



Presentation for the Public Hearings on the Cannabis For Private Purposes Bill

1.

Fields of Green for ALL is a non-profit company established in 2013 to deal with civil society's concerns around the legalisation of the use of Cannabis in South Africa. As our name indicates, this is a place for interested parties to find common cause in working towards the end to the harms of prohibition and a future where ALL citizens can share in the benefits that Cannabis legalisation will bring to South Africa.

Fields of Green for ALL is the evidence provider for **The Trial of the Plant** currently part heard since 2017 in the Pretoria High Court.

In 2011, myself and my partner charged 8 government departments with enacting unlawful, unconstitutional and irrational Cannabis laws. This was following our arrest in our home in 2010 on charges of possession and dealing in Dagga. Jeremy Acton & Gareth Prince also obtained their stays of prosecution and proceeded with a similar case (albeit with a different legal approach) in the Western Cape High Court. The Western Cape case "overtook" ours due to lengthy postponements and thus made it to the Constitutional Court before us. We joined their case as plaintiffs, admitting our evidence which was, unfortunately, not taken into full consideration by the highest court in the land

The harms of the prohibition of Cannabis far outweigh the perceived harms of the plant and its trade therein. Fields of Green for ALL assists those arrested on Cannabis charges in South Africa through our "JoinTheQueue" and #StopTheCops initiatives.

The South African Cannabis community is tired of being harassed, victimised, arrested, incarcerated and corrupted by the South African Police. Despite SAPS directives that were issued following the September 2018 Constitutional Court Judgment, this practise of harassment continues. We have the evidence and documentation of over 300 cases of members of the SAPS, since 2018, acting in direct contravention of the judgment and directives. We have over 100 cases "in the queue" with us in Pretoria. These are cases that have been given stays in prosecution pending the outcome of The Trial of the Plant.

The Cannabis for Private Purposes Bill constitutes the continued prohibition of Cannabis by giving the police undue power and, by doing so, guarantees that the stigma surrounding Cannabis and the uninformed actions of the police will prevail. This Bill does not constitute the "decriminalisation" of Cannabis in South Africa and Fields of Green for ALL rejects it outright.

In addition to the actions of the police, we have the ongoing issue of employees being tested at work and dismissals following positive tests for Cannabis. These tests do not show impairment, they only test for the presence of Cannabis in the body and that is seldom surprising as Cannabis is fat soluble and can be detected in the body weeks after use. That is one of the reasons it is such good medicine. I was heartened by the presentation by COSATU yesterday and hope that this very powerful trade union will be active in discussions around this tricky issue of Cannabis in the workplace.

We also look forward to an end to the practise of testing parents for Cannabis in the light of divorce proceedings and custody battles. This is all too commonplace and has not been mentioned thus far in proceedings. This should be taken into account and also highlights the harms to children and adolescents caused by prohibition as the children are so often caught in the middle.



2.

Due to a terrible tragedy in 2020, we were unable to complete our most important work in time for the submissions around the Cannabis for Private Purposes Bill and respectfully ask that committee accepts our publication in addition to our rather brief submission:

**Cannabis in South Africa.
The People's Plant: A Full Spectrum Model for Policy Reform.**

It is a well known truth that you can't get what you want unless you know what you want. The question was asked of Jeremy Acton, Gareth Prince and the Eastern Cape government: What is it you want, what are your desired outcomes?

This is the reason we started writing our Manifesto many years before we actually got to court.

This document outlines an evidence-based approach that government can use to help formulate sensible, constitutionally sound Cannabis laws. Compiled with extensive input from Cannabis experts locally and internationally, our Manifesto outlines how South Africa can create a unique, regulated Cannabis industry that is community based, accessible and enforceable. We use evidence and facts to show how Cannabis prohibition and overregulation stifle the Cannabis industry, especially in comparison to legal vices such as alcohol and tobacco.

I will not be commenting on the National Cannabis Masterplan separately as we are insisting that the lawmakers go back to the drawing board in order to present to us a cohesive, evidence-based way forward for Cannabis in South Africa. The Bill and the Masterplan contradict themselves by presenting two widely different approaches to the same subject.



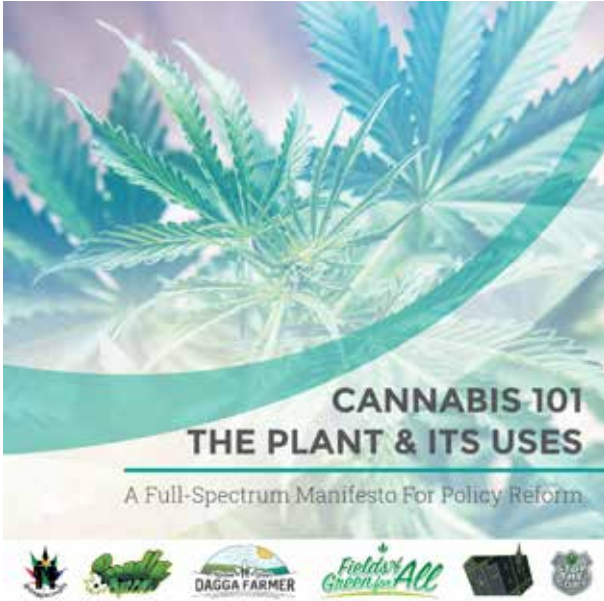
3.

Fields of Green for ALL would like to thank the committee for this opportunity to address those who have the power to shape our future and we look forward to continued engagement in this process in order that we are not forced to go back to court. It is unjust that civil society should bear the cost of continued litigation. In addition to pro bono legal representation, Fields of Green for ALL is entirely funded by donations from the Cannabis Community.

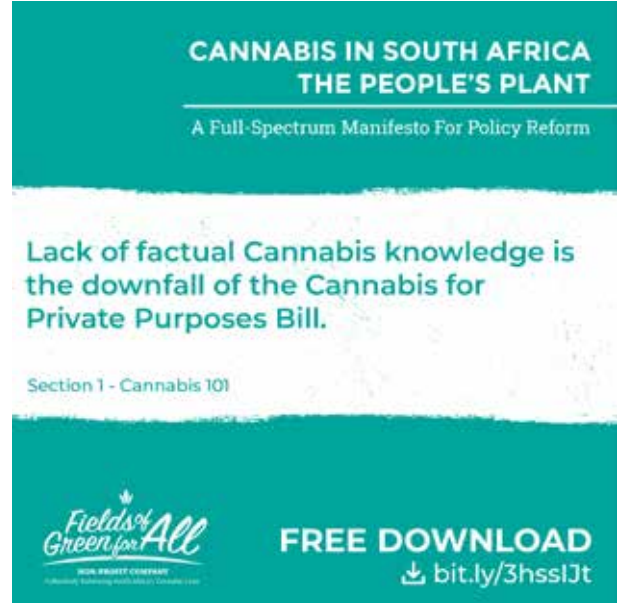
I will now summarise the 6 sections of our Manifesto, highlighting the most important points. Everything we need to address is contained within this document. It is available as a free download or sold as a hard copy to cover expenses, on our website.



4.



5.



Lack of factual Cannabis knowledge is the downfall of the Cannabis for Private Purposes Bill. It is very evident, especially from the presentation from the Dept of Health last week, that the harms of Cannabis are being overstated due to a bias in the evidence. We all know that bias is more damaging than the drugs themselves. Yesterday this issue was dealt with by Paul-Michael Keichel, the head of our legal team at Schindlers Attorneys, so I would like to reiterate here that the lack of credible evidence is a very serious issue. Also absent from the presentation from the Dept of Health was any mention of Harm Reduction. This concept is not new and it is central to most international Drug Policy and should be a central focus of a department that seems to be very preoccupied with harms.

Fields of Green for ALL presented at the International Harm Reduction Conference in Montreal, Canada in 2017 and the topic we chose was: "Cannabis is the gateway to evidence-based Drug Policy in South Africa." The topic of broader drug policy was also covered more than adequately by Paul-Michael yesterday.

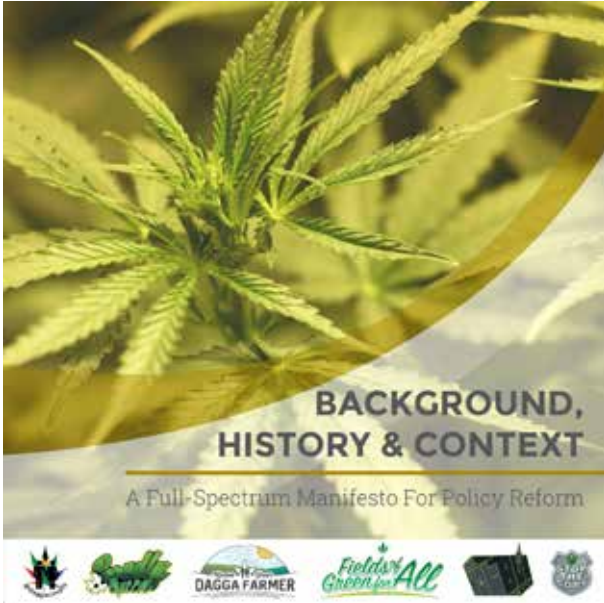
6.



The first learning resource lawmakers should use to understand Cannabis. In Cannabis Culture circles, we joke that the government still thinks we smoke the leaves! I certainly hope this is not the case.

Our lawmakers need to know about the botany of the Cannabis plant and also how the plant is used in our day to day lives. That is why we added Cannabis 101 to the start of the document and this chapter describes, with photographs, the actual plant in all its glory. We explain the basics in this first chapter, before going on to the nitty gritty of the Cannabis situation as it stands in South Africa and offering our solutions for discussion.

7.



8.



Cannabis prohibition is the last apartheid law. In 1924, South Africa was instrumental in establishing the first laws prohibiting Cannabis internationally. Cannabis prohibition started here, lets end it here.

My late partner, Julian, wrote the history section of this chapter because it was something he was passionate about. One of his main reasons for taking the government to court all those years ago was to make up for the atrocities committed by his colonial ancestors in Africa. We had to fight to keep our history expert, Dr Craig Paterson, as a witness but he remains our only expert who completed his testimony in court and we invite all concerned to watch this on our YouTube channel or read the transcripts available on our website. The Department of Health was at pains to point out that South Africa has obligations under the International Conventions as established by the United Nations in 1961. We agree that this is an important consideration.

Fields of Green for ALL has been granted Special Consultative Status by the United Nations Economic and Social Council (ECOSOC). We have been attending the Commission on Narcotic Drugs in Vienna for the past 5 years and we are members of various NGO committees and participate in international forums on a regular basis. The issues are complex but we stand in solidarity with many organisations from around the world, particularly the global south, when it comes to protecting the rights of our traditional farmers, particularly given the rescheduling of Cannabis within the International conventions and the contradictions that exist within the broader context of Human Rights policy on an international level.

Fields of Green for ALL has also been involved in work around Cannabis and the United Nations' Sustainable Development Goals. Did you know that, out of the 26 Sustainable Development Goals, 17 of these goals can be advanced by the legal regulation of Cannabis? Of particular interest to me is Goal Number 5: Achieve gender equality and empower all women and girls.

Traditionally and particularly since the practise of migrant labour was instituted by the Apartheid regime, women have been at the forefront of Cannabis cultivation.

These are some of the points we make to put our work into context and create a foundation for our suggestions.

9.



10.



The evidence must be heard. We propose the formation of The South African Dagga Commission. Those of us who have been persecuted for so long are prepared to wait rather than suffer an unconstitutional Bill that ignores the evidence we have worked so hard to gather. Fields of Green for ALL urges our government to join us and all the other organisations, legal representatives, experts and stakeholders who have an interest in seeing Cannabis become legally regulated for the benefit (and protection) of ALL, around the table, to get this right.

Wider stakeholder engagement must include experts across all FOUR PLATFORMS of use, cultivation and trade. These four platforms were used in the formulation of our evidence for The Trial of the Plant:

- Responsible Adult Use (We object to the use of the word "recreational")
- Traditional, Cultural and Religious uses
- Industrial Uses
- Health Uses

The lives, liberty and futures of 900 000 existing Cannabis farmers and an estimated 20million users are at stake here. We are not criminals and that brings me to the point of the expungement of criminal records.

We cannot have an inclusive stakeholder community without including those who have been persecuted for so long. We will not stop until our government recognises that Cannabis prohibition is, AND ALWAYS HAS BEEN, wrong - and expunges ALL criminal records and releases all Cannabis prisoners. Criminal records for Cannabis are a major stumbling block to many South Africans, in many ways. The current expungement system is laborious, time consuming and expensive. We hope that ALL criminal records for Cannabis will receive particular and urgent attention in this regard. The bill only makes provision for criminal records for the use & possession to be expunged.

We can never expect an apology for the atrocities of Cannabis prohibition, like the spraying of the beautiful Pondoland region of the Eastern Cape with glyphosate poison, but inclusive stakeholder engagement will go a long way to making things right again.



NON-PROFIT COMPANY
Collectively Reforming South Africa's Cannabis Laws

11.



“There is no reason to assume that structural inequalities that exist throughout our society won’t immediately replicate themselves in the Dagga economy.” South Africa has 9 provinces. Dagga is used, cultivated and traded right across the country and it is not only the Eastern Cape Rural farmers that we should be concerned about.

What about the person who sells the matchbox in the townships? Nobody has mentioned the informal traders / the existing township or “Kasinomic” economy that is a very real factor in millions of people’s lives. It is not only the rural farmers who need listening to.

In “Leaving No-One Behind” there are certain principles that need to be adhered to and these are outlined in Section 4. The Cannabis users, growers & traders have been subjected to over 100 years of moral judgement and unscientific laws, the least we can ask is that you adhere to certain ethics and principles. These are discussed in some detail in this section. If we are to address the issue of leaving people behind...

12.

No monopoly / oligopoly created by wealth or outsiders.

This is already happening in SA. It is naive for government to say that we must guard against this. Open your eyes, read the news... Just last week we heard of a Canadian company being granted permission to export Cannabis TO South Africa. SA is FULL of Dagga and we are IMPORTING? We certainly hope that this is “fake news”!

I am very aware of my privilege within this space. What we are seeing is people with an economic advantage travelling across our country colonising various aspects of the existing Cannabis industry, signing people up to their franchises with the promise of protecting vulnerable people from the law. This is an insidious and toxic process and should be taken note of immediately. It is not only overseas companies that we should be wary of.

This does not constitute a divide between Cannabis Culture and Cannabis business. Fields of Green for ALL has a long list of Affiliate companies who are working with us and we are very encouraged by the formation of various Cannabis Trade Associations and the inclusion of the issue of fair trade, in discussions we have been party to.

If the issue of leaving people behind is to be addressed, then situations like this need to be addressed:



13.

These news reports landed one under the other in my news feed last week. Read 2 headlines.

We have written extensively about the SAPS taking the food off the table of our rural farmers. Well, here it is ladies and gentlemen, that load of Dagga was destined to pay for food, clothes and school fees. This slide is EXACTLY what is wrong with the state of Cannabis law reform in South Africa.

There needs to be a mediator between the Cannabis community and the South African Police Service.

We propose an administrative and regulatory Cannabis OmBUDsman to act as an intermediary if regulations are not adhered to. This will prevent the thousands of unlawful arrests that happen in South Africa every year and ensure that ONLY those who have caused harm to another person, an animal or the environment can be criminally prosecuted. Those who have transgressed Cannabis regulations will be given the opportunity of rehabilitation and the chance at making their mistakes right without the trauma of dealing with the SAPS and their heavy handed, corrupt ways.



14.

In this section, Fields of Green for ALL and our constituency proposes a model for Cannabis Law Reform and Regulation that is practical, cost-effective, enforceable, constitutionally sound and based on Human Rights.



15.

Cannabis laws & regulations must stand up to the scrutiny of South Africa's Constitution, Bill of Rights, existing laws and Human Rights principles Yesterday you heard from Ras Prince, a formidable legal mind, as well as two members of our legal team from Schindlers Attorneys and these are the experts who must be consulted and listened to when it comes to weighing up the proposed laws against the all important principles on which our democracy was founded in 1994.

16.



Lower barrier to entry for subsistence and/or traditional growers & traders
 This is a point that has been made repeatedly and consistently over the course of these presentations but I would just like to emphasise that the barrier to entry needs to be lowered for cultivation AND TRADE. As I have said before: What about the person who sells the matchbox on the street corner?

17.

As part of our continued drive for inclusivity and social equity within the existing Cannabis industry in South Africa, Fields of Green for ALL has researched and is suggesting, standards for Dagga Private Clubs.

This was due to the need to preserve our Cannabis Culture against the inevitable corporatisation of Cannabis, and also as a result of the Constitutional Court's "Privacy" judgment.

We would like to draw the committee's attention to The Haze Club case currently poised for a hearing in the Western Cape High Court. Because of grey areas within the Constitutional Court judgment, the applicants are asking for a declaratory order on the legality of their model.

The applicants were arrested for running a Cannabis cultivation service on behalf of the members of their PRIVATE club.

The consideration of this, and other non-profit, "sharing" models for Dagga Private Clubs would be appreciated by civil society grappling with grey areas in the law. This model could be implemented immediately and contribute to greater stability and less lawlessness by rogue operators who threaten all our safety.

The ultimate would be to attend the first opening of a Dagga Private Club in an informal settlement, entirely managed in an exercise book. Then it can be taken from there and communities can be upskilled accordingly.



18.



19.



20.



In the early hours of the morning of 3 July 2020, criminals entered our home and shot and killed my partner, Julian Stobbs. There has never been ANY investigation into his death. Nothing.

There is very little justice for those of us who are left following the 50+ murders that happen each and every day in South Africa. You might have a chance at justice if you are a high profile person but, for ordinary citizens, there is no justice as the killers run rampant and with impunity in South Africa.

The South African Police Service have failed me and they have failed the citizens of South Africa. As the remaining half of The Dagga Couple, I will not stop fighting until the SAPS' is REMOVED from any involvement in the use, possession, cultivation and trade in the Cannabis plant.

I will never, ever allow the South African Police onto our property to count our plants.

I have been out on bail for 11 years now and one day I will walk out of the Krugersdorp Magistrates Court with my R1000 bail and R1000 for Julian. It is also my wish that the 100+ cases that join me in The Trial of the Plant will also receive justice and the opportunity to claim their bail, clear their names and operate within a just and equitable Cannabis economy. When we did presentations together, Julian would always take the section on Cognitive Liberty. He's not here now so I will say it on his behalf: My body, my mind, my private space, my choice!

As an acknowledgment of all of our supporters over the years, I would like to end off by pointing out that, next slide:

21.



22.



23.



Together with our constituency, our affiliate companies, our international supporters, and, most importantly, the local Cannabis Community, we look forward to an open dialogue to shape the future of the South African Cannabis industry and the use of our Manifesto as a guiding document. We would also like to reiterate that we DO NOT want to see you in court, let's talk rather!