From Policy to Practice: The Realities of Rural Cannabis Reform in South Africa

Written Contribution to the Expert Panel Established Pursuant to Commission on Narcotic Drugs Resolution 68/6

Submitted by: Marleen Theunissen, in my personal capacity
Operations Director, Mpondoland Plug Project NPC, South Africa
I consent for this submission to be made public

1. Introduction, Background and Overview

For this contribution I draw on my practical experience in developing management systems for Private Cannabis Collectives and my current work as Operations Director of Mpondoland Plug Project NPC.

Mpondoland Plug Project is a grassroots nonprofit initiative in the rural Eastern Cape, currently working with 17 small-scale Cannabis farmers, many of whom have cultivated Cannabis for generations to earn an income. We provide agricultural support, quality control, administration and recordkeeping, and facilitate contractual agreements with Private Cannabis Collectives. We also help farmers understand their contractual responsibilities and develop the skills needed to participate.

I work directly with farmers, provide training, develop systems, manage relationships and deal with operational difficulties. This has shown me the enormous gap between creating opportunities for historically marginalised communities and enabling them to participate in the current industry meaningfully.

This submission highlights the challenges rural and legacy Cannabis growers face as South Africa's legal and regulatory landscape evolves: accessing formal opportunities, understanding complex requirements and developing the skills to participate. It also examines the widening gap between legacy growers and established legal producers, and the effect of delayed reform. I offer recommendations for more accessible, practical policy grounded in our experience.

2. Practical Challenges

2.1 Legal Opportunities Must Be Practically Accessible

South Africa's evolving Cannabis legislation has raised expectations among generational cultivators. Yet, formal participation often demands resources that cannot be assumed in rural communities: banking, transport, technology, legal and basic literacy, electricity, water, reliable cell signal and administrative skills.

A farmer may have decades of agricultural experience, but little understanding of formal contracts, governance or regulated economic activity. Each new requirement brings additional costs, responsibilities and complications.

There is a fundamental practical reality that policymakers need to confront: **participating in the legal market must be as easy as, or easier than, participating in the illicit market.**

The illicit market will continue to flourish while regulated alternatives are less accessible or economically attractive. Familiar informal arrangements can provide immediate income, while formal participation may be costly, complicated and slow.

Effective legislation must provide reasonable safeguards while creating a realistic pathway for people to participate. Compliance requirements should be proportionate to the circumstances and capacities of those expected to meet them.

2.2 The Challenge of Turning Opportunity into Participation

One of the most significant lessons emerging from our work concerns the relationship between opportunity and the ability to recognise and develop it. People who have experienced very few meaningful opportunities throughout their lives may never have developed the skills, confidence or habits needed to make use of an opportunity when it becomes available.

In communities where formal employment and professional development opportunities have been scarce for generations, skills such as long-term planning, financial administration, professional communication and independent decision-making may have had little opportunity to develop.

We have experienced this challenge directly through our efforts to introduce training, responsibilities and structured working arrangements. Offering someone training or an opportunity to earn an income does not necessarily mean that they know how to take the next steps. They may require considerable guidance and encouragement to develop the confidence, discipline and independence that formal participation demands.

This has challenged my own understanding of what it takes to create meaningful opportunities. A person's existing circumstances shape their expectations and understanding of what is possible. For communities that have been excluded from formal economic opportunities for generations, meaningful participation requires mentorship, training and capacity-building.

The same challenges extend to the grassroots organisations attempting to facilitate these opportunities. Our Project relies heavily on unpaid management, limited resources and personal financial contributions. These arrangements allow important work to happen, but they also create significant financial and organisational vulnerabilities.

The cost of developing people *and* sustaining supporting organisations must be recognised in reform.

2.3 Contractual Complexity and the Limits of Understanding

Our work has also highlighted the difficulties associated with implementing legally sophisticated contractual arrangements in communities with limited exposure to formal legal and administrative systems. Many of the agreements used in structured Cannabis initiatives are lengthy and highly technical, containing obligations and concepts familiar to lawyers and experienced businesspeople, but entirely foreign to most participating farmers.

A person may be able to read an agreement without understanding its implications. We have found that agreements must be broken down into their simplest components, explained through practical examples and visual aids, and translated into the languages spoken by participants.

Even then, understanding is not guaranteed.

Concepts relating to contractual liability, financial obligations, ownership and accountability may need to be explained repeatedly before they become meaningful. This raises serious questions about the fairness of regulatory systems that depend on participants signing documents they cannot fully understand.

Policymakers should consider whether people with low literacy skills can understand and comply with legal requirements. Plain-language documents, accessible translations, practical education and ongoing support should form part of regulatory implementation.

2.4 Legacy Growers Are Falling Further Behind

Perhaps my greatest concern, and that of others, is the position of the traditional and legacy growers who have cultivated Cannabis for generations. These communities have already endured decades of exclusion, criminalisation and limited economic opportunities. Meanwhile, businesses operating in legally authorised and grey-area sectors of the industry are gaining experience, accessing capital, developing infrastructure, building markets and establishing themselves within formal systems.

The gap between these groups is widening. Every year that passes without meaningful inclusion places legacy growers further behind.

Time lost cannot simply be recovered when legislation eventually provides opportunities for participation. By then, established businesses will have accumulated years of experience, capital, professional relationships and market access. Traditional growers will still face the challenge of developing the basic infrastructure, resources and skills needed to enter the formal economy.

Equal access to future opportunities cannot resolve an inequality that continues to grow. Legacy and rural growers require greater attention, investment and support than producers who already participate in legally regulated or grey-area sectors. Their historical exclusion has created disadvantages that will require deliberate and sustained intervention to overcome.

They need accessible pathways, affordable infrastructure, education, administrative support and meaningful representation in the development of legislation that affects them. Without this, Cannabis reform risks creating a new industry that leaves the people who sustained Cannabis cultivation through decades of prohibition on its margins.

3. Recommendations to the Expert Panel

Based on my experience, I respectfully recommend that the Expert Panel consider the following:

3.1 Make regulatory accessibility a measure of successful reform

Member States should evaluate the actual cost, complexity and practicality of participating in regulated systems. Legal pathways must be accessible enough to provide realistic alternatives to illicit markets, while maintaining public health and safety protections.

3.2 Prioritise legacy and rural growers in economic inclusion programmes

Communities historically affected by prohibition require targeted intervention, greater resource allocation and sustained support. The widening gap between legacy growers and established legal producers should be recognised as an urgent policy concern.

3.3 Incorporate meaningful capacity-building into regulatory implementation

Training, mentorship, administrative assistance and professional development should form part of programmes intended to create economic opportunities for marginalised communities. The *ability to benefit* from an opportunity must be developed alongside *access* to it.

3.4 Simplify legal and administrative requirements

Regulatory information and contractual obligations should be made available in plain language, translated into local languages and supported by practical explanations. Meaningful comprehension should be an implementation objective.

3.5 Evaluate policies against practical realities

Regulatory and organisational frameworks should be assessed against actual implementation experience, including agricultural uncertainty, financial vulnerability, administrative capacity and the unintended consequences of complicated systems.

3.6 Strengthen grassroots participation in policymaking

Traditional growers and community organisations should be directly involved in developing, evaluating and improving the frameworks that affect them. Their practical experiences can identify difficulties that are easily overlooked during policy development.

4. Conclusion

My experience in rural Mpondoland has shown me how much work lies between creating an opportunity and seeing someone benefit from it. The barriers are often far more complicated than legislation anticipates. They involve education, exposure, confidence, economic circumstances, institutional capacity and the practical realities of everyday life.

Cannabis reform presents an opportunity to address longstanding inequalities and create meaningful economic participation for historically-excluded communities. Every year of delay places these communities at a greater disadvantage.

I urge the Expert Panel to give particular attention to the practical accessibility of regulation, the development of human capacity and the increasingly disadvantaged position of traditional and legacy growers.

The success of reform should ultimately be measured by how much it improves the lives of the people it is intended to serve.

Thank you for the opportunity to submit to this Expert Panel.