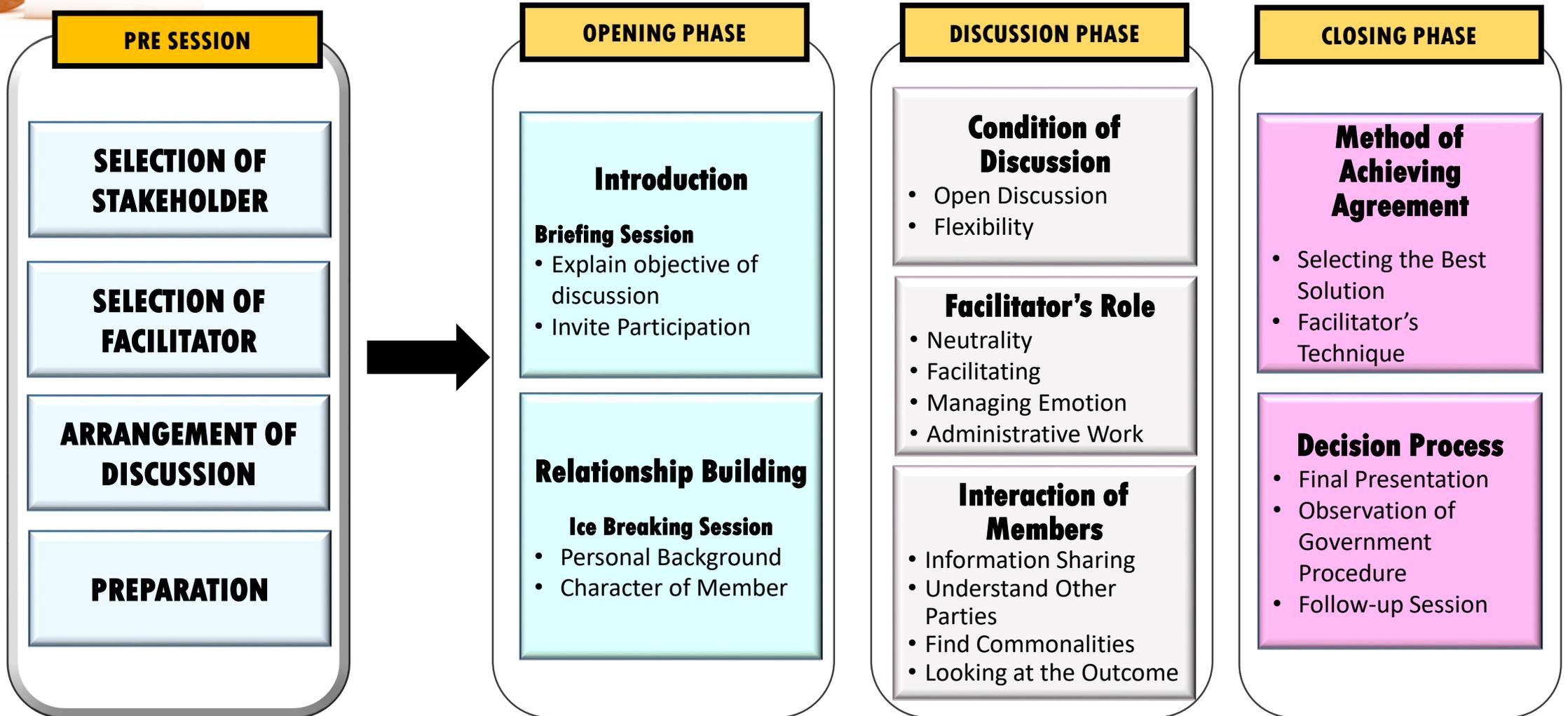**Axial Coding** Sub-themes (category) **Mutually Exclusive** (No duplication with other themes)
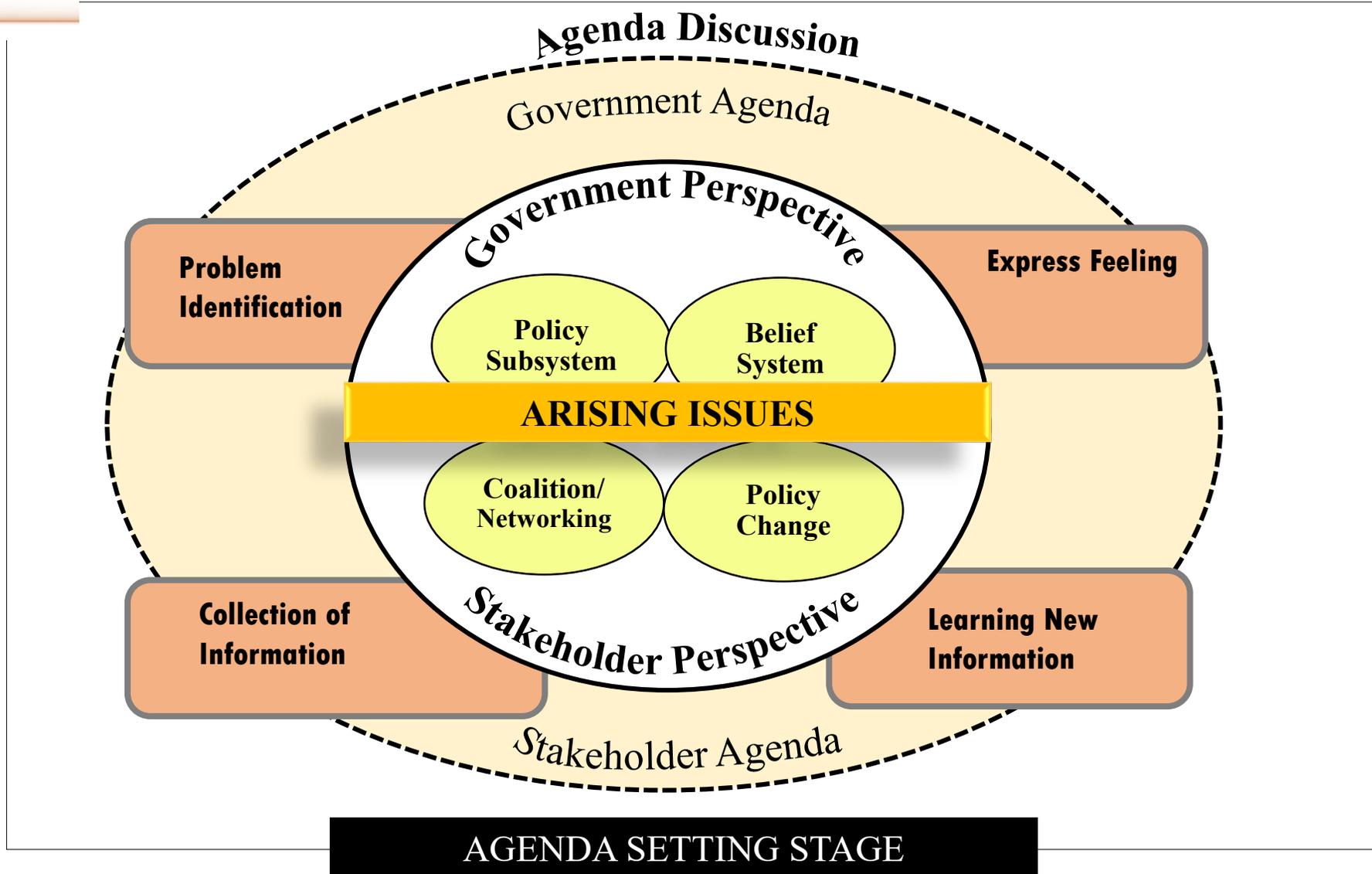
(Yin, 2011)

CHAPTER 4: RESULT

RQ 1 : THE NEGOTIATION PRACTICE IN THE PROCESS OF SETTING THE AGENDA OF THE PROPOSED NHP

PRE SESSION

- SELECTION OF STAKEHOLDER
- SELECTION OF FACILITATOR
- ARRANGEMENT OF DISCUSSION
- PREPARATION

OPENING PHASE

Introduction

Briefing Session
- Explain objective of discussion
- Invite Participation

Relationship Building

Ice Breaking Session
- Personal Background
- Character of Member

DISCUSSION PHASE

Condition of Discussion
- Open Discussion
- Flexibility

Facilitator's Role
- Neutrality
- Facilitating
- Managing Emotion
- Administrative Work

Interaction of Members
- Information Sharing
- Understand Other Parties
- Find Commonalities
- Looking at the Outcome

CLOSING PHASE

Method of Achieving Agreement
- Selecting the Best Solution
- Facilitator's Technique

Decision Process
- Final Presentation
- Observation of Government Procedure
- Follow-up Session

FORMAL DISCUSSION SESSION (Workshop/ Round Table Discussion/ Lab Discussion)

RQ 3 : PRINCIPLED NEGOTIATION IN THE PROCESS OF SETTING THE AGENDA OF THE PROPOSED NHP

PRINCIPLED NEGOTIATION
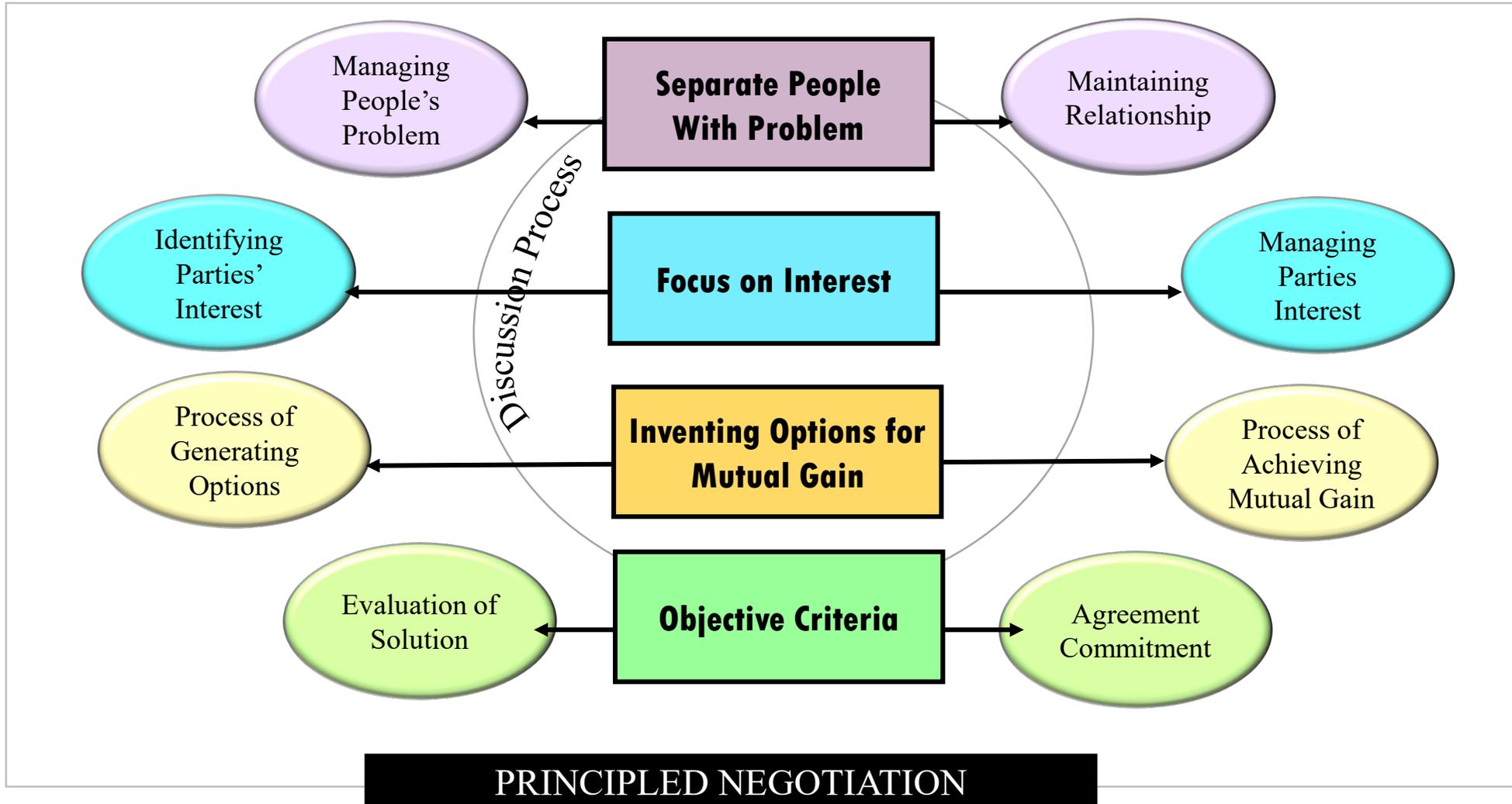
RQ 4 : GENERAL FOUNDATION OF NEGOTIATION FRAMEWORK IN SETTING THE AGENDA

AGENDA SETTING STAGE

NEGOTIATION PARTIES
- EXPECTATION ON FACILITATOR
- EXPECTATION ON STAKEHOLDERS

NEGOTIATION INTEREST
- DISCUSSION INPUT

NEGOTIATION PROCESS
- BRAIN-STORMING

NEGOTIATION OUTCOME
- FEEDBACK
- FOLLOW- UP

WIN-WIN APPROACH

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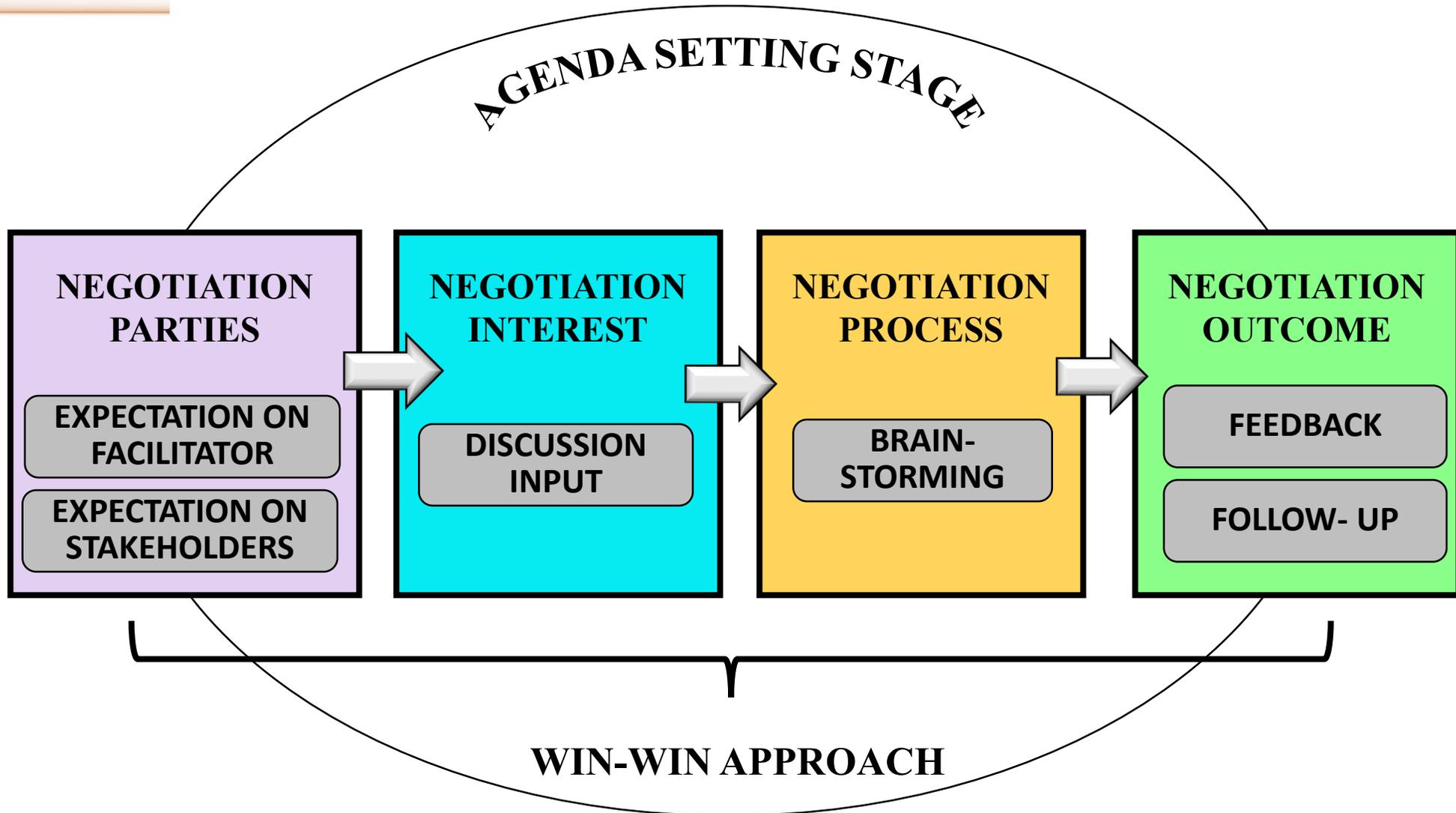
AGENDA SETTING STAGE

- Express Feeling
- Learning New Information
- Collection of Information
- Problem Identification

OPENING PHASE | **DISCUSSION PHASE** | **CLOSING PHASE**

PARTIES

- **SEPARATE PEOPLE FROM PROBLEM**
  - Managing People Problem
  - Maintaining Relationship

- **Facilitator**
- **Stakeholder**
- **Preparation**

PRE SESSION

Briefing
Ice Breaking

INTEREST

- **FOCUS INTEREST NOT PEOPLE**
  - Identifying Interest
  - Managing Interest

Role of Facilitator
Discussion Input
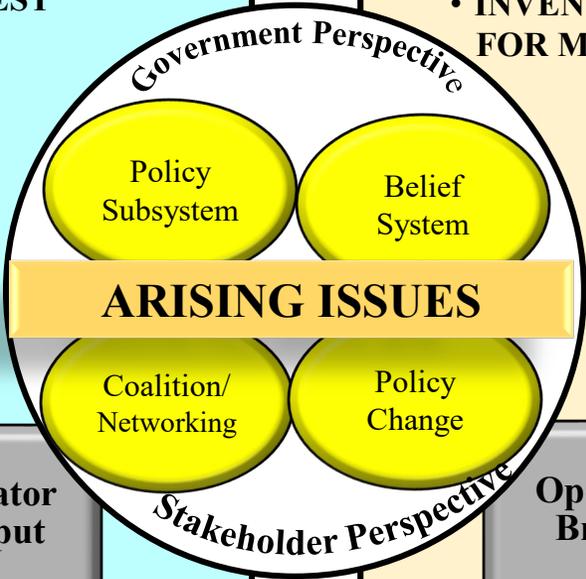
PROCESS

- **INVENT OPTION FOR MUTUAL GAIN**
  - Process of Generating Option
  - Process of Achieving Mutual Gain

Open Interaction
Brainstorming

OUTCOME

- **OBJECTIVE CRITERIA**
  - Evaluation of Solution
  - Agreement Commitment

Final Presentation
Feedback
Follow-Up Session

Government Perspective

Policy Subsystem | Belief System

ARISING ISSUES

Coalition/ Networking | Policy Change

Stakeholder Perspective

ROUND TABLE DISCUSSION/ WORKSHOP/ SEMINAR/ LAB

NEGOTIATION-BASED POLICYMAKING FRAMEWORK

The existing mechanism indicated negotiation is practiced with **<u>no structured guidance</u>**. The practice inclines to indicate **<u>integrative negotiation is adopted</u>** (win-win approach)

1

Various functions at the agenda setting stage which gives room for **<u>principled negotiation to operate</u>** and to address the arising issues at the stage

2

<u>Negotiation framework:</u> guide the consultation in the process of policymaking based on
(i) Existing practice
(ii) Concern and suggestion of policy participants

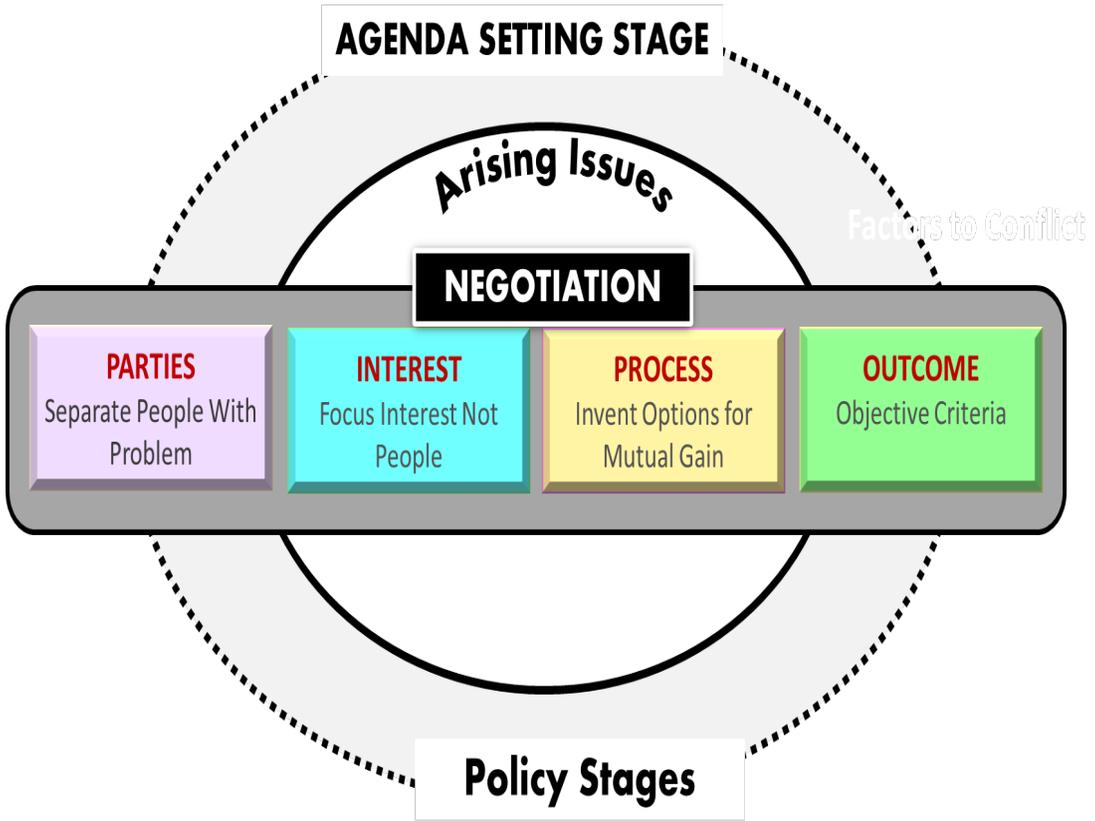It fills in **<u>the gap</u>** and provide better **<u>guidance</u>** for the **<u>consultation</u>**
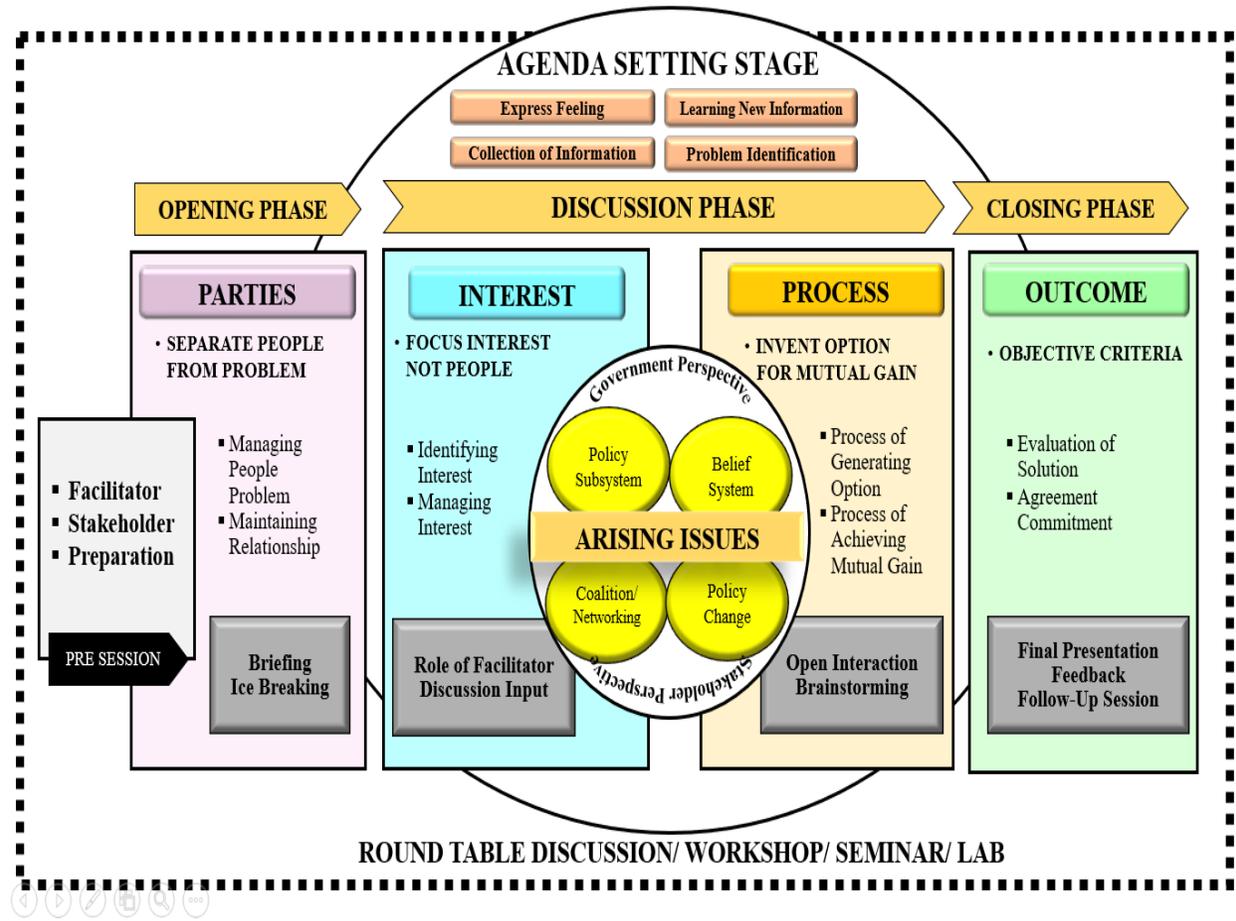
3
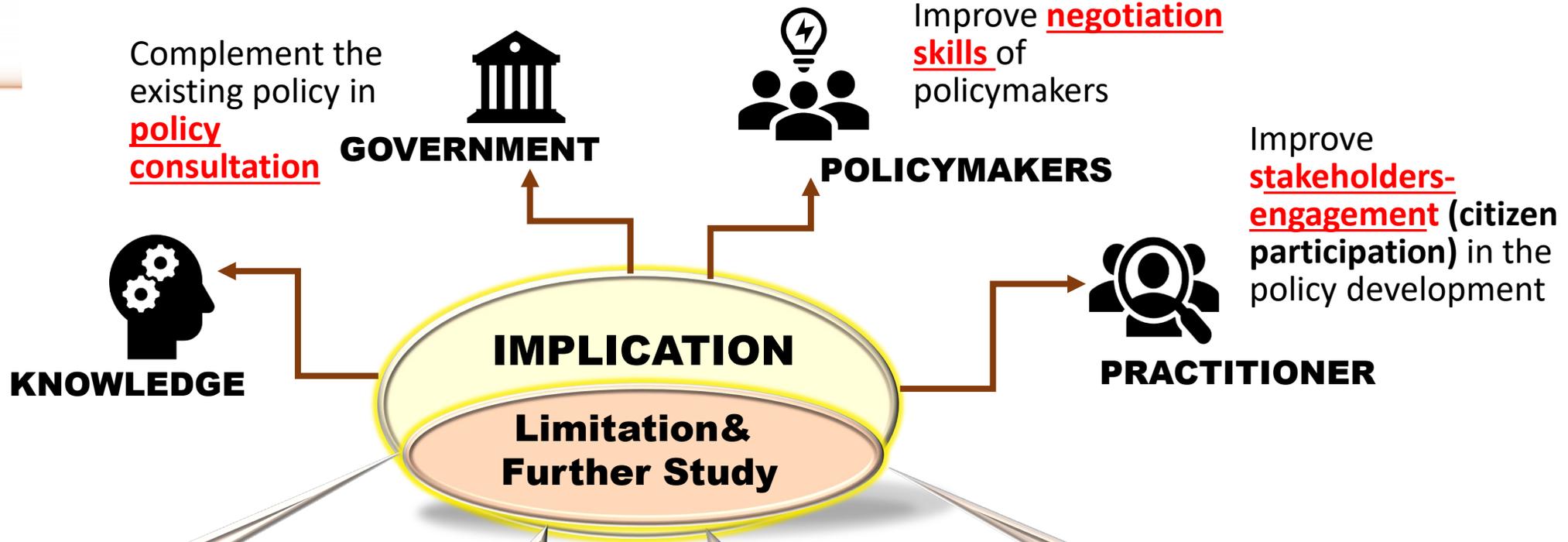
CONCEPTUAL FRAMEWORK

NEGOTIATION-BASED POLICYMAKING FRAMEWORK

CONCLUSION

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Empirical reference of developing countries negotiation in policymaking process
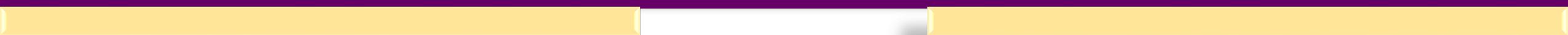Contribution to body of knowledge in **the field of policymaking and conflict resolution**

Complement the existing policy in **policy consultation**

GOVERNMENT

Improve **negotiation skills** of policymakers

POLICYMAKERS

Improve **stakeholders-engagement (citizen participation)** in the policy development

PRACTITIONER

KNOWLEDGE

IMPLICATION

Limitation& Further Study

Quantitative research to measure the extent of policy participants' understanding on negotiation

The role of other conflict management's tools in policy process (mediation/coalition)

The other stages of policy process (implementation / evaluation)

Policy and politic in policy process

THANK YOU