



Editorial

Towards good governance in drug policy: Evidence, stakeholders and politics

**What is this thing called governance?**

The concept of 'governance' has introduced new ideas from political theory and public/social administration into contemporary discussion of drug issues. While there is a growing literature on this topic, there is no one generally agreed definition and, for some, the term may be relatively unfamiliar – more so in some languages than others. It appears that use of the concept 'governance' is more prominent in 'Anglo-Saxon' and English-speaking countries, where political forces have argued for a reduction in the role of the state; others think that it links to proposals for a pluralist (rather than class-based) democracy; or that it is a feature of the current phase of 'global regulatory capitalism', as argued by Toby Seddon in this special issue (Seddon, 2014). There are a number of common features in these discussions: attention is drawn to the need for new processes of governing in increasingly complex societies and to the intense pressures deriving from globalisation and technological change.

A key assumption is that new forms of linkage between actors are developing. This is apparent firstly internationally, since the boundaries of the nation-state are more permeable in a globalised world and new modes of coordination are now required – complexity and change are major themes in this literature; and secondly in an awareness of the limits to the power of national governments with the hollowing out of the state and an increase in the potential influence of local levels of government, civil society, and private enterprise. Although understandings of the concept and definitions may differ, issues raised include: the role of networks and policy communities; the influence of different stakeholders and interests on the design and implementation of policy; the shape of the new public management – such as forms of contracting and compliance procedures; new styles of governing in multi-level arrangements, such as those of the European Union; and links between the public and private sectors and with civil society.

The study of governance in illicit drugs policy has developed substantially through the activities of Australian researchers (for example, Fraser & Moore, 2011; Hughes, Ritter, & Mabbitt, 2013) and Australian research figures prominently in this special issue (Hughes, Ritter, & Cowdery, 2014; Lancaster, 2014; Lancaster & Ritter, 2014), while in the UK the issue was recently given prominence through a programme of work under the auspices of the UK Drug Policy Commission (UKDPC) (UKDPC, 2012). There is also a significant body of work emerging from the ALICE RAP research

(*Addictions and Lifestyles in Contemporary Europe – Reframing Addictions Project*) funded by the European Commission's Seventh Framework Programme – which includes work on addiction governance (led by Franz Trautmann who is a guest editor of this issue), as well as other research including on the changing history of concepts of addiction (cf Berridge & Mold, 2014) and on the role of stakeholders in addiction policy development (see articles in this special issue by Duke & Thom, 2014; Houborg & Frank, 2014).

Within ALICE RAP, the following definition of governance is used: 'Governance is the way in which a society or organisation steers itself, including the response to outbreaks and the course of events, something which involves many players, multiple agencies and sites, with action on many levels, from global to local'. Other definitions of governance focus more on the implementation aspects of policy: 'Governance refers to the processes and mechanisms by which policy is directed, controlled and held to account' (Hughes, Lodge, & Ritter, 2010). For the UKDPC, governance is how policy is made and implemented rather than what the policy is (UKDPC, 2012) or as Nicola Singleton and Jennifer Rubin put it 'the mechanisms, processes and structures through which policy is informed, made, implemented and assessed' (Singleton & Rubin, 2014).

The question of the peculiarities of illicit drugs policy immediately arises. Where substances are controlled through the criminal law (an outcome of the international drug control regime), there may be less space or freedom to formulate new ways to manage 'the problem' compared to other related fields (such as tobacco, alcohol, medicines, or food) where more diverse forms of regulation are available and where there is a wider range of influential stakeholder. For illicit drugs, the state and the formal institutions of government remain dominant, as argued by Esben Houborg and Vibeke Asmussen Frank, who note the continuing importance of control of legislative and governmental institutions and conclude that the space for governance seems to be limited in a drug policy that is prohibitive, at least when it touches on issues that concern law enforcement and the sovereign power of the state (Houborg & Frank, 2014).

This is an empirical question and several of the case-studies in this special issue provide some answers. Giulia Federica Zampini notes the opposition between concepts of government and governance but sees this as a false dichotomy (Zampini, 2014). The central issue is the distribution of power among the various players and resource allocation can be a key steering and directing

mechanism available to government. Government is still essential to make things happen through its role as legislator and in allocating resources. Zampini observes variation between countries which seems to relate to the nature of their political system – such as whether centralist or federalist (Zampini, 2014). It does appear that government remains stronger in two party, centralised systems, while there is space for more voices and interests in devolved administrations, especially where a proportional representation system operates and the need to form coalitions is accepted.

Another issue is of relations between the international, national and local in deciding on drugs policies. The globalisation literature tends to see a reduction in the power of the nation-state versus the international level but again here illicit drugs may be an exceptional, odd case as the rules of the game have been set at the international level for over one hundred years and large international agencies like UNODC, CND and WHO, as well as philanthropic foundations, have long played key roles. David Bewley-Taylor refers to the role of overarching normative frameworks and of organising, often legitimising, policy narratives which link issues across policy areas. His case study of the development of counter narcotics policy in Afghanistan interestingly took place in a context of a ‘governance vacuum’ into which a number of international players moved and jostled for influence (Bewley-Taylor, 2014). Transfer agents (such as consultants), helping to transplant policies from country to country or from international agencies to national governments, are seen to operate at various levels – international, state and inter-organisational.

Carel Edwards and Maurice Galla have directly observed the continuing importance of national governments in policy decisions taken at international level. They also point out that, even in the European Union, ‘very few Member States have either the socio-political culture or the resources to consistently apply the punitive sanctions foreseen by the UN Conventions’ (Edwards & Galla, 2014). Hughes, Ritter and Cowdery’s case study supports this observation, indicating the potential for variation in interpretations of general rules of prohibition at national or state level (Hughes et al., 2014). It is interesting to note that in practice the *implementation* of laws involves the application of ‘simple benchmarks’ to speed up decisions; these are perhaps necessary short cuts but inevitably lead to arbitrariness and injustice in individual cases.

The idea(I) of good governance

Emerging from these observations are ideas of ‘good governance’ as promoted by the UK Drug Policy Commission (Hamilton, Rubin, & Singleton, 2012). A number of concrete benefits could, it is suggested, be expected to follow from the adoption of ‘good governance’, such as improving effectiveness, legitimacy and accountability: this might be, for example, through better steering of processes, improving commitment/ownership of an issue or policy by involving relevant stakeholders, and deterring corruption or inefficiency by emphasising transparency and regular review and scrutiny of decisions and activities. The focus of attention is on how decisions are made. A fundamental as yet unresolved question however is whether paying attention to good governance would actually improve the design and outcomes of policy.

Singleton and Rubin ask whether drug or any other policy can be improved by changing governance processes (that is, the way in which policy is made, changed and scrutinised) (Singleton & Rubin, 2014)? They note that drug policy is a particularly contentious issue. The key elements for good governance they identify as: goals; leadership and coordination; use of evidence; feedback and learning; and stakeholder engagement – as well as accountability. They link their prescriptions to theories of deliberative governance and stress the need for a safe space in which debate can take place. In this, they echo ideas put forward by political theorists such as

Bernard Crick who, in his classic *In Defence of Politics*, stressed the role of dialogue in improving democratic processes: politics, he wrote, ‘provides conditions for deliberate social change by which groups can come to feel that they have an equitable stake in the prosperity and survival of the community . . . out of their dialogue, progress is possible . . . Politics, then, is a way of ruling in divided societies without undue violence’ (Crick, 2005: 113–114).

While this may be argued to be a good in itself, it remains uncertain whether providing the conditions for good governance, such as including all relevant stakeholders, would actually produce better policy. It is likely that the result would be a compromise (mish-mash or fudge) of contradictory and opposing views with no settled resolution—especially likely to be the case where fundamental beliefs diverge radically. The wide range of stakeholders and the variety of perspectives and goals they bring to the drug policy debate are highlighted in the EMCDDA research study carried out by O’Gorman, Quigley, Zobel, and Moore (2014).

The varying influences of government agendas, public concerns and expert opinion are a constant theme in the case studies presented in this special issue. Most give detailed accounts and analyses of the policy process, identifying key issues around agenda setting, problem-framing and stakeholder involvement and the complex manoeuvres that link formal institutions and informal networks, as described in Edwards and Galla’s analysis of EU illicit drug policy (Edwards & Galla, 2014). Hughes, Ritter and Cowdery note that the famous example of the US 1986 decisions regarding cocaine powder and crack cocaine came about because Congress by-passed much of its usual deliberative legislative process – implying that adherence to good governance might have prevented this outstanding example of arbitrary and discriminatory policy. They also note a failure to adopt principles of good governance in Australia’s New South Wales where the government there ‘failed to build a subsequent review into the reform process’ (Hughes et al., 2014).

Toby Seddon also discusses the idea of good governance, asking ‘put bluntly, are the current mechanisms for making drug policy up to the job?’ He observes that the control apparatus is struggling to cope with the level and pace of innovation regarding new psychoactive substances (NPS) and use of the Internet. He offers suggestions for a new approach (Seddon, 2014). Markus Schultze-Kraft comments that a governance perspective rose to prominence in the post-Cold War, globalised world where the exercise of political authority was perceived to have become more complex, ambiguous and contested. He suggests that applying a governance lens to drug policy issues could contribute to bringing key new players on board, especially helping to engage the international development community (Schultze-Kraft, 2014).

Lancaster and Ritter, reflecting on their case study, attempt to identify the features that make for effective collaborative work; these seem to involve shared values and interests and the development of trust through involvement in cooperative activity (Lancaster & Ritter, 2014). Both committees and networks are important elements, with committees playing a key role in legitimating decisions and actions (this is seen also in other case studies – Wincup, 2014; Bewley-Taylor, 2014; McKeganey, 2014). Experts too play a legitimating role and may increase the political strength of less powerful people, such as drug users, by working in partnership with them. In Europe, civil servants within the European Commission sponsored and encouraged civil society involvement in the processes of illicit drug policy development (Edwards & Galla, 2014).

Methods of research

An interesting feature of research in this area is that of the methods employed. Research often adopts a (sometimes historical,

sometimes comparative) case study approach (e.g. [Bewley-Taylor, 2014](#); [Duke & Thom, 2014](#); [Edwards & Galla, 2014](#); [Houborg & Frank, 2014](#); [Hughes et al., 2014](#); [Lancaster & Ritter, 2014](#); [Monaghan, 2014](#); [Wincup, 2014](#); [Zampini, 2014](#)) supplemented by interviews (e.g. [Duke & Thom, 2014](#); [Zampini, 2014](#)) participant observation (e.g. [Bewley-Taylor, 2014](#); [Edwards & Galla, 2014](#); [McKeganey, 2014](#)) and consultations ([Singleton & Rubin, 2014](#)). These methods allow more in-depth analysis of forces and factors operating in the decision making and implementation process. It is common to review key documents (e.g. [Houborg & Frank, 2014](#)) and analyse these in terms of the roles of formal policy actors, public opinion, research or data, and definitions or framings of problems. However in this field, the rarity of use of quantitative methods may be seen as a weakness and an area of importance for future development.

The evidence-policy relationship

Mark Monaghan asks what do we call evidence ([Monaghan, 2014](#))? How is evidence valued and constructed? Good governance may be thought to involve respect for evidence but exactly what kind of evidence? Monaghan points out the need for a mechanism for agreeing what counts as evidence and observes the role of committees in this process. Lancaster and Ritter too in their case study note the role of committees and networks, in their case operating in non-crisis situations ([Lancaster & Ritter, 2014](#)).

The same theme is elaborated in a commentary by Kerri Lancaster, who notes that evidence-based policy has become the watch-cry of the drug policy field. All the activity in this area is premised on the assumption that increased uptake of evidence in policy decision-making would improve outcomes and increase the legitimacy of decisions made. She challenges the dominant paradigm which positions researchers as depoliticised producers of policy-relevant knowledge, noting that by producing knowledge for pre-set questions researchers become implicated in particular modes of governance. She highlights the way that evidence becomes inextricably linked with particular agendas and sees the process as a dynamic and evolving one where the problem, relevant 'knowledges', technologies of governing and participants are constantly renegotiated ([Lancaster, 2014](#)).

Hughes, Ritter and Cowdery note the 'haphazard way that research and data were used' in their case study and that the thresholds adopted were based on assumptions and uncertain evidence. While accepting the value of the precautionary principle, they ask to what extent should policy develop in the absence of evidence ([Hughes et al., 2014](#))? Neil McKeganey comments on the politicised decisions in UK policy moves towards a recovery focus and observes a lack of respect for scientific endeavour and interesting lack of practitioner involvement in this process. He raises the question of how sustainable are decisions taken without respect for evidence ([McKeganey, 2014](#)). He argues that research evidence is not however definitive and uncontroversial but rather is constructed by the research methods used and can generate considerable dissent and debate. Emma Wincup argues that rights-based arguments carried more weight than those about evidence in the case of drug testing policies ([Wincup, 2014](#)). The complexity of the relationship between evidence and the policy process is also highlighted by Roberts and he draws attention to the challenges inherent in attempts to reconcile inclusiveness and democracy on the one hand with the utilisation of expertise and knowledge ([Roberts, 2014](#)).

Stakeholders and policy networks

Stakeholders (a concept that has its origins in the American ideal of a property owning democracy where individuals or groups have

a stake or right to ownership) are sometimes also referred to as policy actors, seen as playing roles on a political stage. Research analysts observe who the key people are, how they forge alliances and how they adopt strategies. Many of the studies in this special issue utilise the concept of policy networks in describing and analysing the political process. In addition, Wincup notes the influence of particular individuals ([Wincup, 2014](#)). The case of EU illicit drug policy, analysed by Edwards and Galla, also shows the roles played by individuals, especially when they occupy key positions within institutions ([Edwards & Galla, 2014](#)). Bewley-Taylor considers the role of policy transfer where the interactions and attitudes of individuals and agencies shape what gets taken up and what is resisted ([Bewley-Taylor, 2014](#)).

The outcome of a policy process may reflect who is included and who excluded from participation as well as the relative power of different groups or individuals. McKeganey, for example, identifies scientists, doctors, journalists and researchers ([McKeganey, 2014](#)); Houborg and Frank see different sectors involved—public, private and civil society ([Houborg & Frank, 2014](#)); Bewley-Taylor notes the role of outside non-Afghan actors, government ministries, international organisations, international non-governmental organisations (World Bank, European Commission) – each with different competing perspectives ([Bewley-Taylor, 2014](#)). Edwards and Galla's account of EU illicit drug policy shows the critical influence of civil servants within the European Commission, sometimes acting in alliance with researchers or NGOs, in shaping the path of policy ([Edwards & Galla, 2014](#)). The interest of the European Union in engaging with civil society is illustrated by O'Gorman, Quigley, Zobel and Moore who report findings from an EMCDDA-funded project that sought to categorise the many (over 200) advocacy organisations involved in drug policy in Europe ([O'Gorman et al., 2014](#)). Other stakeholders/policy actors noted in the various case studies in this special issue include think tanks, advocacy groups and the media, consultants, experts, NGOs, the military, US government, and service users.

In the case of policy development around thresholds to be applied in determining sentencing in Australia's New South Wales, it was a crucial observation that police were not involved as stakeholders, the implication being that decisions might have been better informed if they had been ([Hughes et al., 2014](#)). Houborg and Frank also consider who are included and who excluded from the policy process ([Houborg & Frank, 2014](#)). Their account is interesting to read in combination with that of Duke and Thom who also note the varying power of different stakeholders ([Duke & Thom, 2014](#)). As with other case studies in this issue, these accounts demonstrate the influential role of experts and committees but also that there can emerge challenges to the dominance of scientific evidence. The overall implication is that a greater range of people can become involved if initiatives are taken at the local level where it is more feasible for government and non-government actors to operate together and where spaces for negotiation exist. However, as Roberts discusses from a UK perspective ([Roberts, 2014](#)), reconciling the different perspectives is challenging and consultation processes often struggle to achieve this.

Conclusion

What emerges is the need for the policy decision process to be flexible, adapting to different substances and contexts, and cognisant of the importance of appropriateness, that is reflecting different local and national needs and cultures. As Wincup observes, the character of networks and use of argumentation or evidence and modes of governance are all inter-related ([Wincup, 2014](#)).

One assumption in the governance literature is that transparency is a good in itself and that where it is present better policy

will be produced. The account of EU illicit drug policy provided by Edwards and Galla offers some food for thought here (Edwards & Galla, 2014). The dreams of transparency are no match for the demands of realpolitik. Their account demonstrates that policy development is a highly complex and technical matter. Good governance rests on accumulated wisdom and the ability to learn lessons from evidence and experience: this is challenged by structural changes or just by the inevitable generational turnover. Even in the EU, with the wealth of evidence accumulated by EMCDDA, policies adopted may not necessarily be the most effective or appropriate.

Edwards and Galla conclude that the European Union has however managed to produce 'realistic, cooperative and science based drug policy' most of the time in most countries (Edwards & Galla, 2014). But this seems to have emerged most successfully where policies developed behind the scenes, away from the eye of the media or the general public. But decisions taken by experts and insiders are not what representative democracy is supposed to be about. The challenge for proponents of good governance is to show how to marry the goals of transparency and democratic accountability with respect for logic and evidence. We hope that the empirical accounts and critical analyses set out in this special edition will help to illuminate the issues involved and generate further reflection on the way forward.

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