### Rastafari Ganja Council 9004 Crescent 25

**Marcus Garvey Community Philippi**

**Cape Town 7785**

**Portfolio Committee on Justice and Correctional Services Committee Secretary: Mr. V. Ramaano**

* 1. **BOX 15 Parliament Street Cape Town**

**8001**

08 October 2020

**RE: Submission of Comments on Cannabis for Private Use Bill [B19-2020]**

We, the above mentioned Rastafari Cooperative’s aim is to advocate, lobby and consult for the use, processing and distribution of herbs on behalf of the Rastafari Community. The above mentioned corporative represents views of Rastafari Houses and Communities around South Africa, namely, National Nyahbinghi Council (N.N.C.), Ethiopia Africa Bobo International Congress (E.A.B.I.C.), Twelve Tribes of Israel Movement, Rastafari National Council (R.N.C.), Rastafari United Front (R.U.F.), Universal Rastafari Movement (U.M.R.) and non-affiliated Rastafari. It is in our interest to appear in front of the portfolio committee and make verbal submissions with executives of the above mentioned Rastafari Houses and Organizations. Rastafari Ganja Council (R.G.C.) Executive comprises of chair Ras Zimbabwe U. Jeremiah, deputy chair Ras Mthuthuzeli Sidzumo, Secretary Ras Elphy Sibeko, deputy secretary Ras Godfrey Mohokare, Treasurer B George. Included is this submission cover letter is the following:

* + 1. Brief Narrative, and
    2. Comments on the Bill containing a) introduction, background, two year interim relief and conclusion and b) contains a tabular form that comprises of Bill comments and

proposed amendments. Individual Rastafari feel that they should reject the Bill and say how they want it and why they want it in that certain way concerning cannabis and that however private it may be, it does affect and will continue to negatively affect Rastafari culture economically, socially, psychologically and emotionally. As the Community of Houses and organisations of Rastafari oppose the use for private use only, therefore individual comments where not just limited to private use only, because of thee afore mentioned areas that the Bill affects.

**Signature** :………………………………… **Signature** :……………………………

**Date** :………………………………… ………………………………………………

Chairperson Secretary

### NAMES OF THE EXECUTIVE:

* **Chairperson :** Ras Zimbabwe Jeremia
* **Deputy Chairperson** : Ras Godfrey Mohokare
* **Treasurer** : Ras B George
* **Secretary** : Ras Elphy Sibeko
* **Assistant Secretary** : Mother Lungisa Nonzaba

“When, We speak of the betterment of man’s life, We mean not merely the economic improvement of the living standards; We refer, in addition, to the spiritual conditions in which man lives, for just as man without means to feed his hunger and to clothe his nakedness can take no pride in his existence as a human being, so also is one who is reviled and discriminated against because of his race or religion robbed of his self-respect and human dignity”…

**Haile Selassie I**

**INTRODUCTION**

Rastafari is His Imperial Majesty (H.I.M.) Haile Selassie I’s childhood name and it is used by the followers of Rastafari culture as identity name of our way of life. Our way of life can also be identified with its unique diet, worship, and appearance in reverence to our GOD Haile Selassie I KING of Kings, and LORD of Lords. Some Rastafari are vegans and use herb as part of diet, medicine and worship and economy. Cannabis is regarded as "The Tree of Life" that is referred to in the Bible (Genesis 2:9, Revelation 22:14).

It is of great importance for Rastafari to comment on the Submission of the Bill, as we regard the Cannabis plant family as our sacrament and sacrifice to the Almighty Creator. The right to use cannabis for Rastafari comes naturally from creation and the Bible is used as reference to such use "*And God said, behold I have given you every herb bearing seed, which is upon the face of all the earth, and every tree yielding seed, to you it shall be for meat...I have given every green herb for meat: and it was so. And God saw everything that he had made, and behold; it was very good”*.-Genesis 1: 29-30 (King James Version Bible KJV).

**BACKROUND**

The Rastafari Community of South Africa are totally opposed to the proposed Cannabis Bill, in that it infringes on our constitutional rights of "freedom of religion, opinion, thought and believe (Section 15. (1) The cultural right of our way of life to use the tree of life in South Africa was violated by apartheid laws inherited from the colonialisation of (South) Africa. It has been one of the colonizer's character to create laws on behalf of the colonialised’s without any regard to the impact that law is creating to the oppressed (colonised). And the impacts of such actions are still felt by the Rastafari Community of South Africa, even after independence gained in 1994.

It is common knowledge that cannabis was used by African tribes before colonialism by European powers. (See the book "Marijuana and the bible" (Africa). It is evident that drafters of the Bill did not consult with the Rastafari community and other communities that use cannabis for traditional, cultural, religious or even for recreational purposes, before drafting this Bill.

The C.R.L. Commission was established in 2002 as a chapter 9 institute, with a legislative mandate as defined in C.R.L. Rights Act...(e) Monitor, investigate and research any issue concerning the rights of cultural, religious and linguistic communities;...(l) make recommendations to the appropriate organs of state regarding legislation that impacts, or may impact, on cultural, religious and linguistic communities". This is an important institution that supports our democracy and in 2012, the Commission made specific recommendations to Parliament regarding the promotion and the protection of the Rastafari community. We feel that these recommendations should have long taken into consideration and relevant legislation put in place, as per CRL Commission 2012 Report recommendations. [*Please see attached Report of the Commission titled "Challenges faced by Rastafari in South Africa*”].

On publication of the Report, Dr. Wesley Mabuza (former Chairperson of the Commission) said "We undertake to make sure this document does not gather dust in our archives but that it becomes an active and a living resource towards a more friendlier and tolerant South African society".

Commission did make recommendations to the following departments: SAPS, Justice, Education, Labour, Environmental Affairs, Correctional Services, S.A. Council of churches, Home Affairs, Trade and Industry, Arts and culture, Media in General and Local Governments. On local government, it was recommended that land should be made available for the Rastafari Tabernacle projects and, economic development and the repatriation from abroad.

Despite all of the above, the C.R.L. Report was not heeded as a document issued on the expense of tax payers money because Rastafari suffered arrests. The C.R.L. Commission is not the only the state institution or department that Rastafari participated in. Rastafari Community is an ongoing member of Indigenous Knowledge System (I.K.S.), of which aims to collect and protect Intellectual Property of Indigenous communities including Rastafari. It cannot be avoided that the C.R.L. Report contains our intellectual property and forms part of our Indigenous Knowledge System. There is a Social Economic Impact System (S.E.I.S.) Path that the Bill must pass, to help identify communities that might be negatively impacted by the Bill to be passed.

It is clear that the bill did not consult the Rastafari Community at large, the 2012 C.R.L. Commission Report on the "Challenges Faced by the Rastafari Community in South Africa", the

I.K.S. and all its departments that have made research on cannabis, to establish communities that would be negatively affected by the Bill. The Medical Control Council passed the cannabis for medical use bill without making any exceptions for Rastafari community, despite the knowledge that the Community is using it for medicinal purposes. The Rastafari Community would like to be put into consideration when drafting any cannabis related bills.

**TWO YEAR INTERIM RELIEF**

For the first time in South Africa Rastafari experienced less police brutality arrests, paying of bails and bribes, during the two year interim relief granted by the 2018 ConCourt ruling. For the past two years Rastafari started planting unlimited number of cannabis trees in their respective spaces, to process and produce medicines almost enough for the season, manage to move to and from Church and Church members unlimited quantity of cannabis. Due to criminal records and stigma put on Rastafari for cannabis, it has been difficult for the Rastafari to find employment, to practice their talents and trade, just because cannabis is an important part of their culture, and at the same time viewed as toxic drug by unjust laws.

Rastafari and the Black people of South Africa have been selling cannabis as a form of self- employment and economic empowerment. The fact that apartheid classified our indigenous herb as a drug, and that the Court did not make ruling on the selling of cannabis, does not give the drafters of the Bill reason to ignore that cannabis has been produced, distributed and sold by the citizens, not as a western synthetic drug but an indigenous herb. Rastafari Ganja Council (RGC) has conducted hearings from Rastafari in all the nine (9) provinces concerning the Cannabis for Private Use Bill. The Bill is rejected firstly because it seeks to classify cannabis under the Drugs and Drugs Trafficking Act, whereby Rastafari are calling for the total decriminalisation and the legalisation of the herb.

Legalisation and decriminalisation atmosphere was felt during the two year interim relief granted by Court, and cannabis did not do us any harm. It is uncalled for government to ignore communities that have been affected by cannabis when drafting the Bill. The Rastafari community in South Africa occupies a prominent role in the Rastafari global community and legislative development on cannabis should be considerate of the role that South African

Rastafari community can play in formulating economic and social justice policies in line with the National Development Plan.

The use of cannabis may vary from continent to continent, but Rastafari around the world use it for cultural worship purposes, and have gathered knowledge on innumerable products emerged from cannabis. Such knowledge on cannabis industry is useful to grow our economy we hereby appeal for the portfolio committee to broaden the bill to also make exemption for economic comments in shaping the bill. Rastafari Community would like to be exempted when classifying cannabis as a harmful drug as it gives public perception that it is a cultural community that uses drugs to worship.

**CONCLUSION**

SONA 2020 The Honourable President Cyril Ramaphosa announced that government will be funding small famers of cannabis and hemp. This statement from the president was welcomed anticipation by small scale Rastafari farmers, that government will be engaging their knowledge as a community that was previously disadvantaged on cannabis. In this regard we plea that comments should not only be limited for private use only but make exemptions for commercial use of small scale Rastafari farmers and the church (worship). We further ask expungement of all cannabis criminal records for members of the Rastafari Community and redress in a form of economical engagement over cannabis industry, as a Community that was previously disadvantaged in such an industry.

The economic restraint effects of being arrested for cannabis are still felt by Members of the Rastafari Community who failed to get employment due to cannabis related criminal records. Rastafari Community propose a model similar to BEE/BBBEE to help redress