



afristar
CANNABIS LOBBY GROUP

**PRESENTATION TO PORTFOLIO COMMITTEE ON
JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**PUBLIC PARTICIPATION INPUTS ON THE
HEMP SECTION OF THE CANNABIS FOR
PRIVATE PURPOSES BILL**

This submission is made by Afristar Foundation, registered as a
Non-Profit, Section 18a Company 2003/007366/08 NPC



MANDATE & CANNABIS WORK



- Collectively we represent cannabis users, growers and stakeholders from around South Africa
- Focused on regenerative land use utilising cannabis as an economic driver for rural transformation
- Afristar has been actively engaging with the Presidency, as well as National and Provincial Governments to unlock the cannabis industry and develop an enabling policy and legislative environment.
- We have also worked with the Eastern Cape Rural Development Agency (ECRDA)
 - Technical Advisory Team
 - Cannabis Coordinator that appointed Weber Wentzel to develop a framework for the Conceptualisation, Motivation and Key Provision for an Enabling Regulatory Environment for Cannabis in South Africa,
- Mr Heinemann is currently part of the team appointed by DTIC to research the Situational Analysis and Country Competitive Strategy for Cannabis in South Africa

MANDATE & CANNABIS WORK



- Our **main goal** is to advocate for rational cannabis laws and develop a supportive framework that empowers individuals and communities to enable a new rural farming and industrial base,
- Our **objective** is to create a thriving and inclusive cannabis industry based on what we have (scale of production, drought tolerant naturalised genetics, experienced small-scale farmers) that generates opportunities, jobs, and sustainable growth for South Africa.
- Advocate for **rational scientific cannabis laws** with minimum regulatory barriers and red tape
- Contribute to developing a legal framework that **opens the cannabis market**, benefiting government, the community, and facilitating a cannabis industry cluster for opportunities and jobs in impoverished rural communities.
- Assist traditional cannabis communities in South Africa to **formalize and develop their cannabis value chains**
- Facilitate training & skills development for agro ecology incorporating **cannabis as a high value crop in the hands of the rural poor**
- Promote Regenerative Futures and a **nature-based economy** demonstrating best practices for cannabis cultivation using agroecological principles for various purposes.
- Provide **comprehensive access to cannabis information**.
- **Ensure equal access** to the cannabis plant, its derivatives, and business opportunities for all people.

INTERNATIONAL TREATIES & DEFINITIONS OF INDUSTRIAL CANNABIS / HEMP



Cannabis is governed by several international treaties & conventions at the United Nations:

- Single Convention on narcotic drugs of 1961
- Convention on psychotropic substances of 1971
- Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988

The United Nations Office on Drugs and Crime (UNODC) is the primary UN agency responsible for monitoring and supporting the implementation of international drug control treaties.

None of the United Nations Conventions define industrial cannabis / hemp by THC levels in the plants or part thereof

- There is no consensual taxonomic or phylogenetic classification, for industrial cannabis / hemp
- In Article 1-1(c) of C-61, the definition of “Cannabis plant” refers only to Cannabis plants used for the “production” and “manufacture” of drugs
- Article 28-2 further qualifies distinctive features between drug and non-drug products: “This Convention shall not apply to the cultivation of the Cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes”.

DOES INDUSTRIAL CANNABIS / HEMP HAVE TO BE REGULATED ?



- The Single Convention on Narcotic Drugs of 1961 (C61) makes a clear textual distinction between Cannabis Sativa L plants grown to produce drugs (falling within the scope of the treaties) and exempting those grown for any other purposes.
- The categorization of Cannabis sativa L. as industrial hemp and the establishment of legal definitions for industrial hemp based on its THC content has been a recent development in North America & Europe with no legal requirement.
- India, Nepal & Chile utilise traditional landrace varieties of Cannabis sativa for industrial purposes
- The official Commentary published by the United Nations Secretary-General's office further underlines that “the control regime applies only to the cultivation of the Cannabis Sativa L plant for the production of cannabis and cannabis resin [i.e. drugs present in the Schedules]” and hence the “cultivation for any other purpose, and not only for the purposes mentioned in paragraph 2 (i.e. “industrial purposes”, “horticultural purposes”, “fibre and seed”), is consequently exempted from the control regime provided for in article 23 (i.e. falls out of the scope of C61)”

INTERPRETATION & IMPLICATIONS FOR DEVELOPING AN ENABLING INDUSTRIAL CANNABIS / HEMP REGULATORY ENVIRONMENT



- **The United Nations Treaties only require reporting on illegal cannabis cultivation and seizures and Legal Medical cannabis cultivated under controlled licence conditions. No arbitrary THC levels in the plant are stipulated.**
- Cannabis cultivated expressly for industrial purposes falls outside of the United Nations Conventions and **does not have to be reported on or regulated**
- If we choose to use the term "industrial cannabis" **South Africa can create its own regulations for industrial cannabis / hemp based on what we have and could position the country to unlock potential competitive and comparative advantage (scale of production, drought tolerant, experienced small-scale farmers , naturalised genetics).**
- **Essentially to make provision for our Indigenous Landrace Cannabis to be cultivated for industrial purposes. (irrespective of THC levels and defined by end use for industrial purposes).**
- instead of "hemp" to describe cannabis that is grown for industrial purposes, we can expand the potential uses of our landrace cannabis strains for industrial applications.
- This will allow for the inclusion of landrace strains, which are already widely cultivated in South Africa, in the emerging cannabis industry. By doing so, we can tap into the significant existing production of landrace cannabis and enable more people to participate in the industrial cannabis market.

- Illegal cannabis production in SA is difficult to determine due to the illegal nature of the activities and the lack of reliable data
- SA submits an Annual Reporting Questionnaire to the United Nations Office on Drugs and Crime (UNODC) who publish the data in a report
- **Highest figure reported 82,000 hectares** (later reported as a gross overestimate) but supported by the **US DEA who estimated 20 – 30,000 ha in 1993/4** and **83,000 ha in 1994/5** Before and after this figures range from 1,000 to 6,000 ha
- SAPS reporting 22,7000 ha in 1994 0.1% of arable land
- Research from Tijmen Grooten MSC Thesis Harvesting Hope: Exploring the Untapped Potential of Smallholder Cannabis Farming in South Africa. Wageningen University in the Netherlands focused on the Upper Mzimvubu catchment
- Estimates **average family farms nearly 1 ha** with **between 18,719 – 56,157 ha under cultivation** (compared to the 32,000 ha of hemp under cultivation in Europe) supporting between 20,000 and 60, 000 small holder farmers in this part of Mphondoland
- Industrial - Could be processed into hurd between 112,767 & 338,301 tons annually with a minimum value of R451m
- Medical / Recreational – Harvest between 1500 & 4485 tons of cannabis flower annually with an estimated value of R 1.1 billion (if there is a market) or could be converted into 60 to 180 tons of FECO with a minimum value of R5.9 billion value
- Stalk Harvest between 162 & 505,000 tons annually, Sequestrates between 374,000 & 1,1 million tons of carbon



SUMMARY

- The Hemp Section of the Cannabis for Private Purposes Bill as it currently stands is overly restrictive, counter revolutionary, anti development, anti black and not pro poor with NO sound reasoning for following this approach.
- The United Nations Treaties governing the use of cannabis only applies to illicit and medical cannabis. **Cannabis cultivated expressly for industrial purposes falls outside of the United Nations Conventions and does not have to be reported on or regulated.**
- South Africa can create its own regulations for industrial cannabis / hemp based on what we have and could position the country to unlock significant potential competitive and comparative advantage (scale of production, drought tolerant naturalised genetic & experienced small-scale farmers).
- **Effectively we are saying that there should be NO limit on THC quantities in industrial cannabis and that CANNABIS USED FOR INDUSTRIAL PURPOSES SHOULD BE REGULATED AT THE POINT OF PROCESSING AND NOT IN THE FIELD**
- This would make provision for our Indigenous Landrace Cannabis to be cultivated for industrial purposes (irrespective of THC levels and defined by end use for industrial purposes) and include the tens of thousands of hectares of existing cannabis production.





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foundation

REGENERATE RENEW REBUILD

The Afristar Cannabis Lobby Group is Afristar Foundation Project working to catalyse transformation from a world of scarcity, poverty and conflict, to a world of abundance, prosperity and peace by promoting, demonstrating and educating on regenerative solutions to everyday problems that can be implemented by anyone, anywhere.

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