



Research paper

Legitimacy and modernity via policy transfer: The utility of the 2003 Afghan National Drug Control Strategy



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ABSTRACT

Very much an exercise in historical reconstruction, this article is concerned with the development of the first version of the Afghan NDCS. It is hoped that this domain of enquiry will contribute to discussions around the 'governance of drug policy' in this special issue of the *International Journal of Drug Policy* by focusing on how different policy actors operate in influencing the policy process; or parts thereof. More specifically, exploration of the formulation of the Strategy does much to help us understand not only the origins and shifting nature of ownership of drug policy within Afghanistan but also the relationship between the NDCS and the broader normative expectations of what has been referred to as the global drug prohibition regime (Andreas & Nadelmann, 2006, p. 38). As will be discussed, while indisputably the product of a process of policy transfer involving a number of non-Afghan actors – and as such arguably not always appropriate to the peculiarities of the drug market within the country – it can be argued that the 2003 National Drug Control Strategy fulfilled a useful functional role that in many ways exceeded its utility as a guiding document beyond the confines of Kabul.

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Introduction

Within the context of what looked set to be record levels of opium cultivation in Afghanistan in 2013,¹ (United Nations Office on Drugs and Crime & Islamic Republic of Afghanistan Ministry of Counter Narcotics, 2013a), it is interesting to note the stance of the International Narcotics Control Board (INCB or Board). In its Annual Report for 2012, published in March 2013, the Board chose among other things to emphasize the importance of the Afghan National Drug Control Strategy (NDCS) in that government's response to not only the issue of drug production, principally that of opium, but also to drug 'misuse' within the country.

The INCB, which refers to itself as 'an independent, quasi-judicial expert body' with responsibility for 'monitoring and supporting

Governments' compliance with the international drug control conventions' (International Narcotics Control Board, 2014), welcomed as a positive move the updating of the NDCS (International Narcotics Control Board, 2013, p. 20); a document that first appeared in 2003, was revised in 2006 and is currently undergoing further revision. That said, while perhaps overplaying the 'political will and commitment expressed' by the Government of the Islamic Republic of Afghanistan, it also articulated ongoing concern 'over the lack of progress' and 'urges the Government to step up its efforts and take a sustained approach to implementation of its national drug control strategy' (emphasis added) and related policies. With regard to opium poppy cultivation in particular, the NDCS is presented as key in helping Afghanistan avoid 'seriously endangering the aims of the international drug control treaties' (International Narcotics Control Board, 2013, p. 21).

Very much an exercise in historical reconstruction, this article is concerned with the development of the first version of the Afghan National Drug Control Strategy (NDCS). Filling a policy void left by the collapse of the Taliban less than two years earlier, the Transitional Authority of Afghanistan adopted this in March 2003. Drawing heavily upon a combination of not only primary documents and reports from Afghan authorities and drug related bodies

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¹ Predictions concerning opium poppy proved correct. The area under cultivation rose by 36 per cent in 2013, with opium production amounting to 5500 tons, up by almost a half since 2012 (United Nations Office on Drugs and Crime & Afghanistan, Ministry of Counter Narcotics, 2013b, Global Drug Policy Observatory, 2013).

within the United Nations, but also elite interviews in Washington D.C., London and Kabul, exploration of the formulation of the Strategy does much to help us understand the origins and shifting nature of ownership of drug policy within Afghanistan after 2001. The article also sheds light on the relationship between the aims of the NDCS, and hence the intentions of those involved in its formulation and acceptance, and the normative expectations of what has been referred to as the global drug prohibition regime. As will be discussed, while indisputably the product of a process of policy transfer involving a number of non-Afghan actors – and as such not always appropriate to the peculiarities of the illicit drug market within the country – it can be argued that the 2003 NDCS fulfilled a useful functional role that in many ways exceeded its utility as a guiding policy document beyond the confines of Kabul. Indeed, despite its shortcomings the Strategy was important symbolically, signalling to the rest of the world that post-Taliban Afghanistan was ready to be readmitted to what President Karzai referred to within the NDCS as ‘the community of nations’.

Methodological approach – policy transfer and narrative policy analysis

Coming after what has been described as the Taliban’s ‘ambivalent and paradoxical’ attitude to drugs (Macdonald, 2007, p. 51, also pp. 80–1) and an unwillingness or inability to build institutions of state, (Rasanayagam, 2009, p. 212), the international community was faced in 2001 with an inchoate counter narcotics (CN) apparatus in the form of the State High Commission for Drug Control (SHDC) and a loosely defined and erratic policy approach deemed unfit for purpose. Within the broader governance vacuum left by the fall of Mullah Omar’s theocratic regime, CN policy was initially a venue for considerable input and influence by a range of outside ‘non-Afghan’ actors. Indeed, although shifting in degree and shape over time, the formulation of Afghan CN policy since the defeat of the Taliban can be seen as an example of policy transfer.

This theory of political development ‘seeks to make sense of a process or set of processes in which knowledge about institutions, policies or delivery systems at one sector of governance’ past or present, ‘is used in the development of institutions, policies or delivery systems at another sector or level of governance’ (Evans, 2009, pp. 243–4. Also Dolowitz & Marsh, 2000, p. 5). While drawing upon work in related fields such as policy convergence and diffusion, policy transfer analysis differs from these approaches in that it focuses specifically upon action-oriented processes that take place consciously and result in policy action. This dynamic ensures the centrality of an agent, or agents, within the process with intentionality ascribed ‘to the originating state/institution/actor, to the transferee state/institution/actor, to both or to a third party state/institution/actor’ (Evans, 2009, pp. 243–4). Although the focus of some criticism, (see James & Lodge, 2003, pp. 179–183 and Jones & Newburn, 2007, pp. 32–34), there are several reinforcing reasons why the approach, particularly in a multi-level and multi-disciplinary form, is a useful and fitting organizing framework for attempting to understand the development of CN policy in Afghanistan since 2001.²

First, there is within policy transfer analysis an implicit recognition that conditions of crisis and uncertainty provide opportunities

for forms of policy transfer (see Stone, 1999, p. 54). Second, the approach acknowledges the role played by a wide range of agents, including not only politicians and bureaucrats, but also ‘policy entrepreneurs’, experts and epistemic communities (see Dolowitz & Marsh, 2000, pp. 9–10 and Stone, 2000, pp. 45–62). Third, aware of the realities of the policy-making environment and policy as the outcome of a set of processes rather than an event, the approach suggests different and shifting forms of policy transfer.³ Fourth, multi-level analysis’ combination of various levels of enquiry allows for consideration of the influence of overarching normative frameworks beyond the state, such as the UN, on the transfer process (Dolowitz & Marsh, 2000, p. 11, Evans, 2009, pp. 254–6).

Moreover, a multi-level perspective incorporates the consideration of policy content and instruments, what we might call ‘hard transfers’, as well as ideas, symbols and rhetoric, what we might call ‘soft transfers’. Finally, the approach recognizes the existence and role of an inter-active policy community, or what can be called a policy transfer network, that links the activities of transfer agents operating at various levels, including the international, state and inter-organizational (Evans & Davies, 1999, pp. 369–380).

Consequently, while as will be shown here the peculiarities of circumstance reveal the CN issue within Afghanistan to be a rather unusual case, the approach has much to offer. That said, the sheer multiplicity of agents within the Afghan CN policy-making environment means that on its own policy transfer analysis still falls short of providing an adequate interpretative framework. This deficit, however, can be in many ways reduced through its integration with another organising framework, narrative policy analysis.

Recognition of the role of networks within policy transfer analysis usefully allows for the inclusion of multiple agents in the transfer process. Yet the approach retains an implicit assumption that they all share common imperatives. This is not always so with the issue of CN policy in Afghanistan being a case in point. While sharing basic values and an overarching concern for a particular area of mutual interest, individual agents (government ministries and agencies, international organizations, international non-governmental organizations and so on) often come to a ‘problem’ with different, even competing, narratives (see Ngoasong, 2009). Jelsma et al. (2006, p. 17) touch on this point when they stress the complexity of the Afghan counter narcotics environment: ‘There are a myriad of different organizations involved with overlapping responsibilities. This is a reflection of competition within the Afghan government, as well as within the international community, over how to deal with the drugs problem in Afghanistan’. A policy narrative approach is beneficial, therefore, in that it provides simplifying accounts and stories that help ‘create order, certainty and coherence under conditions of uncertainty and complexity’, and ultimately describe the subjective perception of policy dilemmas. (Roe, 1994, pp. 2–4. Also Stone, 2002, p. 154, Hampton, 2009, p. 228, Jones & McBeth, 2010, pp. 329–353 and Stevens & Ritter, 2013, pp. 171–2).

As will become clear, the core empirical evidence upon which both policy transfer analysis and narrative policy analysis are brought to bear comprises primary documents and reports from Afghan authorities, the United Nations Office on Drugs and Crime (UNODC or Office), the INCB and other parts of the UN organisation. While many are publically available, some were generously supplied by government officials within Washington D.C and Kabul. Beyond the available secondary literature, these documents have been supplemented and analysis thereof informed by material generated through unstandardised elite interviews with a range of individuals. These were predominantly face-to-face in Washington

² It is important to note that policy transfer analysis should not be seen as an explanatory theory that is concerned with precise causal explanation and prediction and consists of systematically related law-like generalizations that can be tested empirically. ‘Rather, the policy transfer approach should be viewed as an “analogical model” which is helpful in furthering our understanding of a particular field, allowing for novel hypotheses to be developed and suggesting new lines of enquiry.’ (Jones & Newburn, 2007, p. 33. Also Evans & Davies, 1999, p. 363).

³ As presented here, this is a hybrid of Dolowitz & Marsh, 2000, p. 13 and Evans, 2009, p. 245.

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