



Theocracy Reign Ancient Order of the Nyahbinghi in South Africa

PUBLIC COMMENTS SUBMISSION TO THE PROPOSED AMENDMENT TO THE CANNABIS FOR PRIVATE PURPOSES
BILL

24 May 2022

Introduction



The Nyahbinghi Church welcomes the initiative since the Bill was myopic in granting private use WITHOUT due consideration as to where the person is obtaining the cannabis from i.e. not all consumers want to grow for themselves, others simply want to buy and use.

The Nyahbinghi Order notes:

- There was not adequate consultation.
- Various RasTafari individuals, mansions, houses, formations, organisations and multiple organs submitted.
- The Theocracy Reign Ancient Order of the Nyahbinghi (referred to as the Nyahbinghi Order) made written and oral submissions.
- Past Submission indicated the RasTafari community generally rejected the bill as it stands.
- RasTafari advocated for total liberation of the plant for in particular those communities with long recorded history of traditionally cultivating cannabis which gives them IKS rights to share in the commercial benefits of legal cannabis.
- The Nyahbinghi Order proposed an exemption as the only other viable alternative option to afford interim relief from the law for the RasTafari community to be able to use of cannabis for sacramental purposes.



Commercialisation

The Nyahbinghi Order proposes:

- A special economic dispensation w.r.t. commercialisation e.g. licensing, trade, industry entry, special licence for RasTafari, IKS and AA groups; access to finance and land amongst other considerations.
- Empowerment stimulation packages for the beneficiation of the plant across many value chains.
- The lifting of existing barriers of entry to allow Historical disadvantaged cannabis entrepreneurs to participate in the legal cannabis industry.
- Preferential rights as a form of reparation for damages suffered to assist RasTafari to enter the cannabis main stream economy.
- Customs and trade barriers to discourage imports and international cannabis from dominating SA market and prevent them prejudicing local previously disadvantaged cannabis farmers and traders.
- As prerequisite all licenced companies to report on their overall practical and measurable commitment to empower the Rastafari church and other IKS communities.
- Applying BBEE policy in cannabis industry to secure a meaningful participation of the historically prejudiced.
- Tax collected from commercialisation of cannabis should partly be redirected at development of the Rastafari church and other IKS communities with some partly towards harm reduction campaigns.
- A public/private Cannabis Trade/Advisory Council be set up for this commercialisation, with inclusion of RasTafari representatives. The primary task of this Council will be to oversee all industry/sector commercial activity and involvement countrywide to ensure the application of the special economic dispensation is met in accord with the country's human resource development goals.



Exemption

The Nyahbinghi Order welcomes the exemption initiative. Yet we note that The exemption is likened to the Jamaican Dangerous Substance Act, however we wish to raise the existing serious flaws limitations in the Jamaican Act which does not afford the RasTafari community (and other IKS communities) special rights to shared commercial benefit of the cannabis plant as stipulated by the South Africa IKS rights law of 2019.

The Nyahbinghi Order therefore proposes the following should be considered:

- Redress the unrealistic proposed quantity limits as RasTafari use cannabis in many applications. This means all references to amounts of cannabis, possession thereof, trees planted etc. must be INAPPLICABLE to the RasTafari members.
- definition of private space to include places of worship.
- The RasTafari unique Ital standard must be catered for like Hallal and Kosher standards
- Immediate release of all cannabis detainees and the expunging of all cannabis criminal records as well as the immediate scrapping of all Cannabis active cases from the Court Roll and moratorium of all cannabis related arrests. Cannabis must be freed of criminal association and be viewed rather for its recreational, social, medical and economic benefits.
- Children under 18 years caught possessing and using cannabis should undergo counselling and rehabilitation programs and not be subject to imprisonment.
- We reject the current proposal for the Minister to be the overseer of this exemption and related permissions as we believe this will overburden the ministry and delay the processing of applications. We propose the exemption should allow for self-determined; self-regulatory mechanism which would stipulate Ital standard specifications and standard operating procedures, authorised regulatory authority, related representation, distribution and logistics mechanism.
- We be allowed to give further inputs on exemption proposed to be relevant to our community.



Medical Applications

The Nyahbinghi Order proposes:

- **Since The Church has always used cannabis as medicine for the healing of the nation, thus The RasTafari community must be able to self diagnose, self prescribe and self administer cannabis for home remedy of various ailments and palliative care.**
- **Rastafari Parents must be allowed to administer cannabis to Children of RasTafari for healing purposes.**
- **RasTafari bush doctors must be treated as traditional health practitioners with regulatory authorities (Health/SAPHRA) to actively engage the community in order for the RasTafari herbs-man and herbs-women to be allowed to prescribe cannabis to alleviate health challenges for self, their immediate families and their patients.**
- **RasTafari bush doctors and herbalists be allowed to produce and distribute herbal remedies to their patients.**
- **Increased education and information sharing platforms in public platforms to ensure the correct usage of cannabis as medicine is highly recommended and we wish to request that the parliament portfolio committee assists in the funding of this education and public participation.**

Conclusion



The Nyahbinghi Order welcomes the amendments that include commercialisation and exemption for Rastafari community for sacramental rights and other IKS communities for cultural purposes.

We highlight the following:

- The rescheduling of cannabis as an agricultural crop.
- The gross violation of the fundamental rights of the RasTafari imposes a duty and obligation to exempt adult RasTafari from certain of the provisions of the Acts.
- Rastafari nation has embarked on process to self consult and come up with collaborative means of self governing the cannabis for Rastafari community. A Special committee at National, Provincial and local municipality level, made of the RasTafari Elders/Priests, Community police forum reps and liaising with the local police station commander will be the authority that oversees all exemptions for the community under this self regulatory mechanism proposed
- We further wish to request assistance from parliament in order to consult nationally and conduct a regular census of the RasTafari community which will assist to ensure that annual exemption figures are within the range expected and so anomalies can be detected and investigated timeously.
- To mitigate the flawed public consultation process, we ask for further public consultation which is meaningful and must not be used merely for compliance's sake. Parliament must go to the people, and we would like to reiterate that "there can be nothing for us without us".



Give thanks and contact details

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