

2019 **SOUTH AFRICAN**

DAGGA

PRIVATE

CLUBS

INITIATIVE



We, the people who use Cannabis throughout South Africa who are the keepers of traditional knowledge of the plant, have been freed after 110 years of the State-led violations of our right to privacy and our dignity as human beings after the Constitutional Court's judgement "decriminalising the use or possession of Cannabis by an adult in private for that adult person's personal consumption in private; and the "decriminalisation" of the cultivation of Cannabis by an adult in a private place for that adult's personal consumption in private"¹.

Facing the apparent reluctance from the authorities to timeously develop and implement a sensible and sustainable legal framework with regards to Cannabis cultivation for personal use, as required by the Constitutional Court's judgement – and thus our concerns as to the ability of our authorities to protect, preserve and enhance our rights, we are:

- *Aware that the right to privacy can be exercised as a collective right²,*
- *Aware that, besides our right to privacy, it is also our right to equality, our right to the highest attainable standard of health, our freedom of thought, conscience, religion, opinion, expression, and information, our freedom from arbitrary arrest and detention, our freedom from torture and other cruel, inhumane, or degrading treatment or punishment, our right to a fair trial, and our right to remedy and reparation for the gross violations of human rights, that are in the balance,*
- *Determined to make use of our freedom of association and peaceful assembly to ensure that the rights of our people are respected,*
- *Committed to ensuring that the exercise of our rights and freedoms conforms to the law,*

¹ Constitutional Court's briefing:

www.concourt.org.za/index.php/judgement/260-minister-of-justice-and-constitutional-development-and-others-v-prince-cct108-17

² Marks, Amber (2019), "Defining "personal consumption" in drug legislation and Spanish Cannabis clubs", International & Comparative Law Quarterly, 2019.

CODE OF CONDUCT FOR A DAGGA PRIVATE CLUB

- *Resolved to collaborate with the authorities in order to gain the recognition of our society as a whole,*
- *Acknowledging that trade in Cannabis remains completely illegal in South Africa,*

We initiate our own model of non-trade regulation and control, affirming its non-profit nature, and framing it in the collective exercise of our rights to personal growth, possession, & use of Cannabis,

We call this model a Dagga Private Club and declare that it aims to prevent us from being involved in illegal activities, and ensuring that certain requirements concerning public health and safety are being fulfilled.

We are confident that, like Cannabis Social Clubs³ in Spain, Belgium, Uruguay, Switzerland and USA, local authorities will have an interest in designing regulations based on this model, which can enable them to ensure a transparent and safe framework, prevent the access of minors to Cannabis, and help redirect public expenditure on law enforcement to real safety priorities.

Please note that this document constitutes fundamental policy research, and in no way constitutes any sort of formal regulation.

A Dagga Private Clubs (DPC) is a registered, non-profit company formed by adult people who use Cannabis. A DPC consists in the articulation of private spaces where registered members collectively organize the safe & private cultivation of *Cannabis sativa* L. for an amount exclusively meant for their own personal use.

³ ENCOD, Code of Conduct for a Cannabis Social Club in the European Union
encod.org/en/cannabis-social-club/how-to-create-a-cannabis-social-club/code-of-conduct-for-european-cannabis-social-clubs

Creation, Management & Transparency.

DPCs are organized as Non-Profit Companies, characterised by transparency, democracy, and non-profitability.

DPCs function with complete openness to their members about financial arrangements. Members can see how the costs are calculated and the money is spent.

DPCs organize a general assembly at least once a year, where annual reports are discussed. These reports include a complete balance of income and expenses, as well as a quality assessment of the crops and the products proposed for consumption.

DPCs can hire staff members, who can receive reasonable remuneration. Thus they contribute to the creation of decent and sustainable employment, to economic dynamism, and the State can regularly collect taxes on its wages.

DPC members pay membership fees which may be proportionate to their consumption, used to cover the costs of production, processing, storage, management, and wages. Any economic profit or excedent is reinvested in the association, in particular social, cultural, artistic or scientific activities, in the hiring of legal or medical consultancy, or in the support to the civil society sector promoting the legal regulation of Cannabis.

DPCs are willing to enter into dialogue with authorities and all local social stakeholders, groups, and communities. DPCs seek partnership with local universities, scientific entities or NGOs able to undertake content analysis of the crops in order to determine content in cannabinoids and the possible presence of contaminants.

REGISTERING A NON-PROFIT.

Keep in mind this Code of Conduct and:

- Draw up a Memorandum of Association. A legal statement signed by all initial shareholders agreeing to form the company.
- Draw up Articles of Association. This contains all the rules and regulations or bye-laws of the company. It deals with the rights of members of the company between themselves.
- Draw up a Memorandum of Incorporation. This sets out the rights, duties & responsibilities of shareholders, directors, and others within relation to the company.
- Draw up a Standard Operating Procedure. This is how the company will work on a day to day basis.



Scope of Production & Stocks.

The production capacity of a DPC is based on the expected level of yearly consumption of its members, increased with a reasonable buffer to counter the risk of failed harvest, theft, and provide for 'emergency stash' for people who consume Cannabis for medicinal reasons. The internal rules of a DPC include a protocol about the management of this eventual surplus.

DPC takes a comprehensive written record of consumption made by their members from the collective crops, a register which contains at least a membership number, the amounts withdrawn and the date of withdrawal. These registers must respect personal data privacy at all times.

The records of a DPC need to reflect the amounts that members obtain in order to avoid the possibility of diversion.

DPC takes a comprehensive written record of production, in which the association certifies the dates of the cycle of cultivation, the methods of cultivation and processing and the amounts harvested and suitable for consumption.

Cultivation area is safe, secure, and include areas for staff.

Inspections are carried out randomly by the staff of the DPC, to verify the safety measures and estimated volume of production.

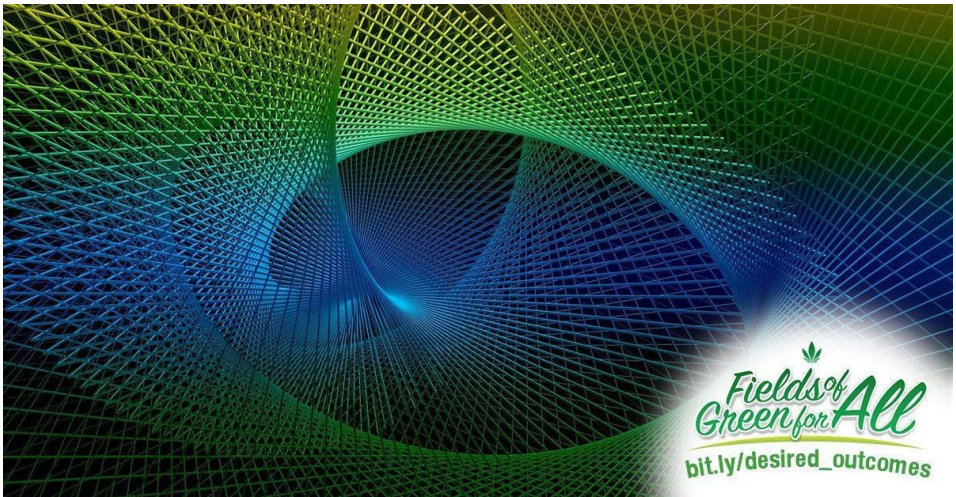
KEEP METICULOUS RECORDS.

This is something new for many of us. Before the Constitutional Court allowed us to use, possess and cultivate Cannabis in private most members of the Cannabis culture in SA took pains NOT to keep records as these could implicate us in court.

Now we need these records to prove that you are not dealing. If you are arrested on Cannabis dealing charges you will have to survive a forensic audit.

A DPC should not only appear to be legal, it should be so, and be able to demonstrate it in a court case. Therefore, a rigid discipline in the administration and organisation of the club is necessary.

Make sure that your cultivation area is safe and holds detailed, clear and daily updated cultivation registers. Match the amounts cultivated with the sum of all the members' registered amount of consumption.



Membership.

Before becoming a member of a DPC, the applicant must state that he or she is already a person who uses Cannabis.

The only way to become a member without a prior personal background of Cannabis use is by providing a medical recommendation stating the diagnosis and the dosing recommendations. Diseases granting access to the DPC are those for which the use of Cannabis is indicated, according to the regularly published list of the International Association for Cannabinoid Medicines (IACM). *(This clause will only be applicable when regulations for the prescription of Cannabis in South Africa are available.)*

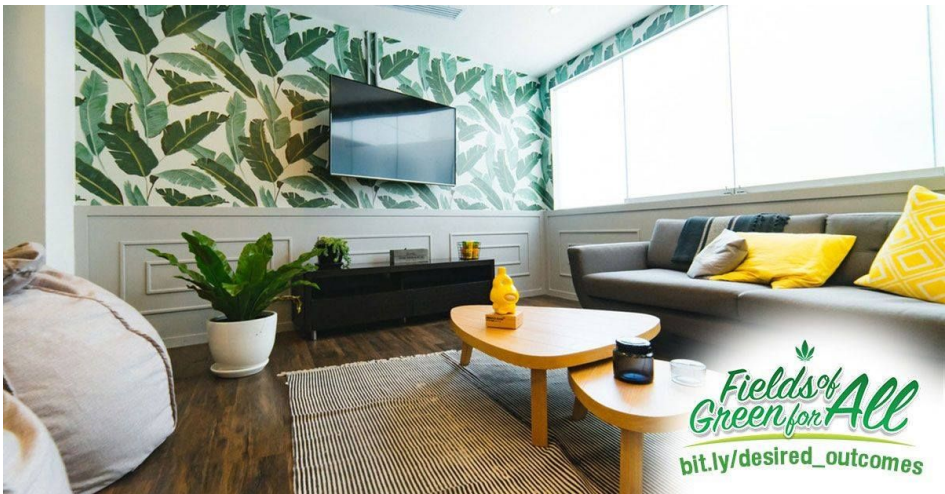
DPCs have a protocol for adhesion of new members that includes an explanation on their rights and duties and an indication of the *estimated* amount required for personal use monthly.

DPCs seek partnership with social and health care professionals to provide information and to train staff and members of the DPC in harm reduction and basic health responses to problematic use or hazardous outcomes of Cannabis use.

DPCs should aim to be hubs of information for Cannabis knowledge, from botanics to cultural, social, historical, spiritual and traditional aspects of this plant, both locally and internationally.

BIG IS NOT BEAUTIFUL.

- Decide who you want to be in your club. We strongly urge you to only include people you know personally.
- Big is not beautiful. Start small. Keep it tidy.
- Make a database of who you want to invite to join.
- Decide how you are going to stay in contact with members (Website with a forum, Private Facebook Group, other Social Media, Email only, WhatsApp Group, etc)
- It is highly recommended to issue every member with a membership certificate, a card, and a single number.



Good Practices & Quality control.

The methods of cultivation, post-harvest treatment, processing, etc. shall meet to the standards of organic agriculture, ensuring the safety of the final product, and include an assessment of the sustainability of the use of natural resources.

Harvests are controlled wherever possible and analyzed to prevent possible contamination and the final production volume is quantified once dried.

Where necessary, DPCs issue written authorizations to its representatives in charge of transporting the harvests from the cultivation area to the premises where the controlled distribution is carried out.

Train your growers to the best practices and to safe and organic methods of cultivation!

Make sure that people working in this plantation and transporting plants and/or Cannabis are always in possession of papers that explain the way the DPC works and refer to legal antecedents.



Open your Dagga Private Club Join the Green Network!

fieldsofgreenforall.org.za/community

**Further information and Guidance on Dagga Private Clubs
are made available to members of the Green Network**

Create your DPC and join the Green Network to unite and get support!



**Monthly
Donation**

R150 / month



**Annual
Donation**

R1,380 / year



**Premium
Monthly
Donation**

R995 / month



**Premium
Annual
Donation**

R9,995 / year



Your donation goes towards the day to day running of the organisation. Should you wish to remain up to date with news from our organisation without becoming a premium member, please sign up for our newsletter.

Our accounting is transparent and independently audited. All Green Network Membership details are secure and will not be shared with anyone. Feel free to proceed and join our community.

SOUTH AFRICAN DAGGA PRIVATE CLUBS INITIATIVE

Promoted by Fields of Green For All
Empowered by the European Institute
for Multidisciplinary Studies on
Human Rights and Science
(Knowmad Institut)



Open your Dagga Private Club

fieldsofgreenforall.org.za/community

Join the Green Network!

Further information and Guidance on DPCs are available to members of the Green Network

Local Community Groups & Non-profit Supporters



AFRICAN
BUSHDOCTORZ



Private sector Supporters

