

Editorial

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Whatever happened to evidence-based policy?

It has often been remarked that there is almost no contact between those who are responsible for anti-doping policy in sport and those who are responsible for anti-drugs campaigns in the wider society. One consequence of this lack of contact has been that, rather than policy makers in the two areas learning from each other's mistakes, they simply replicate them. The latest example is highlighted in a report published by the UK Drug Policy Commission in May of this year, which clearly reveals the limitations – and perhaps more importantly, the dangerous consequences for public health – of policies which rely overwhelmingly on prohibition and punishment.

The report, entitled *Taking Drugs Seriously*, suggests that Britain's drug laws – which like anti-doping policy are based overwhelmingly on prohibition – are “outdated” and “are no longer fit for purpose”. The central thrust of the Commission's argument is that Britain's drug laws could be doing more harm than good, specifically because they fail to recognise that banning some “legal highs” may have negative consequences for public health.

The Commission points to the recent exponential rise in new drugs producing “legal highs” and suggests that the government and its advisors should look not just at the harmful effects, but also at the potential benefits, associated with some legal highs. In this regard, they point out that research into drug tests on soldiers in the British Army found that cocaine use fell by more than half between 2008 and 2009, when mephedrone or “meow meow” – a new legal high which was later outlawed in 2010 – was becoming increasingly available. Significantly, official data also show that between 2008 and the first six months of 2009, cocaine-related deaths among the general population as a whole fell by 28%.

Jonathan Birdwell, a co-author of the report, has pointed out that: “With the aim of being hardline towards all psychoactive substances, the government risks making it more, not less, dangerous for young people who want to experiment” and he suggests that we need a “more intelligent approach”; in this regard, the report suggests that the government should consider controlling new “legal highs” not by criminalising their possession but through existing consumer protection legislation.

None of this should come as a surprise to anyone with a knowledge of anti-doping in sport, for it is now exactly twenty years since Robert Voy, a former chief medical officer for the United States Olympic Committee, pointed to exactly the same phenomenon in relation to anti-doping policy in sport. Voy pointed out that the severe penalties which normally follow detection mean that drug-using athletes and their advisors, when considering which drug to use, are constrained to place greater importance on the detectability, rather than on the relative safety, of different drugs. Describing this as a “sad paradox”, Voy noted that anti-doping policy, which is justified partly in terms of a desire to protect the health of athletes, has actually “steered the athletes towards more dangerous drugs”. There is surely a case for arguing that we need a “more intelligent approach” not just to anti-drugs policy in the wider society but to anti-doping policy in sport.

But are there any signs of a possible softening of the conventional hardline prohibitionist approach to anti-doping policy? Interestingly, in another recent development in Britain, UK Anti-Doping, the newly established UK independent anti-doping organization, has confirmed that it has proposed to the World Anti-Doping Agency that some recreational stimulants, including cocaine and MDMA, should be reclassified as “specified” substances, in recognition of the fact that their use “is almost exclusively for recreational, and not performance-enhancing, reasons”. The substances would remain prohibited but UK Anti-Doping has said that the prohibited list should distinguish between drugs which were used to enhance performance and those which were used for recreational purposes, and that this should be reflected in any sanctions imposed on athletes.

Policies of this kind have in the past attracted the support of some influential people in the world of sport. In 2007, for example, the then British Minister for Sport asked: “What is WADA there for? WADA is there to root out cheats in sport. That is their core business”. He did not feel it was part of WADA’s role to be in the “business of policing society” and added that he would like to look “very seriously” at the prohibited list with a view to removing “social drugs”.

However, even a very modest change towards a more liberal policy, such as that suggested by UK Anti-Doping, is likely to generate a great deal of opposition. Lord Coe, the former Olympic gold medal winning athlete and now Conservative politician, immediately rejected the proposal, and indicated that if his campaign for the Vice-Presidency of the International Association of Athletics Federations were to be successful then, far from adopting a more liberal position, he would seek to double the minimum ban from two years to four years. The current British sports minister’s contribution to

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the debate was to say that he would not support any distinction being drawn in anti-doping regulations between performance-enhancing and recreational drugs and he made it clear that this was his position “*whatever the scientific case*”. One may legitimately ask: Whatever happened to evidence-base policy? Perhaps that is just another silly liberal idea!

Citation suggestion

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