T02P31 / Drug Policy Analysis: Definition, Concepts and Methodology

Topic : T02 / Comparative Public Policy sponsored by Journal of Comparative Policy Analysis

Chair : Luis Rivera Velez (Center for Mexican and Central American Studies CEMCA)

Second Chair : anne philibert (Geneva University)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

Drug policy has been a subject of analysis since the 1980s, with a focus on the policymaking process, especially at an international level, dominated by the US and Europe. The main focus of research to date has been the conception and spread of the prohibitionist model in the Western World: the so-called "war on drugs". However, in reality drug policy has evolved during the last 30 years in a number of divergent directions. Suffering from a fashionable renewal linked to the development of new models of regulation of the drug markets, drug policy and its study need to be analyzed through a critical lens.

The aim of this panel is to explore the complexity of drug policy around the world, through analyses of both the policymaking process and the methodology used to generate that analysis. With the increase of complexity in the policymaking process, the very definition of drug policy has changed and needs to be re-examined. "Drug policy" now engenders question of public health, morality, security, human rights, economy, even as this definition changes across time and geography. In addition, actors are becoming more and more diverse. Beyond the state apparatus, multi-level governance is spreading (in different intensities according to the regions of the world) and the dynamics of change are moving away from the UN sphere. Bottom-up forces, rather than top-down political processes, are increasingly driving debates, legislation and implementations, and thus local experiences are having a greater impact on national and international policymaking.

This raises the question of how to measure this new complexity of drug policies. When studying the process of policymaking, implementation or evaluation, the scientific tools must take into account these new configurations. The panel thus seeks to question models, instruments and indicators that are often used in drug policy analyses in order to discuss the broader issue of causal inferences. Being a highly politicized subject, many studies expose a cause and effect link that is inclined to be biased for or against prohibition.

By raising these questions, the panel intends to encourage the conceptualization of drug policy analysis. Hence, papers comparing more than one case study or putting one case into perspective are privileged. Also, studies integrating a multidisciplinary approach are encouraged. The idea of the panel is to better understand how policies work and, in a policy science perspective, how academia can contribute to the renewal of knowledge around drug policy. In sum, by improving the understanding of drug related issues and proposing a new way of measuring drug related phenomena, the panel will enhance the studies of and for drug policy.

CALL FOR PAPERS

This panel aims to review the conceptualization of drug policy with a more systematic understanding of its analysis. We are looking for papers based on case studies that develop concepts and measuring tools that increase the operability of drug policy analysis.

The main themes of the panel are the following:

1. Drug policy definition. With the increasing diversity of drug policies, we are interested in studying the continuity or change of paradigms and ideas towards drugs inside the policies. As some countries have introduced a new approach to drug policy weakening the sanctions for drug policy offenders, others are reinforcing the old paradigm of strong repression. The current divergence calls into question the idea of a monolithic drug policy, and researchers ability to make meaningful comparisons.
2. Drug policies and the state. With the diversification of actors and levels of governance, we want to explore the role of consultants, think-tanks, interest groups, civil society, etc., in the production of knowledge for drug policy, the circulation of ideas, policy transfers and the multiplication of policy management. Although international organizations still have a nominal supremacy given by the conventions, authority over drug policymaking and outcomes is increasingly distributed among different organizations and actors.

3. Drug policy evaluation. Being a politicized issue, there are meaningful questions about the accuracy of existing measures of drug use, drug trafficking and drug policies. We encourage papers that question the metrics used to date, and which develop new ways to evaluate drug related issues, whether intended to supply input when developing policies or measure policy outcomes.

These themes are not mutually exclusive and we encourage papers that present a comparative perspective and that take into account approaches from other disciplines. The panel seeks to enhance the understanding and study of drug policy so originality is strongly encouraged.

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Session 1Alternative Approaches of Drugs Regulation

Wednesday, June 28th 14:00 to 16:00 (Oei Tiong Ham OTH 1 - 1)

Discussants

Luis Rivera Velez (Center for Mexican and Central American Studies CEMCA)

A comprehensive approach to drugs : prohibit, treat, regulate. Perspectives for a quiet revolution from the Netherlands, the US, and Uruguay.

anne philibert (Geneva University)

Various idea sets are encompassed in the field of drug policy, with instruments ranging from repression, care, harm reduction, drug prevention, or, more recently, legalization. In many national contexts, the political management of the « drug problem » encompasses a wide range of measures; all of these aforementioned instruments combine, to varying degrees. These instruments reflect the norms, beliefs and values ??in the field of drug control, and outline the role of the State in a tension between its duty to protect drug users and the recognition of drug users' individual responsibility to protect themselves. Based on research with the ultimate goal to understand the driving forces of political change in the context of three states that have chosen to try alternative drug regulation policies (Netherlands, Colorado, Uruguay), we propose a cross-sectional analysis of drug regulation. In other words, our first goal is to clarify how the issue of "drug control" is defined in our case studies, and how it is reflected in the policies set in place. Next, the modes of governance in force and how different types of actors, with their own definitions of the problem, are integrated into the decision-making process. Finally, we propose a typology of the different models studied on the results of our analysis of the two differing idea sets, which we will extend to other national cases that propose alternative drug policies in order to gain a better understanding of the various referentials that exist in the drug policy field.

Participatory democracy and drug policy

Alison Ritter (UNSW)

Kari Lancaster

Rosalyn Diprose

Now is a time of change in drug policy globally. Progressive policies are becoming more common (such as the legalisation of recreational cannabis in some US states and in Uruguay) at the same time as more prohibitionist and strict regimes are emerging (through for example the influence of China at the UN, and the extrajudicial killings in the Philippines). These developments have not been driven by linear, incremental processes, nor been concerned with implementing policies based on the 'evidence'. In practice, policy makers rarely operate in line with the 'evidence-based policy' (EBP) paradigm. Indeed, the EBP paradigm is now being questioned as the basis for policy reform. This raises some fundamental challenges for drug policy researchers. In the first instance, 'evidence' comes to be understood as encompassing knowledge(s) beyond the traditional notion of scientific research. Secondly, the need for real and meaningful engagement with people who use drugs (the community most directly affected by drug policy) is essential. Thirdly, researchers may need to cede their hitherto privileged position as 'experts' in policy processes [1] and consider (and work with) participatory democracy. This paper will explore the ways in which the theory and practice of participatory democracy, defined provisionally as the inclusion of a range of people in important policy decisions, intersects with drug policy processes. To date, very little has been written about the

application of participatory democracy to drugs policy. We suspect this is because of a lack of multi-disciplinary thinking (across public health, political science, public policy). It may also be that researchers unthinkingly assume, following the 'public understanding of science' model, that the problem is a deficit of knowledge in the public. An alternative is to consider that the public/s have rich knowledge of a different kind. The effective engagement of the public/s in policy is essential for its acceptability and effectiveness [2]. We need new tools to integrate diverse knowledges: research evidence, public opinion and lived experience. In this paper the role of drug summits, citizen's juries and other dialogic process will be explored. A number of theorists will be drawn on, including Stengers' [3] democratic ethic, Hoppe's [4] notion of 'selective affinities' and Jasanoff's work on civic epistemologies. As noted by Jasanoff [5] (p.258) the public is the "proving ground for competing knowledge claims" and the "theatre for establishing the credibility of state actions". Participatory democracy is an essential ingredient in transforming drug policy.

References

1. Ritter A. The privileged role of researchers in 'evidence-based' policy: implications and engagement of other voices. Drug and Alcohol Today. 2015;15(4):181-91.

2. Diepeveen S, et al. Public acceptability of government intervention to change health-related behaviours: a systematic review and narrative synthesis. BMC Public Health. 2013;13(1):756.

3. Stengers S, et al. Drugs: Ethical choice or moral consensus. Power and Invention: Situating Science. Minneapolis: University of Minnesota Press; 1997.

4. Hoppe R. The governance of problems. Bristol: The Policy Press; 2010.

5. Jasanoff S. Designs on Nature: Science and Democracy in Europe and the United States: Princeton Uni Press; 2007.

State and Drug Policies: A mitigation-of-risk policy appraisal

Oliver Meza (Tecnologico de Monterrey)

Edgar Guerra (Consejo Nacional de Humanidades, Ciencias y Tecnologías CONAHCYT)

How to define the policy problem associated with illegal drug markets and consumption? How do we evaluate the success and failure of the State regarding its drug policy issues? Considerable public debate has been devoted around drug policy and drug policy reform, but still little is done in terms of determining what drug policies should seek and how their success or failure should be assessed. Drug policies around the world have been designed in ways where two key assumptions are take as given: (i) that drugs can be scrapped from the face of earth and (ii) that certain drugs are inherently bad for individuals and society, and hence should be illegal. A definition of a problem stated under these assumptions is not only imprecise and incomplete, but has yielded a number of collateral damage intrinsically associated to the definition of the problem itself.

This research attempts to structure a policy definition regarding illegal drugs. It removes the commonly granted assumptions and plays with the notion of mitigation of risk. Its main appraisal is to think the state as a buffer of risk and therefore deconstruct the drug problem in a way that clarifies what the task of the States could be, and how they could be more efficacious in buying-in risk from society at-large. To illustrate this notion, we borrowed ideas from methodologies from the policy analysis literature, and elaborate a theory of change that shaped a platform of indicators for several countries. We started with a scrap proposal of problem definition and later discussed it along a series of focus groups that gathered experts in various topics. From this exercise we draw information to complement and arrive to a more sophisticated definition. We then turned the problem into specific objectives that yields information as to what the State could to do in order to undertake a-mitigation-of-risk appraisal around the theme of illegal drugs.

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Session 2Methodology and Drug Policy Evaluation

Wednesday, June 28th 16:15 to 18:15 (Oei Tiong Ham OTH 1 - 1)

Discussants

anne philibert (Geneva University)

Measuring the effectiveness of ASEAN's drug control strategy

Gloria Lai (International Drug Policy Consortium)

Evaluating the implementation of ASEAN's strategy and workplan for drug control is an essential component of evidence-based policy making in response to the use and supply of illicit drugs in Southeast Asia. It is also necessary for such an evaluation to consider the effectiveness of the strategy itself in addressing the full range of drug-related problems encountered in the region.

The Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together (the Declaration) of November 2015 sets out a vision for the realisation of an:

inclusive and responsive community that ensures our peoples enjoy human rights and fundamental freedoms as well as thrive in a just, democratic, harmonious and gender-sensitive environment in accordance with the principles of democracy, good governance and the rule of law.

In specific relation to drug policy, the ASEAN Political-Security Community Blueprint includes commitments to:

i. Develop holistic, integrated and balanced strategies, addressing both supply and demand reduction, to achieve a balance between treatment and rehabilitation approaches as well as the law enforcement approach in combating drug crimes, and;

ii. Develop evidence-based best practices and standards on policy formulation and interventions on drug prevention and control and other related measures.

The effectiveness and ineffectiveness of ASEAN's adoption of objectives focused on eradicating drug markets need to be evaluated against its ability to achieve improved outcomes for public health, development and security. The negative consequences of existing drug control policies also need to be identified and acknowledged in order to evaluate the most serious harms relating to drugs, including the human development challenges faced by opium cultivating communities, excessive levels of arrests, punishment and incarceration caused by disproportionate penalties for drug offences, and the HIV and other health risks faced by people who use drugs.

In order to accurately and comprehensively measure the 'success' of ASEAN's drug control strategy, existing indicators need to be reviewed so that not only rates of arrest and volumes of seizures are measured. Indicators that measure the actual impact of drug policies should be included in the evaluation, such as: increase in the age of initiation of drug use, reduction in the number of drug overdose deaths, and increased scale and coverage of evidence-based, voluntary drug dependence treatment services. An effective evaluation would also need to be transparent and inclusive, by incorporating feedback from communities impacted by drug policies such as people who use drugs, people imprisoned for drug offences and their families.

Fixing the Drug Problem, Ignoring the Workplace : the Promotion of Expertise and Medical Tools against Occupational Drug Use. The case of drug testing in France and in the United States.

Renaud Crespin (CNRS - CSO -SciencesPo)

For a few years, the field of public policy analysis has developed a critical thinking on tools and instruments of government which renews the debate on the way public action is structured. Based on a non-restrictive definition of the concept of instruments (or tools) those works propose to consider questions on public policies change by the analysis of the instrumentation processes. One interest of this approach is to break with a functionalist design which tends to regard instruments as neutral data in the development of public-decision making. We assume that public action instruments would be carrying an implicit political theorization such as condensed forms of knowledge of social power and the ways of exerting it. Based on our compared case studies on regulation and appropriation of drug testing instruments in the workplace in France and in the United States we will show that such an implicit theorization is not stabilised once for all in the instruments. Such theorization can be redefined in specific social and political configurations. Thus we aim question to drift apart from approaches which tends to consider the instrumental variable as an independent one (even if they take into consideration its weight) in order to locate or evaluate the scope of public action change. To do so we propose to move the "traditional" questioning of " Do public action change? " towards "through what change occurs ?". To analyse public change through instruments can be productive if it takes into account the conditions under and by which change takes place in the purposes allotted to public use of instruments. To understand change concerning instrumentation of public action can not be separated from an analysis of mobilizations of various actors (social movements, experts, politics), knowledge and expertise (quantification and figures to evaluate the drug problem at work, kind of knowledge upholding the testing solution) and from conflicts in defining the uses of instruments. Comparing the social career of drug testing in french and north-american worplaces is therefore to attempt to understand how these biological tools helps us to caracterize the permanence of repressive approaches to prevent drug uses, in particular by using health knowledge to redefine the risks associated with this practice. It is also an attempt to describe certain effects that drug testing solution has on the definition of the problem of employee drug use at work. Among these effects, we focus on the reduction of the problem to an individual issue that tends to ignore (or hide) on one hand, the diversity, variety of drug use by employee and, on the other hand, more collective and pratical work-based explanations.

The last opium war?: Roles of the state and opium poppy eradication in northern Thailand

Patamawadee Jongruck (Chiang Mai University)

Bobby Anderson (Union of Myanmar National Community Driven Development Project)

Thailand's opium poppy eradication policy is undoubtedly a success. Cultivation dropped from 100,000 to 1,500 hectares in 40 years, and has shifted almost entirely to Laos and Myanmar. One outlier exists: Chiang Mai's far southwestern district, Omkoi district, where the majority of known opium cultivation in Thailand occurs. This remote district has the largest amount of hectares under cultivation, the highest volume of opium poppy seizures, and an increasing number of injecting addicts. The problem is not simply one of illegality, however: Omkoi is one of the last areas of Thailand where the state has yet to assert itself. 90% of the district is designated national forest land but a large ethnic Karen population lives there, in areas where there is limited or no access to schools, health centers, or roads; many Karen lack citizenship and land tenure, and so have little other option than to grow opium, which has a short growth cycle and a high rate of return. The problem the Thai state faces is not primarily a question of crime, but one of governance and multiple policy trade-offs, and the final extension of its presence and services into one of the last parts of the highlands that remains beyond its surveillance and coercion- the last step in a long process of highland assimilation that the lowland Thai state has engaged in for centuries.