

“Fostering a New Era in Drug Policy” Review Committee Report

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Summary

This memo presents our assessment of the nominated shared framework on drug policy. After reviewing the proposal, we conclude that the Committee should approve *Fostering a New Era in Drug Policy* to proceed to a strategy charette but note two important areas that we believe require further refinement at that working meeting.

The shared framework would use the Special Session of the UN General Assembly in 2016, which is slated to focus on drug policy, as a rallying point for many OSF programs and foundations working on the subject. Because UNGASS 2016 is right around the corner, we recommend holding the charette as soon as possible. August 19-20, 2014 in New York is a viable near term date that would enable participants to bring the shared framework proposal to a vote at the early September global board meeting. Our two primary concerns are the following, detailed later in this memo:

Defining an Internal Road Map: The value of a shared framework lies in the potential to transcend particular program strategies and advance a common goal that could not be achieved otherwise. Accordingly, the shared framework will need 1) a set of clearly defined prioritized project *goals* and *range of acceptable outcomes* (‘what would success look like?’), 2) specification of the *means* by which those outcomes would be achieved, and 3) clarification of the *roles* that individual OSF entities and external partners would play in this work. Defining the goals, means, and roles should be a central task of a charette. While Souk discussions and our additional outreach identified many promising activities that could be pursued to build on OSF’s distinctive strengths in this field, a real plan has not yet been stitched together that takes into account risk, positional power, and specific on-the-ground realities.

Support for Communications, Mobilization & Follow Through: High-profile communications and public mobilization before and after UNGASS seem to be more important than the UN negotiation itself. While OSF has some great in-house strategic communications expertise and some experience in international mobilization ‘campaigns’ (e.g., past work on the UN Convention on the Rights of Persons with Disabilities and on the International Criminal Court) this complex, fast-paced effort, if successful, will provoke push-back and soon require skills and experience we don’t currently have. The charette will need to define this additional communications and mobilization capacity required both at the global level and in key regions.

Does *Fostering a New Era in Drug Policy* meet shared framework criteria?

Is There a Real & Timely Opportunity?

This concept seizes on two timely opportunities to advance drug policy reform. The first is the 2016 UN Special Session which could be a globally visible moment around which to galvanize a deeper challenge to repressive drug policies and to build support for alternate policies and practices that reflect open society principles. The second is the combined confluence of conditions – shifting public opinion, austerity pressures, a new level of emerging global voices, and experiments in progressive reform – which are exposing cracks in the previously prevailing drug-policy consensus. Taken together, these two opportunities create a narrow window not only to change global and national policy on paper, but also to mobilize a change in dominant public narrative about drugs, while building a broader coalition to carry this work forward into the future.

Like some Souk participants, our committee recognizes the limitations of a UN-focused approach that does not also mobilize communities and bolster leadership for longer term local and national efforts. As OSF Fellow Gregg Gonsalves put it, any UNGASS-focused effort would be doomed to fail unless it was a “politics and people project, not a paper-pushing project.” Many OSF colleagues echoed this, insisting that the promise lies within the proposed mobilization efforts surrounding the Special Session, and the new actors that could broaden the leadership and strengthen the drug policy movement over the long run. Others, though, focus on the UNGASS session itself as a potential turning point. Ruth Dreifuss, Board Chair of OSF’s Global Drug Policy Program, explained:

“The recent session of the UN Commission on Narcotic Drugs leaves no doubt that many countries – probably a firm majority -- will fight to protect the *status quo*, and a few will even advocate for more repression. Nonetheless, we believe that if some countries that have not previously been vocal will espouse a reform position – at least to argue against harsh criminalization of drug consumption and minor, non-violent possession and sale – that will build a coalition for future reforms and may reshape future debates.The Special Session, then, can be a turning point in the discussion. The engagement of multiple OSF programs and their constituencies increases the likelihood of a debate and a final declaration that breaks new ground for future discussions about developing a global regime based on human rights and public health principles.”

In other words, regardless of the level of consensus at the UNGASS, the Special Session can change the frame for drug policy if it is strategically used.

There may also be a third opportunity in the UNGASS moment to bring together related fields of health, governance, politics, corruption, security, and economic development in the cause of sensible drug policy. Mary Miller Flowers in our Human Rights Initiative already sees “a growing number of human rights organizations ... engaging at the intersection of drug policy and access to justice” and others have pointed to a [Count the Costs](#) article that catalogues the harm done by the war on drugs to health, poverty, security, peace, the environment, and human rights. Kima Taylor from US Programs observed that an inclusive frame of drug policy reform has the potential to engage a broader range of allies and advocates, and Public Health’s Jonathan Cohen called attention to how the interdisciplinary nature of the drug policy subject lends itself well to the inherent diversity of program and policy expertise at OSF.

In short, the opportunities appear real and timely.

Does OSF Play a Distinctive Role on this Issue?

We are aware that foundations have a tendency inadvertently to exaggerate their own importance in the fields where they engage, in part because they rely on assertions and reports from those eager to please them. The committee reviewed two reports that suggest OSF is playing a uniquely powerful role in drug policy reform, but we are nonetheless cautious about relying too heavily on these sources.¹ We also spoke at length with Ethan Nadelmann, the recipient of the lion's share of OSF funding in this area.

Nadelmann asserts that OSF "plays the major role in global funding" and that we support most of the work that is "cutting edge and potentially controversial." He points to the leadership role that George Soros has played personally, along with board members Ruth Dreifuss and Michel Kazatchkine, and two OSF staff members. He also points to the OSF network, including its reach into Latin America and the Caribbean, the former Soviet Union, Eastern Europe, and Africa (where he also highlights our partnership with Kofi Annan). Finally, he suggests that OSF's Washington office is poised to play a new and significant role.

Colleagues at OSF add to this list of assets. They point to OSF's interdisciplinary approach, long track record on drug policy, and connection to civil society movements. As OSF-DC's Jasmine Tyler notes, "OSF, given its global focus and long-standing commitment to drug policy reform, is best positioned to help channel and build the energy of specific communities to lift up a unified message going into the review and a strategy for follow-up coming out of it."

At the same time, some colleagues sound a note of caution that OSF's reputation may be a detriment if we are too visible at UNGASS 2016. As David Holliday asked, "Where is it important for OSF to be in the limelight, and where is it important for us to be in the background?" In answering this question, consideration must be given both to the risk of backlash given OSF's reputation in some circles as a "legalizer," and to the need for moderation given the multiplicity of views and perspectives on drug policy in addition to our own.

Who else is active in this field? Kasia Malinowski-Sempruch and Ruth Dreifuss note that some of the key institutions working on drug policy with an UNGASS focus include:

- *Multilateral institutions.* The UN Office on Drugs and Crime will spend millions related to UNGASS, but in general this investment will not be helpful for reform. The Organization of American States has devoted considerable resources to advancing drug policy debates, including its widely publicized report of last year and the Extraordinary Session on drug policy planned for September, which is seen as a major step in the lead-up to UNGASS.

¹ *Progress and Challenges in Drug Policy Reform: A Field Review of Activities and Impact*, A Report to the U.S. Programs Board of the Open Society Institute, September 11, 2008, Jason Ziedenberg, MS, consultant and *Drug Policy Reform at the Open Society Foundations*, by Matthew Craig, OSF Presidential Fellow, February 17, 2014.

- The *Robert Carr Fund*. This is a new vehicle, pooling bilateral agency funds for “key populations” affected by HIV. We know a number of HIV and drug policy organizations, some of whom are also our grantees, that have been awarded funding for UNGASS-related work.
- *Virgin Unite*. We expect Sir Richard Branson’s foundation will contribute in some way to UNGASS preparations and messaging.
- The COPOLAD Program. Funded by the European Union to foster cooperation between Europe and Latin America, this is a €6 million program that supports consolidation of drug policies and drug control cooperation between the two regions. This program may contribute to progressive drug policy reform debates in Latin America.

Additionally, there are two organizations that will be heavily invested in promoting regressive drug policies as part of the UNGASS:

- *Community Anti-Drug Coalitions of America*. This is a US-based organization which, in 2013, had over \$10 million in US federal grants and contracts to train people in 17 countries to oppose reform.
- The *World Federation Against Drugs*. This group mounts an annual forum for its 116 member organizations in 44 countries. In 2014 and 2015 they will use it to solidify anti-reform positions for UNGASS.

If OSF launches a shared framework on drug policy reform, an element in the strategy needs to respond to the misinformation spread by these organizations, separately from the communications and mobilizing work proposed to promote progressive policy reform.

Is this a true Multi-Program and Value-Adding approach?

Debate on this shared framework has already catalyzed new interest beyond the OSF programs primarily concerned with drug policy. It does, in our opinion, reflect a true multi-program, multi-field approach that engages more than the usual suspects.² Importantly, it is not only the quantity but the quality and diversity of these interventions that persuades us that this concept rises to the level of a shared framework, albeit one that needs refinement. The framework provides an opportunity to develop a true multi-party strategy that goes beyond OSF’s individual strategy process. Kasia Malinowski-Sempruch notes:

“It makes possible the idea of a multi-program campaign that could encourage programs to look up from their own focused objectives and do something bigger together.”

Below we note a few of the new opportunities highlighted on the Souk and in our consultations that

² See Appendices for full list of programs and foundations providing ideas and commentary.

would move OSF and the field beyond 'business as usual' through this shared framework.

- 1) *Burma*: OSF's drug policy efforts do not currently extend to Asia. Burma Program colleagues however, would welcome an Open Society effort in that country in light of a rising surge in Burma's drug trade and consumption ([Irrawaddy](#) and [Economist](#)) which is "certainly of great concern to our network and grantees." Burma Program colleagues noted that this shared framework could engage their partners and grantees on the ground on both the production-side -- including spurring awareness and action through support to investigative journalism via current grantees like the Yangon School of Journalism, other media groups, and the Transnational Institute which is engaging with opium farmers-- and on the treatment-side where there is scope for reforming policy that currently limits access to needles and treatment. Colleagues noted that Burmese civil society is weak in this area and that many organizations are working only on the service delivery side but that an OSF-supported mobilization of Burmese civil society on harm reduction issues could be very beneficial.
- *West Africa*: Drug trafficking constitutes a serious threat in this region, with wide-ranging implications for peace, security, governance, political stability and development. In the past few years, the coastal states -- particularly Guinea-Bissau, Guinea, Cape Verde, Nigeria, Ghana, The Gambia and Senegal -- have become major transit routes, and hard-drug trafficking has become a booming business with increasingly serious side effects. OSIWA's current drug policy work supports the *West Africa Commission on Drugs*, whose new report provides an empirical basis for advocacy and policy reform and could be an important UNGASS mobilization tool. Building on the report's official launch on June 12th, OSIWA would like to further invest in civil society's capacity to use this tool to advocate for drug policy reform and feel a shared framework approach could help them link their current regional work to the ground (youth and other civil society constituencies) and to the global level (through the UNGASS). OSIWA's Abdul Tejan-Cole underscored "we can't do this alone at OSIWA."
- *Youth*: As Maryanne Olson notes, "Young people are among the most directly affected by drug policies that criminalize users and small-time dealers; drug policies that are rooted in criminalization contribute to high rates of imprisonment of young people and harmful interactions between youth and police." The Youth Exchange thus sees a shared framework as "an opportunity to work across OSF's programs and foundations to help build meaningful connections between traditional civil society actors and researchers with youth leaders, academics, and youth-led organizations around shared goals for the UNGASS." The potential for two new OSF modalities -- shared frameworks and exchanges -- to reinforce one another is institutionally significant in our view.
- *Extending New Leadership and Voice in Advocacy*: A shared framework approach to drug policy could also provide an avenue for scaling-up experimental efforts that we are pursuing now in the context of June 26, the *International Day Against Drug Abuse and Illicit Trafficking*. In a "mini-test" of the type of advocacy and mobilization efforts that a larger shared framework would exploit in relation to the UNGASS, the Global Drug Policy Program is facilitating grantee leaders from Georgia, the Ukraine and Latin America to seize this visible advocacy moment later this month and contribute their voice and visibility to illustrate the punitive current approach and demonstrate alternatives.

Many other examples were noted on the Souk and in our consultations. In short, the value-add of an OSF shared framework approach to drug policy reflect new opportunities that aren't already underway either in the field or by our own programs and foundations including 1) an expanded and linked geographic focus, which brings in a diversity of perspectives that nuances OSF's own narrative on drugs; 2) shared learning, models and support for advocacy and mobilization opportunities, 3) ability to engage and bridge new leaders, voices and constituencies in to the debate that could draw media attention and shift the narrative, and 4) opportunities to combine OSFs operational tools including advocacy, strategic communications, individual grants, grant making, and 'inside-outside' strategies to affect government.

A Powerful, Distinctive Insight?

We struggled to locate a specific "distinctive insight" in this proposal, ultimately deciding that the concept does *not* represent an original insight but offers an opportunity to draw together and build on a set of important realizations that others have had.

Beyond the points described above, participants in the discussion recognize that influencing drug policy and practice will be a function of addressing emotion and ideology as much as lifting up the empirical basis for policy reform. This reflects the focus on changing narratives and public opinion more than influencing a UN policy document. This project therefore envisions a multi-pronged mobilization and public communication strategy that seeks to shift public opinion and ideology. Some suggest that we and our partners will need to engage in the kind of emotionally-charged communications tactics that have been the hallmark of the "war on drugs."

Areas for Development at a Charette

The Review Committee notes several issues that should be addressed should this concept be approved for a strategy charette. As signaled at the beginning of this memo, we think particular attention is needed in two areas:

1. **Define an Internal Road Map:** In consultation with each other and with external partners, we encourage OSF entities to clearly identify a shared set of goals for what they specifically hope to get out of the UNGASS process, including the range of acceptable UNGASS outcomes. This shared set of goals could provide us with an internal road map for our own OSF activities, and serve as a platform with the outside world. This shared vision should also include a prioritized description of activities that would be pursued *after* 2016 including implementation and monitoring related to UNGASS outcomes. This shared vision must also recognize that supporting any ongoing national-level activities by civil society and other actors will require a commitment from OSF that reflects the need, in some cases, for longer-term support for organizational capacity building.

Ruth Dreifuss reflected on the most promising areas for collaboration on drug policy reform noting three potential areas around which to define specific goals including: a) promoting national-level approaches and models of drug policy reform, b) supporting effective government and UN

preparation and participation, and c) the critical need to more deeply engage civil society. More work is needed to construct a detailed, prioritized plan that draws from these goals areas. This plan should take into consideration how we anticipate risk, how we should exercise our positional power, and be calibrated to specific on-the-ground realities. We elaborate briefly below:

- *Risk/Push Back*: No big social change is accomplished without risk and push back, and in such a complex project, everything is not going to proceed as planned. We therefore need to build in mechanisms to both anticipate and effectively respond to inevitable setbacks. This project will need to build in a constructive response mechanism and learn from the inevitable bumps on the road including negative press on policies that OSF supports (see a recent [New York Times article](#) on legalized marijuana in Colorado).
- *OSF's positional power/role*: While we can exercise a special role in this work, colleagues noted that we need to calibrate our positional authority with great care. At times we will want to “lead from behind” by listening, learning, and bringing people together in ways that we have not done before. At other times we will want to exercise our own voice and authority with greater prominence and visibility. Allies noted that our money gives OSF’s words a lot of momentum beyond any substantive content they may have and encouraged us to stay vigilantly aware of our positional power. Other questions include how and when do we best mobilize George Soros, and how do we occupy the same advocacy space as our grantees? We will need clear processes of internal reflection to effectively navigate our role across the life of this project.
- *Distinct and Shifting Realities on the Ground*: The current proposal has not yet taken up the implication for its strategy of the various drug-related realities in different countries (for example, countries of origin vs. transit vs. destination, drug trafficking as the prevalent issue, versus usage, or the different types of drugs prevalent). This creates both a challenge and an opportunity to develop a shared vision and framework that accounts for diverse realities (e.g. Afia Asare-Kyei noted that the “war on drugs” framing is less relevant in Western Africa where governments are in no position to wage a “war on drugs” given how embedded they are in drug trafficking). We need to do a lot more thinking about how to effectively mobilize ourselves with the right partners in different contexts toward the right set of common targets.

2. **Mobilization, Communications, and Follow-up** will be a critical component of this shared framework and there is more to be worked out about our interventions at the national, local, and international level before, during and after UNGASS. A current limitation our Committee noted is that OSF does not have a New York-based United Nations representative office (compared to our advocacy offices in Brussels and Washington). What will this mean in terms of our capacity to lobby UN missions are how to structure this project? OSF will likely need to engage all of our internal expertise and will also probably require some outside professional support to help us conduct a power analysis, a narrative analysis, and design a campaign-type effort that can engage new voices, deliver effective messages, and reach decision-makers and opinion-shapers at all levels. We see this as a huge opportunity but we also recognize the demands of this work.

Conclusion

We believe the Fostering a New Era in Drug Policy concept has sufficiently met all necessary shared framework criteria and encourage the Committee of Strategy, Budget and Performance to consider approving the concept for a strategy charette in late August 2014.

