

Memorandum of Grievance to the Executive Cabinet of the Republic of South Africa

The RASTAFARI Movement through an association of various organisations and collectives delivers this memorandum to the Government of South Africa 01:03:2017

In 2008 South Africa's Deputy High Commissioner Councilor Raphadu and his assistant attended the NYAHBINGHI GLOBAL CONSULTATION at Scotts Pass Nyahbinghi Centre, Clarendon Jamaica, which occurred from July 22—30. The report from the Rastafari in Jamaica noted:

“The S.A Deputy High Commissioner, Councilor Raphadu was next introduced and informed the House that he will be keeping in touch with the Elders to mobilize a very strong representation of Rastafarians to the Diaspora Conference in South Africa. He encouraged the Rastafari movement to continue advancing the knowledge of Africa's glorious history, the maintenance of its culture relevant to our times and wish for success in our consultation. He also had high praise for the Jamaican people for keeping the fire of liberation burning during the apartheid era. The Royal welcome accorded to President Mandela was testament of our love and adoration for the people of South Africa.”

In light of the above mentioned diplomatic event and the current situation we face as Rastafari adherents in South Africa :

We stand here today as the collective voice of the Rastafarian Faith in South Africa. We have come here today to hand over our grievances and demands to the National Assembly, Ministers and Presidency of South Africa, Mr Jacob Zuma. If they are unable to attend, we trust that their respective representatives are here to receive the memorandum on their behalf and hand it over to them.

This memorandum is a collated document: It consults the 2016 Adwa March Memorandum, the 2016 Constitutional Court March memorandum and The RASTAFARI Millennium Proclamation as presented at the opening at the Rastafari Exhibit at Smithsonian Institute Washington, D.C. on Nov. 2, 2007. The compilation of select parts of these documents form the 2017 Memorandum delivered on Adwa Day

Firstly, we would like to stress the crucial and pivotal contribution which the Rastafarian faith of South Africa added to the fight against apartheid and all other forms of White Domination locally and internationally. Numerous Rastafarian adherents have been martyred during the struggle against Apartheid most notably, the leader of the feared MK grouping known as the “Gugulethu 7” Christopher “Piet” Rasta was a Rastafarian adherent who was murdered in 1986 by the Security Police during a counter-terrorism operation in Gugulethu. A further example is the catalytic influence which reggae artists and their music had on adding impetus to the independence struggles of numerous African countries including South Africa when Anti-Apartheid activists drew inspiration and morale from reggae music. Not to mention that in 1962 former president Nelson Mandela underwent political, military and spiritual training in Ethiopia this was after he was invited by Ethiopian Emperor Haile Selassie I who is the God and deity of the Rastafarian faith. The now famous Makarov pistol which Nelson Mandela hid underground at the ANC's Lilies Leaf Farm in Rivonia, Johannesburg after returning from Ethiopia was handed to him by an Ethiopian Army Commander acting on the direct instruction of Emperor Haile Selassie I.

Sadly, the contribution of the Rastafarian faith towards the fight against Apartheid has been grossly overlooked by those who now call themselves the Leaders of the “New” South Africa. This is no more evident than in the daily encounters of victimization, brutalization and marginalization which Rastafarians are subjected to at the hands of members of the South African Police Services (SAPS) and the exclusionary laws which we are subjected to at schools, at our respective workplaces and in public spaces.

Note that this is not the first time that we are marching against the ill-treatment of Rastafarian adherents in South Africa; we have been protesting for many years but to no avail by the South African Government.

MILLENNIUM PROCLAMATION FROM THE ELDERS COUNCIL OF RASTAFARI

Whereas the Rastafari Movement since its inception in the early 1930s has undergone tremendous persecution by the State.

Whereas our Elders, patriarchs and matriarchs, sons and daughters, suffered and continue to suffer severe brutality and imprisonment for practising their spiritual beliefs.

Whereas the Rastafari Movement has suffered and continues to suffer severe hardship due to the discriminatory attitude and policies of the State that did nothing to stop the discrimination against Rastafarians in the marketplace, schools and communities.

Whereas such discrimination caused the separation and suffering of many families.

Whereas such discrimination against the Rastafari children in schools has caused many to be disillusioned, demoralized and traumatized for many years.

Whereas the Law against Ganja which is part and parcel of the Rastafari sacred practice has caused many families to suffer due to imprisonment and caused many Rastafarians to suffer humiliation, loss of personal freedom, liberty and self-esteem and to be wrongfully stigmatized as criminals with criminal records.

Whereas many individuals have been dismissed from their jobs and schools for exercising their constitutional rights in changing their religious conviction by becoming Rastafarians and growing their locks.

Whereas the findings and recommendations in 2011 of the CRL overwhelmingly support the decriminalization of Ganja for personal use and religious use as a sacrament, yet for personal and religious use, the Rastafarians continue to suffer court fines and imprisonment.

Whereas many other Governments have been supporting Rastafarian causes, as in the St. Vincent Government's agitation for a 'no visa' requirement for its citizens to travel to Ethiopia, a process in 2011 that saw the Prime Minister Dr. Ralph Gonsalves traveling with a delegation of Rastafarians as an official delegation to Ethiopia and also donating acres of land for the development of Rastafarian Cultural Centers in St. Vincent.

Whereas in recognition of Rastafarians in Guyana, their Government donated 500 acres of land for community development.

Whereas the Barbados Government has established a Pan African Commission with its present chairperson a Rastafarian.

Whereas the Government of Panama has sponsored and sent for representation of Rastafarians in Jamaica to a Rastafari Hispanic Conference in Panama, donated 15 acres of prime real estate property for the development of a Rastafarian Ecological Village and Organic Farm on land reverted from the Panama Canal and also appointed a Rastafarian to the post of National Director for the Prevention and Eradication of Violence among Youths.

Whereas South Africa can boast of having given birth to the Largest population that practice this Indigenous Culture that has influenced a Global Community and has benefitted politically and economically from the exploitation of the Rastafari culture for tourism, yet has not to date done anything of positive significance worthy to mention in regard to Rastafari recognition, progress and development.

Whereas all the above injustices and discrepancies have continued to affect the progress of the Rastafari Movement.

Whereas the Constitution of South Africa 1996, the Charter of the United Nations 1945, the Universal Declaration of Human Rights 1948, the International Covenant on Economic, Social and Cultural Rights 1966, the International Covenant on Civil and Political Rights 1966, the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities 1992, the Universal Declaration on Cultural Diversity 2001 and the United Nations Declaration on the Rights of Indigenous Peoples 2007, impose upon the State a moral duty to protect our rights to life, liberty, equality and cultural, social, economic and religious self-determination.

We the Adwa Day organising committee in partnership with all other association and organisations, the Vanguard of the Rastafari Movement, hereby demand the following:

1.

- That full recognition of the rights and freedoms of the Rastafari Movement, its organizations, institutions and individual members, be enshrined in the Constitution and ancillary Acts of Parliament.
- That in recognizing the Rastafari Movement, an exemption under the Law be granted in respect of possession, cultivation and use including smoking of Ganja, our Sacrament, for religious purposes.
- That a formal apology by both Government and Opposition be given to the Rastafari Movement for injustices and breaches of fundamental human rights inflicted on Rastafarians in South Africa over the last twenty-three years in Post-Apartheid Dispensation.
- That legal, financial and other infrastructural assistance be granted to the Rastafari Movement for the establishment of Community Welfare Services, Rastafari Educational and Cultural Centers, a Rastafari Intellectual Property Authority.
- That discrimination against Rastafarians in the workplace and educational institutions be deemed unlawful, punishable by fines and/or imprisonment.
- That all rights and privileges accorded to all established churches and religions in Jamaica be given to the Rastafari Movement.
- That in recognition of the Rastafarian goal of Repatriation, dialogue between the Jamaican Government and Governments of Africa, through the African Union be established and facilitated through a Rastafari Pan African Commission.
- That September 11th (Ethiopian New Year, now recognized as Africa's New Year), November 2nd (the Anniversary of the Coronation of H.I.M. Emperor Haile Selassie I & H.I.M. Empress Menen), January 7th (Ethiopian Christmas), March 25th (the Earthday of H.I.M. Empress Menen) and July 23 (the Earthday of H.I.M. Emperor Haile Selassie I) be recognized as dates for Rastafarian children and employees to attend their traditional ceremonies, exempting them from school and work attendance.

Here follows the List of our demands:

- 1) We call on the President of the Republic Of South Africa to use his prerogative to impose a moratorium on all SAPS operations which target Rastafarian Communities and individuals within the borders of South Africa. Until the criminalization of marijuana for spiritual and cultural practices is nullified as marijuana utilization is a core practice in the Rastafarian faith.
- 2) We request that IPID fasttrack their investigations of police brutality where Rastafarian adherents are the victims of police brutality and that they are compensated by the Minister of Police for the pain and suffering they experienced at the hands of SAPS members.
- 3) Minister of Police should publically apologise to the Rastafarians of South Africa for the psychological damage, bodily harm and reputational destruction which members of SAPS inflicted upon Rastafarian adherents.
- 4) We as Rastafarians demand that our right to self-determination as a religious grouping is granted by having the South African Government fulfil its constitutional onus in allowing us to acquire land in which we can practice our right to self-determination.
- 5) We are calling for the end to the religious and cultural discrimination and marginalisation which our youth are subjected to at public and private schools in South Africa.
- 6) We are demanding that the criminalization of marijuana for spiritual and cultural practices is nullified since marijuana utilization is a core practice in the Rastafarian faith

We trust that the President of the Republic of South Africa acts upon our demands and notifies us on the course action and steps which they as the Government will initiate in order to fulfil our demands. We once again urge that the government takes our demands to the highest degree of importance as we the Rastafarian peoples of South Africa will not tolerate mediocrity and allow our integrity to be undermined any longer by any State apparatus or individual not even the President himself.

Challenges Faced by the Rastafari Community in South Africa

We as the RASTAFARI Movement ask national and provincial legislatures to offer our community a vital forum where the our public can engage with law- and policy-makers on questions of equal rights and justice, these and other rights are enforceable by the Constitutional Court. We believe the national and provincial legislature can impact on or force government to fulfil its constitutional obligations towards our community.

Parliament intervention

- To represent the Rastafari community and ensure government by the people under the Constitution,
- Parliament to help Rastafari community with promotion of their values of human dignity, equality, non-racialism, non-sexism, the supremacy of the Constitution, universal adult suffrage and a multi-party system of democratic government.
- Parliament to oversee the implementation of constitutional imperatives in line with CRL recommendation under the report (challenges faced by Rastafari in South Africa
- Parliament to enforce legislation that prevents or prohibits unfair discrimination, and holds members of the Executive accountable, collectively and individually.

Chapter 1 of the Constitution states that the "Republic of South Africa is one, sovereign, democratic state", founded on a number of values. Section 1(c) provides for "Supremacy of the Constitution and the rule of law" and section 2 states that "This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled".

The effect of section 1(c) and section 2 is to limit the power of the state, making it clear that the Constitution is supreme and that the state may not act in a manner that is inconsistent with it. All structures, bodies, individuals and institutions are bound by the Constitution. Section 92(3) of the Constitution explicitly requires that members of the Cabinet must act in accordance with the Constitution

The Constitution lays the foundation for our democracy in South Africa, which has recently celebrated its 20th year. The Constitution which was passed into law by Parliament, binds the State to "Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights," (Preamble, Constitution).

We hereby submit the memorandum of grievances to the **South African Parliament** to allege that our community rights in the Bill of Rights has been infringed or threatened for the past 22 years of RSA democracy.

Rastafari religion and Culture are constantly unfairly discriminated directly and indirectly on several grounds of practising their religion, belief, conscience and culture.

We kindly asking the Parliament to resolve the unconstitutional acts of all State departments implicated on the CRL report recommendations (2011-2012) by mediation, Conciliation, and negotiation with all state departments.

NB:We have taken these matter to the constitutional court for relieve of Rastafari religious and cultural rights.

We the Rastafari Movement of South Africa submit the following memorandum of grievances

1. The Constitution of the Republic of South African recognises and advocates freedom for the practice of all religions and ways of life in the country. Despite this constitutional right, for the past 22 years of democracy in South Africa ,Rastafari religion and culture is constantly infringed .
2. The **Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL)** which is mandated as per Chapter 9:section 189 (State Institutions supporting Constitutional Democracy) has done a research and Rastafari Movement advocate the report recommendations done in 2011-2012
The Rastafari Movement being a religious community and indigenous culture submit the following infringed rights by state.

Bill of rights, Chapter 2

The South African constitution advocates the protection of rights as quoted on, **Bill of Rights**

Equality

Section 9, Subsection 1,2,3,4 & 5

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of

Human dignity

10. Everyone has inherent dignity and the right to have their dignity respected and protected

Freedom of religion, belief and opinion

Section 15 (1) of the Constitution of the Republic of South Africa states that: Everyone has the right to freedom of conscience, religion, culture thought, belief and opinion.

Freedom of expression

Section 16 (1) Everyone has the right to freedom of expression, which includes—
(a) freedom of the press and other media;
(b) freedom to receive or impart information or ideas;
(c) freedom of artistic creativity; and
(d) academic freedom and freedom of scientific research

Cultural, religious and linguistic communities

Section 31(1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community—
(a) to enjoy their culture, practise their religion and use their language; and
b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

The Rastafari Movement submitting the following grievances of violation and infringement of Rastafari religion and Rastafari cultural rights by State and its departments, The following Rastafari religious and cultural constitutional rights are violated.

Chapter 2 ,Bill of Rights

- ❖ Section 9,**Equality**
Subsection 1,2,3,4 & 5
- ❖ Section 10,**Humanity,**
- ❖ Section 15,**Freedom of religion, belief and opinion**
Subsection 1
- ❖ Section 16, **Freedom of expression**
Subsection,1)a,b,c,d
- ❖ Section 31,**Cultural, religious and linguistic communities**

Chapter 9, Section 189(2011-2012 CRL Rastafari religion report implementation), However, Rastafari religious community and Rastafari culture in South Africa feels that they do not have the freedom to practise what they believe. In our situation, the CRL Commission, which is a constitutional body under Chapter 9, Section 185 of the Constitution of the Republic of South Africa, Has conducted a research which dealt with infringements of community rights of Rastafari culture, and Rastafari religion,

we hereby request protection of our violated constitutional rights from the Parliament,the constitutional court must grant Rastafari community appropriate relief, including a declaration of rights as recommended by a report from a chapter 9 Institution, **Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL)** which is mandated as per Chapter 9:section 189 of the South African Constitution .

The CRL commission conducted a Research and Dialogue within the Rastafari Community in South Africa between 2011-2012 and came up with the following recommendations which we are requesting commission to advocate their implementation

How is the Rastafari Community discriminated against?

Violation of rights	How rights must be protected	Implicated State department
police abuse & brutality against Rastafari	<p>Ganja should be legalised, not as a drug, but as a holy herb for healing and incense during the spiritual ceremonies.</p> <ul style="list-style-type: none"> • Rasta priests should be allowed to carry on them at least 100 grams of ganja for spiritual purposes, without prosecution. • Police prejudices, discrimination, and harassment of the Rastas should end. • Raiding the Rasta houses and plantations without search warrants should be discouraged. • Police should stop regarding and portraying Rastas as criminals. 	SAPS

	<ul style="list-style-type: none"> • There should be a moratorium on arrests involving ganja. • The 1911 ganja ban in South Africa should be declassified 	
Human rights violation on the Rastafari belief, Religion, culture and conscience	<p>Review of the ban on ganja in South Africa should start in earnest.</p> <ul style="list-style-type: none"> • The Department should also review all the discriminatory laws that are inconsistent with the Constitution of the Republic of South Africa, especially those against the Rastas 	The Department of Justice
Religious discrimination	<p>Schools and places of work should respect and stop discriminating against Rastas, and allow them to wear dreadlocks and beards.</p> <ul style="list-style-type: none"> • Accurate education should be given to all learners at schools and to all members of the South African society about the Rastafari way. • Schools should recognise and allow the wearing of dreadlocks by students. • There should be life orientation workshops about the Rastafari way of life and religion. <ul style="list-style-type: none"> • The Rastafari language should be recognised, as it is currently suppressed and suffers prejudice 	The Department of Education
Violation of equality rights	<p>During the Rastafari holidays, the Rasta community members should be released from work or have special leave to celebrate their holidays, just like any other people during their religious holidays.</p> <ul style="list-style-type: none"> • The Rastafari dress code, especially in the workplace, should be respected, not looked down upon. • Prejudices and discrimination against Rastas in the workplace should be addressed 	The Department of Labour
Violation of equality rights	<p>The government, through the National Parks Board, should respect and recognise the Rastafari places of worship. They should therefore open up sacred places and sites for the Rastafari community to use for worship.</p> <ul style="list-style-type: none"> • Access to the places of spiritual significance, mountains and rivers should be allowed 	The Department of Environmental Affairs
Violation of human rights	<p>Correctional Services facilities should also allow Rasta inmates to practise their religion in prison.</p> <ul style="list-style-type: none"> • Correctional Services should allow Rastas in jail to be visited by a Rasta priest. • Correctional Services should provide the Rasta inmates with a proper Ital diet in prison. • The Rastas' spiritual worker should be authenticated and trained like other chaplains. • Rastas arrested for carrying ganja should be treated differently from common law criminals. • Correctional Services institutions should not force Rasta inmates to cut their hair and beard 	Department of Correctional Services
Rastafari religion Non-tolerance by other religious state organisation	<p>Tolerance of all religions, even by religious leaders, should be encouraged.</p> <ul style="list-style-type: none"> • Interfaith prayers should include Rastas. • There should be life orientation workshops on the Rasta way of life and religion to combat ignorance of it. • All religions should be treated equally. • Co-operation between the Rastas and the SACC should be encouraged 	The South African Council of Churches
Full Rastafari spiritual leadership recognition by the state	<p>Rastafari priests should be admitted by the state as Marriage Officers and thus have powers to sanctify and authenticate documents on behalf of their members.</p> <ul style="list-style-type: none"> • Rasta women, like Moslem women, should not be forced to remove their head scarves when being photographed for their IDs and Passports. • Rastafari holidays should be recognised by the state and employers just as they recognise those of other religions. 	The Department of Home Affairs
Rastafari intellectual	Intellectual property relating to Rasta products and art should	The Department of

property rights Should guaranteed and safe guarded	be protected to prevent commercial abuse and reckless misuse of the Rasta brand. • Commercial and food processing places should consider the Rasta Ital diet and respect it, just as they consider the diets of other religion	Trade and Industry
Rastafari arts culture and heritage should be protected and promoted as part of South Africa national heritage	Cultural restoration and an archive of research on all Rastafari matters should be established. It would occupy a central location where Rasta documents could be accessed. • Rastafari research centres should be established where the Rastafari ethical codes could be kept. • Accurate Rastafari literature of South African origin should be written. • The Arts and Culture Department should invest money in celebrating reggae music and artists, especially on heritage days or cultural festivals.	The Department of Arts and Culture
Rastafari should be given fair media coverage like other religious and cultural communities in south Africa and help in changing stereotypes about Rastafari community	Media should desist from stereotyping the Rasta community as a ganja-smoking community. • Media and broadcasters should always invite experts when discussing the Rastafari way of life. • The media should allow Rastas the opportunity of truly reflecting and giving proper and true information about Rastafari. • The Rasta way of life should be portrayed as sacred, not as a fashionable way of life. The media should help address and change societal attitudes to the Rastas.	The Media in General
Rastafari land should be proportional to our community needs.	Local government should make land available for the Rastafari Tabernacle projects, economic development and the repatriation of members from abroad.	Local Governments

Problem statement and relief

- 1) Rastafari community should be granted the exemption on Marijuana use, not as a drug, but as a holy herb for healing and incense during spiritual ceremony.
- 2) Rasta priests and Rastafari religion practitioners should be allowed to carry on them at least 100 grams of ganja for spiritual purposes, without prosecution.
- 3) Police prejudices, discrimination, and harassment of the Rastas should end.
- 4) Police should stop regarding and portraying Rastas as criminals. There should be a moratorium on arrests involving ganja. The 1911 ganja ban in South Africa should be declassified and exemption given for Rastafari religious community, Rastafari cultural practitioners and Rastafari believers as this ban was implemented by colonisers and oppression laws.
- 5) Raiding the Rasta houses, business, communities and plantations without search warrants should be discouraged and stopped.
- 6) Rastafari religion uses ganja/marijuana as part of their religious rituals in sacramental services and spiritual upliftment of our members.
- 7) Rastafari Religion believes and use ganja/marijuana as indigenous traditional medicine for curing diseases like Asthama, TB, Cancer, flu, relief of HIV and other related diseases. Rastafari religion and Culture should be permitted to use ganja for medical and medicinal purposes for its community.
- 8) Rastafari culture uses Marijuana as part of their culture in activities like Reggae festivals, and recreational gatherings. This practice of using ganja by Rastafari people is a global Rasta culture and well known cultural practice in South Africa, we request Parliament to protect our community from the state by allowing the Rastafari culture in South Africa to practice their Bill of rights in culture, belief, religion and conscience.
- 9) We apply to Parliament for mediation, assess, and facilitate the implementation of the 44 CRL report recommendation about infringed Rastafari rights. All State department implicated on the CRL report must cooperate and comply with CRL recommendations.

We Rastafari as the RASTAFARI Movement through association of various of the Houses, Mansions, organisations, individuals and collectives submit this Memorandum. Adwa Day is a mobilisation call by the Rastafari civil society leaders and activists. The movement is thankful and grateful for entities such as Rastafari United Front (referred to as "RUF"), a Rastafari Non-profit community organisation incorporated in terms of the Non-profit Organisation act, 1997, of the Republic of South Africa, registration number: 137-070 NPO in partner with Rastafari Nation. RUF is at the forefront of initiating roundtables in Rastafari communities to consult, organise and centralise the Rastafari Movement's collective governance, collaboration, networking, and partnership, to ensure human rights and justice, to maintain the integrity, dignity, fundamental principles, philosophies of Rastafari communities on the basis of respect to the South Africa constitution.

We acknowledge the support of Houses, Mansions and structures including: the Nyabingi National Council, the Marcus Garvey Community in Cape Town, HIM Society at UWC, RUF, Outenikwa-Stat House of Rastafari, Voice of the Western province and all other activists employed and those denied employment in public sector, we acknowledge all artists, bands, Entertainment promoters and media companies: MzansiReggae, Rastaltes, BantuMedia, Azania Rizing productions are all acknowledge as partners and supporters of ADWA DAY RASTA NATION MARCH 2017