

Greetings. My name is Janet O'Donoghue and as the co-founder of the South African Cannabis Community & Regulatory Association, which my son Jason O'Donoghue and I began developing in 2015, and on behalf of all who have participated with us over the years of lobbying, I am reading a co-created statement. We apologise for the lack of video.

With reference to the **Cannabis for Private Purposes Bill**, and therefore including the Cannabis Master Plan and all cannabis related SAHPRA policy, we hereby wish to note the following one main point, which we see as the root of the matter with regards to the **personal use of cannabis in private**:

**ATTEMPTING TO LEGALLY MANDATE, REGULATE OR DICTATE IN ANY WAY, SHAPE OR FORM, ANY ACTIVITY BY ANY ADULT IN PRIVATE (UNLESS SUFFICIENT EVIDENCE EXISTS TO WARRANT AN OFFICIAL SEARCH FOR EVIDENCE OF TORT OFFENCE CRIMINAL ACTIVITY REQUIRING THE PROSECUTION OF A CRIMINAL CHARGE) IS A DIRECT VIOLATION OF THE CONSTITUTIONALLY PROTECTED RIGHT TO PRIVACY AND THE INNATE SOVEREIGNTY OF EVERY HUMAN BEING.**

#### Classification

The classification of the plant *Cannabis sativa L.* as an “undesirable dependence producing substance” which ensures its inclusion on schedule 7 of the Medicines Act and part 3 of schedule 2 of the Drugs Act is untrue, unfounded, and unsupported by the scientific and empirical evidence currently available on **natural** cannabis.

It is easy to prove what is well known in common lore i.e. that Cannabis in its raw form has proven to be “one of the **“least toxic” and most beneficial plants of all**, to quote international expert witness, **Dr. L. Grinspoon, Associate Professor Emeritus of Psychiatry, Harvard Medical School** who has studied the plant for decades, and is a frontline participant in the cannabis debate globally.

So, cannabis sativa L. is essentially a **safe, beneficial, and medicinally effective plant** which also has massive potential as a raw material for many ecologically benevolent industries.

The so-called “harms” of **natural** cannabis that make it “undesirable” to the state, and the severity of alleged possible psychological dependence comparative to, for example, chocolate (which has a similar effect on the body) have *still not* been satisfactorily explained, tested or verified by the state.

According to available documented empirical evidence *and* sworn testimony, including that of Dr. Joey Gouws, Registrar of Medicines of the MCC at the time, and self-evidently to millions of us, Cannabis in its **natural form** is actually a *sui generis, sui juris* plant i.e. it is unique and self-regulating, therefore requiring a unique and self-regulatory solution.

Even the most beneficial and prolific medicinal compound, THC, found *only* in flowers of the cannabis plant as the most powerful part of an entourage effect of over three hundred possible cannabinoids, terpenoids and flavonoids, is **only psychoactive under certain circumstances**. These include being heated or ingested orally.

Moreover, this very psychoactive effect can have multiple scientifically documented and proven **beneficial health effects** due to its natural regulatory effect on the biochemistry of the body and its systems. We have found this to be particularly so through the use of the homeopathic principle of micro-dosing for many serious ailments such as epilepsy, parkinsons, alzheimers, bipolar disorder, unipolar depression and many, many others.

One example of the power of cannabinoids is that THC stimulates **apoptosis** which is the natural cell death mechanism of tumoral cells without affecting healthy cells. The classification of the plant as “undesirable” is therefore **not in accordance with the common lore, nor the in the best interests of the people** who very much desire to have access to this beneficial plant for both commercial and personal use.

Fifty years of extensive pharmaceutical research has failed to successfully produce a safe synthetic form of THC and it is only the **synthetic** version of THC which is actually dangerous and even highly addictive. Much of the medical research done prior to 2005 used this synthetic substance in studies which refer to it generically as “cannabis” when it is in fact patented, synthetic THC in a liquid carrier was used, leading to the skewed research conclusions on which current law and policy is largely based.

Medical science has only relatively recently produced several patented versions of safe synthetic CBD which have now been listed on schedule 4 of the Medicines Act. Compounds which can do *exactly the same thing* as CBD can be found in simple flax seeds, crushed and ingested within fifteen minutes of releasing the essential fatty acids therein.

Even alcohol and tobacco, whose harms in primary and secondary consumption are well documented scientifically, and whose effects are absolutely life-threatening in nature, are not as regulated as the cannabis plant will be under the proposed act. Hence outdated, unconstitutional, and unscientific draconian law will remain, and even be further entrenched, in our legislature.

Without due process and despite the weight of evidence.

### Protection of Human Rights

**By dictating terms of individual personal use by consenting adults in private** (which is the norm and always has been in any case) and the *policing* thereof, this bill uses the *guise* of upholding our right to privacy to in fact **derogate** our right to privacy by making it possible for police to invade the person and/or property of *any ordinary citizen at any time or place* without clearly defined probable cause necessarily being a requisite.

Most importantly, this bill **derogates the right to life** and **the right to dignity** (both of which are non-derogable under the constitution), as well as the **right to bodily and psychological integrity**, of both **adults and children** by restricting and therefore effectively denying, their access to effective natural herbal cannabis treatments for many life threatening and terminal illnesses.

This will even affect private use through quantity restrictions and the policing of the proposed Act and will essentially criminalise (except for the few) available safe, effective, inexpensive natural cannabis treatments *beyond redemption*.

Treatments which do not have the horrific side effects of conventional pharmaceutical drugs including chemotherapy, radiation, nuclear medicine and failed gene therapies.

By restricting trade in the plant and its products through SAHPRA policy this bill also violates the right to **equal protection and benefit from the law** by effectively legislating a monopolised commercial cannabis industry. De facto exclusion of the ordinary citizen from a legal cannabis industry **will not alleviate the unwarranted and unnecessary criminalisation problems** created under prohibition, and in fact is most likely to increase them by maintaining it.

We are currently painfully aware of 2000 emerging farmers being held back from participating in the “legal” industry via the Dept. of Agriculture (for so-called hemp) who have been given no guidance nor knowledge about what they can do with the plant. SAHPRA has no interest in this aspect other than to restrict the cultivars used to *non-flowering plants* – an almost impossible task in South Africa.

This compartmentalisation of the plant is a setup for failure, corruption and/or monopolisation of this infinitely renewable natural resource which was nationalised by the EFF in 2014 in a plenary session of parliament. To sell out this infinite bounty to big corporations alone is a travesty. The plant belongs to all of humankind whether they choose to engage it or not.

### Economic freedom and equality

The proposed Cannabis for Private Purposes Act is **economically discriminatory** and **precludes an equitable legal cannabis market** in that it excludes the participation of the ordinary citizen from potentially viable self-employment or employment in a legitimate, equitable free market cannabis industry through the rigours of the **regulatory policy** dictated by SAHPRA, which will be applied if this bill is adopted, only to satisfy the requirement for SAHPRA to generate *substantial income as a private company to maintain its functionality as a drug regulator*.

**SAHPRA policy** employs **excessive, extreme, and unnecessary** infrastructure and measures for handling and securing cannabis, which make it even more economically unviable for an ordinary citizen to participate in the industry. This is undoubtedly due to US-patent-6630507 i.e. the worldwide patent for cannabinoids (the medicinally active substances found naturally in the plant and produced synthetically or semi-synthetically in pharmaceutical laboratories) as antioxidants and neuroprotectants - meaning they are effective for treating most human diseases and conditions.

The worldwide license for products containing these cannabinoids both naturally extracted (by an omission of wording in the patent - a sleight of hand second to none) and legitimately, synthetic, has long ago been granted to GW Pharmaceuticals and *every license* will therefore ultimately be under the dictates of that company.

South Africa can easily be called the Cannabis capital of the world due to the light conditions here which are perfect for growing the plant as evidenced by the long history of its use as a cash crop in rural areas where income would otherwise be impossible to ensure, and where it also has natural beneficial effects as a companion plant for food crops, and a safe and highly effective natural medicine.

The simple cannabis plant can in fact form a truly sustainable basis as an infinitely renewable resource in this country for **new, open source, truly free market, ecologically beneficial industries** including fuel, food, fibre, textiles, plastics, building, cosmetics, and traditional herbal remedies.

Should this bill be adopted, even with amendment, it will therefore simply **further entrench economic discrimination** against already marginalised ordinary citizens who could easily produce a substantial viable income through *self-employment* and micro industries in a truly decriminalised market with **zero infrastructure costs** in our climate.

**With regard to applicable International Law:**

**This 1961 United Nations Single Convention on Narcotic Drugs** charter successfully aligned the majority of the world's governments in a single drug policy treaty which included Cannabis sativa L.

This treaty still exerts a great deal of pressure in international law.

At a 2014 forum on the effect of the legalisation of Cannabis on International Treaties, **Sandeep Chawla, Former Executive Director of the U.N. Office on Drugs and Crime** said the following:

“We may eventually get to the first step to **remove what was quite clearly the weakest and most vulnerable point of the whole [International Control System]** which was something that has been **obvious for thirty years**, but that nobody has ever been able to do anything about because of the **dead-weight of multi-lateral consensus**, and that was **to include Cannabis** in the same control regime as heroin and cocaine and methamphetamine. **That auditing needs to be removed from the system.**”

He goes on to say: “and what we have to I think **guard against**, is that there are **too many vested interests** in the world in favour of keeping the present system ticking over as it is, and those vested interests need to be tackled.”

This can be achieved under **Article 2 of the UNSCND** by acknowledging that the prohibition of Cannabis is *not* in the best interests of the health and welfare of the **majority of the population in South Africa**. (See debate on U.S. Foreign Policy)

**Article 2** of the UNSCND provides for the following, in reference to Schedule IV drugs:

“A Party shall, **if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare**, prohibit the production, manufacture, export and import of, trade in, possession or use of any such *drug* except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.”

**The official Commentary on the UNSCND indicates that parties are expected to make this judgment in good faith.**

**SACCRA has developed an alternate proposal for an innovative regulatory structure for trial and roll out which describes an equal opportunity, free market, community based commercial model for a cannabis industry in South Africa. And as you have seen, there are many other viable models to explore.**

**In other words, alternate means exist to fulfil the purposes of this bill** and the government is obliged by the constitution and their mandate to seriously and actually consider, and verify or deny them, *as* viable alternatives. This can easily be facilitated by the Director General of the Dept. of Health.

It is the DG's legal mandate and responsibility to issue research permits for cannabis which is the ONLY avenue allowed under current law. We strongly suggest that SACCRA members and other organisations who can soundly motivate their models for research purposes, are viable candidates for such permits in the fields of traditional medicine (category 1), community development, socio-economic development, informal industry and agriculture.

The SACCRA model, being member based and specific to closed loop Cannabis communities means that the larger public (who may not wish to participate) will not be imposed upon and will be free to participate or not as they choose, at whatsoever level they choose.

We request that government seriously investigate and consider the viability of the proposed evidence-based accreditation structure supplied in the **SACCRA Socio-Economic & Educational Development Model (SEED)**, which includes a sound, multi-faceted regulatory structure covering raw plant matter through various levels of natural extraction, and wholistic application and treatment methods, alongside the proposals of *all* other relevant parties, particularly traditional healers of *all* sectors, and in the interim to instruct the DG to grant immediate research permits for the testing of the viability of these models.

The founder members of the Association are available for consultation and collaboration to this end, as I am sure, are many other representatives here today.

### Conclusion

The word "cannabis" does not exist in any of the laws used to prosecute us for its use. It appears only on the schedules of the Medicines Act and the Drugs Act. Instead of creating a whole new law and policy structure and wasting further time, it is a simple matter of a **policy decision** by a) SAHPRA, b) the National Assembly c) the National Council of Provinces or d) the Supreme Court to, based on available scientific and empirical evidence of the safety and efficacy of cannabis which we are happy to supply, **acknowledge the plant as benign and beneficial** and to consequently *immediately reschedule* (to schedule 0 which is regulated under the Food and Cosmetics Act).

And ultimately to de-schedule Cannabis sativa L. once a responsible, equitable, self-regulated, truly free-market cannabis industry has been established in this country via the people who truly know the plant. One which includes a fully responsible, adult social use market. Beneficial collaboration between the pioneer organisations and the Dept. of Justice will go a long way to ease the burdens cannabis prohibition has placed on all of us to many varying degrees.

We propose that several such permits are awarded immediately to several diverse types of organisation, including ourselves, to verify how the different models work in different communities. Although funding is not essential since raw cannabis is an infinite resource and will generate its own prosperity for natural growth and expansion of micro-businesses, funding should be made available to each of them in a truly equitable manner.

The S.A.C.C.R.A. argument and evidence as well as the proposed regulatory standard and accreditation structure is available from the Executive Council and much more information about cannabis itself and our social evolution model is available on [www.saccra.org.za](http://www.saccra.org.za).

Recommended blog: SACCRa – SEEING THROUGH THE HAZE – Is Cannabis Legal?